

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1042 Session of 2009

INTRODUCED BY BROWNE, SCARNATI, PILEGGI AND CORMAN, JULY 19, 2009

AS AMENDED ON THIRD CONSIDERATION, OCTOBER 5, 2009

AN ACT

1 ~~Amending the act of April 9, 1929 (P.L.343, No.176), entitled,~~ ←
2 ~~as amended, "An act relating to the finances of the State~~
3 ~~government; providing for the settlement, assessment,~~
4 ~~collection, and lien of taxes, bonus, and all other accounts~~
5 ~~due the Commonwealth, the collection and recovery of fees and~~
6 ~~other money or property due or belonging to the Commonwealth,~~
7 ~~or any agency thereof, including escheated property and the~~
8 ~~proceeds of its sale, the custody and disbursement or other~~
9 ~~disposition of funds and securities belonging to or in the~~
10 ~~possession of the Commonwealth, and the settlement of claims~~
11 ~~against the Commonwealth, the resettlement of accounts and~~
12 ~~appeals to the courts, refunds of moneys erroneously paid to~~
13 ~~the Commonwealth, auditing the accounts of the Commonwealth~~
14 ~~and all agencies thereof, of all public officers collecting~~
15 ~~moneys payable to the Commonwealth, or any agency thereof,~~
16 ~~and all receipts of appropriations from the Commonwealth,~~
17 ~~authorizing the Commonwealth to issue tax anticipation notes~~
18 ~~to defray current expenses, implementing the provisions of~~
19 ~~section 7(a) of Article VIII of the Constitution of~~
20 ~~Pennsylvania authorizing and restricting the incurring of~~
21 ~~certain debt and imposing penalties; affecting every~~
22 ~~department, board, commission, and officer of the State~~
23 ~~government, every political subdivision of the State, and~~
24 ~~certain officers of such subdivisions, every person,~~
25 ~~association, and corporation required to pay, assess, or~~
26 ~~collect taxes, or to make returns or reports under the laws~~
27 ~~imposing taxes for State purposes, or to pay license fees or~~
28 ~~other moneys to the Commonwealth, or any agency thereof,~~
29 ~~every State depository and every debtor or creditor of the~~
30 ~~Commonwealth," in general budget implementation, further~~
31 ~~providing for the Pennsylvania Emergency Management Agency.~~
32 AMENDING THE ACT OF APRIL 9, 1929 (P.L.343, NO.176), ENTITLED, ←
33 AS AMENDED, "AN ACT RELATING TO THE FINANCES OF THE STATE
34 GOVERNMENT; PROVIDING FOR THE SETTLEMENT, ASSESSMENT,

1 COLLECTION, AND LIEN OF TAXES, BONUS, AND ALL OTHER ACCOUNTS
2 DUE THE COMMONWEALTH, THE COLLECTION AND RECOVERY OF FEES AND
3 OTHER MONEY OR PROPERTY DUE OR BELONGING TO THE COMMONWEALTH,
4 OR ANY AGENCY THEREOF, INCLUDING ESCHEATED PROPERTY AND THE
5 PROCEEDS OF ITS SALE, THE CUSTODY AND DISBURSEMENT OR OTHER
6 DISPOSITION OF FUNDS AND SECURITIES BELONGING TO OR IN THE
7 POSSESSION OF THE COMMONWEALTH, AND THE SETTLEMENT OF CLAIMS
8 AGAINST THE COMMONWEALTH, THE RESETTLEMENT OF ACCOUNTS AND
9 APPEALS TO THE COURTS, REFUNDS OF MONEYS ERRONEOUSLY PAID TO
10 THE COMMONWEALTH, AUDITING THE ACCOUNTS OF THE COMMONWEALTH
11 AND ALL AGENCIES THEREOF, OF ALL PUBLIC OFFICERS COLLECTING
12 MONEYS PAYABLE TO THE COMMONWEALTH, OR ANY AGENCY THEREOF,
13 AND ALL RECEIPTS OF APPROPRIATIONS FROM THE COMMONWEALTH,
14 AUTHORIZING THE COMMONWEALTH TO ISSUE TAX ANTICIPATION NOTES
15 TO DEFRAY CURRENT EXPENSES, IMPLEMENTING THE PROVISIONS OF
16 SECTION 7 (A) OF ARTICLE VIII OF THE CONSTITUTION OF
17 PENNSYLVANIA AUTHORIZING AND RESTRICTING THE INCURRING OF
18 CERTAIN DEBT AND IMPOSING PENALTIES; AFFECTING EVERY
19 DEPARTMENT, BOARD, COMMISSION, AND OFFICER OF THE STATE
20 GOVERNMENT, EVERY POLITICAL SUBDIVISION OF THE STATE, AND
21 CERTAIN OFFICERS OF SUCH SUBDIVISIONS, EVERY PERSON,
22 ASSOCIATION, AND CORPORATION REQUIRED TO PAY, ASSESS, OR
23 COLLECT TAXES, OR TO MAKE RETURNS OR REPORTS UNDER THE LAWS
24 IMPOSING TAXES FOR STATE PURPOSES, OR TO PAY LICENSE FEES OR
25 OTHER MONEYS TO THE COMMONWEALTH, OR ANY AGENCY THEREOF,
26 EVERY STATE DEPOSITORY AND EVERY DEBTOR OR CREDITOR OF THE
27 COMMONWEALTH," PROVIDING FOR METHOD OF FILING; FURTHER
28 PROVIDING FOR THE DEFINITION OF "CIGARETTES"; PROVIDING FOR
29 THE DEFINITION OF "LITTLE CIGARS"; ESTABLISHING THE
30 INDEPENDENT FISCAL OFFICE; FURTHER PROVIDING FOR NOTICE AND
31 PUBLICATION OF LISTS OF PROPERTY SUBJECT TO CUSTODY AND
32 CONTROL OF THE COMMONWEALTH; PROVIDING FOR BORROWING FOR
33 CAPITAL FACILITIES, FOR OIL AND GAS WELLS AND FOR
34 PENNSYLVANIA GAMING ECONOMIC DEVELOPMENT AND TOURISM FUND AND
35 FOR WATER AND SEWER SYSTEM ASSISTANCE BOND FUND; FURTHER
36 PROVIDING FOR DEPARTMENT OF CORRECTIONS, FOR DEPARTMENT OF
37 EDUCATION, FOR DEPARTMENT OF ENVIRONMENTAL PROTECTION, FOR
38 PENNSYLVANIA STATE POLICE AND FOR PENNSYLVANIA EMERGENCY
39 MANAGEMENT AGENCY; PROVIDING FOR 2009-2010 BUDGET
40 IMPLEMENTATION AND FOR 2009-2010 RESTRICTIONS ON
41 APPROPRIATIONS FOR FUNDS AND ACCOUNTS; ABOLISHING THE BOARD
42 OF TRUSTEES OF THE SCRANTON STATE SCHOOL FOR THE DEAF; AND
43 MAKING RELATED REPEALS.

44 The General Assembly of the Commonwealth of Pennsylvania
45 hereby enacts as follows:

46 ~~Section 1. Section 1735 E of the act of April 9, 1929~~ ←
47 ~~(P.L.343, No.176), known as The Fiscal Code, added July 17, 2007~~
48 ~~(P.L.141, No.42), is amended to read:~~

49 ~~Section 1735 E. Pennsylvania Emergency Management Agency~~
50 ~~{(Reserved)}.~~

51 ~~The Pennsylvania Emergency Management Agency shall provide~~

~~1 semiannual reports of all grants awarded by the Pennsylvania
2 Emergency Management Agency from Federal disaster assistance or
3 relief funds, homeland security and defense funds, avian
4 flu/pandemic preparedness or other public health emergency funds
5 to the chairman and minority chairman of the Appropriations
6 Committee of the Senate and the chairman and minority chairman
7 of the Appropriations Committee of the House of Representatives.
8 The reports shall include information relating to the entity
9 receiving grant money from the agency, including the name and
10 address of the entity, the amount of the grant, the date of
11 issuance and the purpose of the grant. Reports shall be
12 submitted by August 15 for grants awarded during the period from
13 January 1 through June 30 and by February 15 for grants awarded
14 during the period from July 1 through December 31.~~

~~15 Section 2. The amendment of section 1735 E of the act shall
16 apply retroactively to July 1, 2009.~~

~~17 Section 3. This act shall take effect immediately.~~

18 SECTION 1. THE ACT OF APRIL 9, 1929 (P.L.343, NO.176), KNOWN ←
19 AS THE FISCAL CODE, IS AMENDED BY ADDING A SECTION TO READ:

20 SECTION 10. METHOD OF FILING.--(A) THE DEPARTMENT OF
21 REVENUE MAY REQUIRE ANY RETURN, REPORT OR OTHER DOCUMENT
22 REQUIRED TO BE FILED FOR A TAX ADMINISTERED BY THE DEPARTMENT
23 PREPARED BY A THIRD PARTY WHO SUBMITS FIFTY OR MORE RETURNS PER
24 YEAR TO BE FILED BY ANY METHOD PRESCRIBED BY THE DEPARTMENT
25 INCLUDING BY TELEPHONIC, ELECTRONIC OR OTHER METHOD. NOTICE OF
26 THE METHOD OF FILING SHALL BE PUBLISHED IN THE PENNSYLVANIA
27 BULLETIN AND ON THE DEPARTMENT OF REVENUE'S INTERNET WEBSITE AT
28 LEAST SIXTY DAYS PRIOR TO THE DUE DATE OF THE RETURN, REPORT OR
29 OTHER DOCUMENT REQUIRED TO BE FILED BY TELEPHONIC, ELECTRONIC OR

1 OTHER METHOD. THE NOTICE SHALL REFER TO THIS SECTION.

2 (B) FAILURE TO FILE A RETURN, REPORT OR OTHER DOCUMENT BY
3 THE METHOD REQUIRED UNDER SUBSECTION (A) SHALL SUBJECT THE TAX
4 PREPARER TO A PENALTY OF ONE PERCENT OF THE TAX DUE ON THE
5 RETURN, REPORT OR OTHER DOCUMENT UP TO A MAXIMUM OF FIVE HUNDRED
6 DOLLARS (\$500), BUT NOT LESS THAN TEN DOLLARS (\$10). THIS
7 PENALTY SHALL BE ASSESSED AND COLLECTED IN THE MANNER PROVIDED
8 BY THE ACT OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS THE "TAX
9 REFORM CODE OF 1971." THIS PENALTY SHALL BE IN ADDITION TO ANY
10 CIVIL PENALTY IMPOSED IN THE APPLICABLE ARTICLE OF THE "TAX
11 REFORM CODE OF 1971" FOR FAILURE TO FILE A RETURN, REPORT OR
12 OTHER DOCUMENT. THE CRIMINAL PENALTY FOR FAILURE TO FILE A
13 RETURN, REPORT OR OTHER DOCUMENT BY THE METHOD REQUIRED UNDER
14 SUBSECTION (A) SHALL BE THE SAME AS THE CRIMINAL PENALTY FOR
15 FAILURE TO FILE A RETURN, REPORT OR OTHER DOCUMENT UNDER THE
16 APPLICABLE ARTICLE OF THE "TAX REFORM CODE OF 1971."

17 (C) (1) THE DEPARTMENT OF REVENUE MAY WAIVE THE REQUIREMENT
18 TO FILE BY THE METHOD REQUIRED UNDER SUBSECTION (A) WHEN THE
19 DEPARTMENT DETERMINES THAT ANY OF THE FOLLOWING APPLY:

20 (I) THE PRESCRIBED FILING METHOD CAUSES AN UNDUE HARDSHIP.

21 (II) THE PREPARER OR TAXPAYER REQUESTS A WAIVER IN WRITING
22 THAT CLEARLY STATES WHY THE FILING METHOD CAUSES AN UNDUE
23 HARDSHIP.

24 (2) IN DETERMINING WHETHER FILING BY THE METHOD REQUIRED
25 UNDER SUBSECTION (A) CAUSES AN UNDUE HARDSHIP, THE DEPARTMENT OF
26 REVENUE MAY CONSIDER UNUSUAL CIRCUMSTANCES THAT MAY PREVENT THE
27 PERSON FROM FILING BY THE PRESCRIBED METHOD OR ANY OTHER FACTOR
28 THAT THE DEPARTMENT DETERMINES IS RELEVANT.

29 SECTION 1.1. THE DEFINITION OF "CIGARETTES" IN SECTION 202-A
30 OF THE ACT, ADDED JULY 2, 1993 (P.L.250, NO.46), IS AMENDED AND

1 THE SECTION IS AMENDED BY ADDING A DEFINITION TO READ:

2 SECTION 202-A. DEFINITIONS.--AS USED IN THIS ARTICLE--

3 * * *

4 "CIGARETTES" SHALL MEAN AND INCLUDE ANY ROLL FOR SMOKING MADE
5 WHOLLY OR IN PART OF TOBACCO, IRRESPECTIVE OF SIZE OR SHAPE, AND
6 WHETHER OR NOT SUCH TOBACCO IS FLAVORED, ADULTERATED OR MIXED
7 WITH ANY OTHER INGREDIENT, THE WRAPPER OR COVER OF WHICH IS MADE
8 OF PAPER OR ANY OTHER SUBSTANCE OR MATERIAL, EXCEPTING TOBACCO,
9 AND SHALL NOT INCLUDE CIGARS. FOR PURPOSES OF LICENSING UNDER
10 THIS ARTICLE ONLY, THE TERM SHALL INCLUDE LITTLE CIGARS.

11 * * *

12 "LITTLE CIGARS" SHALL MEAN ANY ROLL FOR SMOKING THAT WEIGHS
13 NOT MORE THAN FOUR POUNDS PER THOUSAND, WHERE THE WRAPPER OR
14 COVER IS MADE OF NATURAL LEAF TOBACCO OR OF ANY SUBSTANCE
15 CONTAINING TOBACCO.

16 * * *

17 SECTION 1.2. THE ACT IS AMENDED BY ADDING AN ARTICLE TO
18 READ:

19 ARTICLE V-A

20 INDEPENDENT FISCAL OFFICE

21 SECTION 501-A. SHORT TITLE.

22 THIS ARTICLE RELATES TO INDEPENDENCE IN FISCAL MATTERS.

23 SECTION 502-A. DEFINITIONS.

24 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE
25 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
26 CONTEXT CLEARLY INDICATES OTHERWISE:

27 "BASELINE BUDGET." A DRAFT BUDGET USING CURRENT DOLLAR
28 VALUES THAT PROJECTS CURRENT YEAR LEVELS OF BUDGET AUTHORITY,
29 OUTLAYS AND REVENUES AND THE DEFICIT OR SURPLUS INTO THE NEW
30 BUDGET YEAR AND OUT YEARS ON THE BASIS OF CURRENT LAWS AND

1 POLICIES.

2 "COMMITTEE." THE INDEPENDENT FISCAL OFFICE SELECTION
3 COMMITTEE.

4 "COMMONWEALTH AGENCY." ANY OFFICE, DEPARTMENT, AUTHORITY,
5 BOARD, MULTISTATE AGENCY OR COMMISSION OF THE EXECUTIVE BRANCH.

6 THE TERM INCLUDES:

7 (1) THE OFFICE OF THE GOVERNOR.

8 (2) THE OFFICE OF ATTORNEY GENERAL, THE DEPARTMENT OF
9 THE AUDITOR GENERAL AND THE TREASURY DEPARTMENT.

10 (3) AN INDEPENDENT AGENCY, AS DEFINED IN THE ACT OF
11 FEBRUARY 14, 2008 (P.L.6, NO.3), KNOWN AS THE RIGHT-TO-KNOW
12 LAW.

13 (4) A STATE-AFFILIATED ENTITY, AS DEFINED IN THE RIGHT-
14 TO-KNOW LAW.

15 (5) THE GENERAL ASSEMBLY.

16 (6) THE JUDICIARY.

17 "DIRECTOR." THE DIRECTOR OF THE INDEPENDENT FISCAL OFFICE.

18 "OFFICE." THE INDEPENDENT FISCAL OFFICE ESTABLISHED IN
19 SECTION 503-A.

20 SECTION 503-A. OFFICE ESTABLISHED.

21 THERE IS ESTABLISHED A NONPARTISAN INDEPENDENT FISCAL OFFICE
22 AS AN INDEPENDENT AGENCY.

23 SECTION 504-A. DUTIES OF OFFICE.

24 THE OFFICE SHALL:

25 (1) PREPARE REVENUE ESTIMATES TO INCLUDE FEDERAL FUNDS,
26 STATE REVENUES AND FUNDS FROM OTHER RESOURCES, INCLUDING ANY
27 PROJECTED REVENUE SURPLUS OR DEFICIT FOR A GIVEN FISCAL YEAR,
28 AS PROVIDED UNDER SECTION 505-A.

29 (2) BY JANUARY 1, PROVIDE A BASELINE BUDGET THAT
30 INCLUDES LEVELS OF SPENDING NECESSARY TO RETAIN THE CURRENT

1 PROGRAM AND STATUTORY REQUIREMENTS.

2 (3) PROVIDE AN ANALYSIS OF THE EXECUTIVE BUDGET,
3 INCLUDING BUDGETARY PROJECTIONS, ECONOMIC OUTLOOK, ECONOMIC
4 IMPACT AND AN ANALYSIS OF ALL RELATED TAX AND REVENUE
5 PROPOSALS. THE BUDGET ANALYSIS MAY INCLUDE PERFORMANCE
6 RECOMMENDATIONS TO SECURE GREATER EFFICIENCY AND ECONOMY.

7 (4) DEVELOP AND USE ECONOMETRIC MODELS TO ANNUALLY
8 FORECAST STATE REVENUES AND UPDATE THE MODELS. THE OFFICE
9 SHALL MAKE THE EQUATIONS OF A MODEL AND ANY HISTORIC
10 DATABASES RELATED TO THE MODEL AVAILABLE TO THE
11 APPROPRIATIONS COMMITTEE OF THE SENATE, THE APPROPRIATIONS
12 COMMITTEE OF THE HOUSE OF REPRESENTATIVES, THE MAJORITY
13 LEADER AND MINORITY LEADER OF THE SENATE AND THE MAJORITY
14 LEADER AND MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES.

15 (5) BY NOVEMBER 15 OF EACH YEAR, PROVIDE AN ASSESSMENT
16 OF THE STATE'S CURRENT FISCAL CONDITION AND A PROJECTION OF
17 WHAT THE FISCAL CONDITION WILL BE DURING THE NEXT FIVE YEARS.
18 THE ASSESSMENT SHALL TAKE INTO ACCOUNT THE STATE OF THE
19 ECONOMY, DEMOGRAPHICS, REVENUES AND EXPENDITURES.

20 (6) MONITOR STATE TAXES AND OTHER RECEIPTS.

21 (7) DEVELOP PERFORMANCE MEASURES FOR EXECUTIVE-LEVEL
22 PROGRAMS AND DEPARTMENTS AND EVALUATE PERFORMANCE MEASURES
23 AND RESULTS AS PROMULGATED AND REPORTED BY EXECUTIVE-LEVEL
24 DEPARTMENTS. PERFORMANCE MEASUREMENTS SHALL BE OUTCOMES-BASED
25 AND INCLUDE ACTIVITY COST ANALYSIS, MEASURES OF STATUS
26 IMPROVEMENT OF RECIPIENT POPULATIONS, ECONOMIC OUTCOMES AND
27 PERFORMANCE BENCHMARKS AGAINST SIMILAR STATE PROGRAMS.

28 (8) ESTABLISH AN INTERNET WEBSITE.

29 SECTION 505-A. REVENUE ESTIMATES.

30 (A) INITIAL REVENUE ESTIMATE.--BY THE SECOND WEEK OF

1 FEBRUARY, THE OFFICE SHALL SUBMIT TO THE GENERAL ASSEMBLY AN
2 INITIAL REVENUE ESTIMATE FOR THE NEXT FISCAL YEAR.

3 (B) OFFICIAL REVENUE ESTIMATE.--

4 (1) BY JUNE 15 OF EACH YEAR, THE OFFICE SHALL SUBMIT TO
5 THE GENERAL ASSEMBLY AN OFFICIAL FINAL BINDING REVENUE
6 ESTIMATE FOR THE NEXT FISCAL YEAR.

7 (2) THE REVENUE ESTIMATE SUBMITTED UNDER THIS SECTION
8 SHALL ESTABLISH THE MAXIMUM AMOUNT OF TAX REVENUE WHICH MAY
9 BE CONSIDERED FOR THE GENERAL APPROPRIATION ACT FOR THE
10 ENSUING FISCAL YEAR. NO CHANGES IN THE REVENUE ESTIMATES
11 SHALL BE MADE BY THE OFFICE AFTER SUBMISSION UNDER PARAGRAPH
12 (1) UNLESS CHANGES IN STATUTES AFFECTING REVENUES AND
13 RECEIPTS ARE ENACTED.

14 (3) THE OFFICE SHALL PUBLISH THE METHODOLOGY USED TO
15 DEVELOP REVENUE ESTIMATES.

16 (4) FOLLOWING THE ADOPTION OF A GENERAL APPROPRIATION
17 ACT OR SUPPLEMENTAL APPROPRIATION ACT BY THE GENERAL
18 ASSEMBLY, THE GOVERNOR SHALL CERTIFY THAT THE BUDGET
19 APPROPRIATIONS MADE BY THE GENERAL ASSEMBLY DO NOT EXCEED THE
20 ACTUAL AND ESTIMATED REVENUE AND SURPLUS AVAILABLE ACCORDING
21 TO THE OFFICIAL FINAL BINDING REVENUE ESTIMATE UNDER
22 PARAGRAPH (1).

23 (C) INFORMATION.--THE OFFICE SHALL PROVIDE THE
24 APPROPRIATIONS COMMITTEE OF THE SENATE, THE APPROPRIATIONS
25 COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE SECRETARY OF
26 THE BUDGET ALL DATA, ASSUMPTIONS AND ECONOMETRIC MODELS USED TO
27 DEVELOP PROJECTIONS AND REVENUE ESTIMATES.

28 (D) REQUIRED INFORMATION.--

29 (1) A REVENUE ESTIMATE SUBMITTED BY THE OFFICE UNDER
30 THIS SUBSECTION SHALL INCLUDE ALL OF THE FOLLOWING:

1 (I) AN ASSESSMENT OF THE PENNSYLVANIA ECONOMY AND
2 THE NATIONAL ECONOMY AND THE IMPACT OF THE EXISTING OR
3 EMERGING STATE OR NATIONAL ECONOMIC TRENDS ON REVENUE
4 PERFORMANCE FOR THE CURRENT YEAR AND THE FORECASTED OR
5 PROJECTED REVENUE COLLECTIONS FOR THE BUDGET YEAR AND THE
6 SUCCEEDING YEAR.

7 (II) A SUMMARY OF CURRENT YEAR-TO-DATE REVENUE
8 COLLECTIONS BY SPECIFIC TAX OR REVENUE SOURCE, INCLUDING
9 FEDERAL FUNDS, THE GENERAL FUND, THE LOTTERY FUND AND THE
10 MOTOR LICENSE FUND AND A DETAILED EXPLANATION OF ANY
11 NEGATIVE OR POSITIVE VARIATION FROM THE PRIOR YEAR'S
12 OFFICIAL REVENUE ESTIMATE, INCLUDING THE REASONS OR
13 EVENTS CONTRIBUTING TO THE VARIATION.

14 (III) ANY PROJECTED REVENUE SURPLUS OR DEFICIT FOR
15 THE CURRENT BUDGET YEAR.

16 (2) A REVENUE ESTIMATE SHALL BE BASED ON EXISTING
17 STATUTES AND TAX POLICY AND EXISTING OR EMERGING STATE OR
18 NATIONAL ECONOMIC TRENDS.

19 (3) THE OFFICE SHALL PREPARE A REVENUE ESTIMATE OF ANY
20 CHANGE IN STATE TAX LAW PROPOSED AS PART OF THE ANNUAL STATE
21 BUDGET. IF THE PROPOSED CHANGE IN STATE TAX LAW WILL HAVE A
22 FISCAL IMPACT IN EXCESS OF \$10,000,000 IN ANY FISCAL YEAR,
23 THE ESTIMATE SHALL BE PREPARED ON THE BASIS OF ASSUMPTIONS
24 THAT ESTIMATE THE PROBABLE BEHAVIORAL RESPONSES OF TAXPAYERS,
25 BUSINESSES AND OTHER PERSONS TO THE PROPOSED CHANGES AND
26 SHALL INCLUDE A STATEMENT IDENTIFYING THOSE ASSUMPTIONS.

27 (E) DEPARTMENT OF REVENUE.--THE DEPARTMENT OF REVENUE IN
28 CONJUNCTION WITH THE SECRETARY OF THE BUDGET SHALL MAKE REVENUE
29 ESTIMATES FOR THE USE OF THE GOVERNOR IN PREPARING THE BUDGET.

30 (F) GOVERNOR.--THE GOVERNOR SHALL ITEM VETO ANY PART OF ANY

1 APPROPRIATION BILL THAT CAUSES TOTAL APPROPRIATIONS TO EXCEED
2 THE OFFICIAL REVENUE ESTIMATE UNDER SUBSECTION (B) PLUS ANY
3 UNAPPROPRIATED SURPLUS.

4 SECTION 506-A. BUDGET INFORMATION.

5 THE OFFICE SHALL BE NOTIFIED AND SHALL ATTEND ANY BRIEFINGS
6 PROVIDED BY THE GOVERNOR OR THE SECRETARY OF THE BUDGET UNDER
7 SECTION 619 OF THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN
8 AS THE ADMINISTRATIVE CODE OF 1929.

9 SECTION 507-A. EXPENDITURES.

10 (A) EXPENDITURE REPORTS.--COMMONWEALTH AGENCIES SHALL MAKE
11 MONTHLY EXPENDITURE DATA AVAILABLE TO THE OFFICE. THE DATA SHALL
12 BE PROVIDED WITHIN SEVEN DAYS AFTER THE END OF EACH MONTH. THE
13 MONTHLY DATA SHALL INCLUDE A SUMMARY OF THE LAST MONTHLY
14 SUBMISSION. THE DATA SHALL BE PROVIDED IN FINISHED REPORTS OR
15 ELECTRONICALLY, AS DETERMINED BY THE OFFICE. THE DATA SHALL BE
16 PROVIDED BY FUND, BY APPROPRIATION, BY DEPARTMENT AND BY
17 ORGANIZATION WITHIN EACH DEPARTMENT AND SHALL INCLUDE:

18 (1) NUMBER OF FILLED PERSONNEL POSITIONS AND THEIR COST.

19 (2) ITEMIZED PERSONNEL VACANCIES AND THEIR COST.

20 (3) NEW POSITIONS CREATED AND THEIR COST.

21 (4) WAGE AND OVERTIME COSTS.

22 (5) ALLOTMENTS AND EXPENDITURES FOR ITEMIZED PERSONNEL
23 EXPENSES.

24 (6) ALLOTMENTS AND EXPENDITURES FOR ITEMIZED OPERATING
25 EXPENSES.

26 (7) ALLOTMENT AND EXPENDITURES FOR ITEMIZED FIXED
27 ASSETS.

28 (8) THE RATE OF EXPENDITURES IN APPROPRIATIONS FOR MAJOR
29 SUBSIDY AND GRANT PROGRAMS DURING THE MONTH.

30 (B) BUDGET REQUESTS.--COMMONWEALTH AGENCIES SHALL SUBMIT

1 THEIR AGENCY BUDGET REQUESTS TO THE OFFICE AND THE OFFICE OF THE
2 BUDGET. THE COMMONWEALTH AGENCY BUDGET REQUESTS SHALL BE
3 SUBMITTED TO BOTH OFFICES AT THE SAME TIME.

4 (C) REVENUE REPORTS.--THE GOVERNOR SHALL MAKE MONTHLY
5 REVENUE REPORTS TO THE OFFICE. THE REVENUE REPORTS SHALL SHOW
6 THE ACTUAL COLLECTION OF REVENUE ITEMIZED BY SOURCE AND A
7 COMPARISON OF THE ACTUAL COLLECTIONS WITH ESTIMATED COLLECTIONS
8 FOR EACH MONTH. THE COMPARISON SHALL INCLUDE AN ANALYSIS OF ANY
9 CHANGE IN COLLECTION PATTERNS WHICH WILL CAUSE A SHORTFALL OR
10 OVERRUN ON ANNUAL ESTIMATES OF MORE THAN 1%.

11 (D) OTHER REVENUE DATA.--COMMONWEALTH AGENCIES SHALL CAUSE
12 TO BE PREPARED ANY OTHER REVENUE DATA AS MAY BE REQUESTED FROM
13 TIME TO TIME BY THE OFFICE.

14 (E) ELECTRONIC ACCESS.--EXCEPT FOR INFORMATION THAT IS
15 CONFIDENTIAL PURSUANT TO STATUTE, THE OFFICE SHALL HAVE ACCESS
16 TO ALL INFORMATION AVAILABLE UNDER THIS SECTION ON INQUIRY-ONLY
17 SCREENS THROUGH AN INTEGRATED CENTRAL COMPUTER SYSTEM.

18 SECTION 508-A. REVENUE CONFERENCE.

19 BY JANUARY 31 OF EACH YEAR, THE OFFICE SHALL CONVENE A
20 MEETING WITH THE SECRETARY OF THE BUDGET AND THE CHAIRMAN AND
21 MINORITY CHAIRMAN OF THE APPROPRIATIONS COMMITTEE OF THE SENATE
22 AND THE CHAIRMAN AND MINORITY CHAIRMAN OF THE APPROPRIATIONS
23 COMMITTEE OF THE HOUSE OF REPRESENTATIVES TO DISCUSS THE
24 FOLLOWING:

25 (1) AN ASSESSMENT OF THE PENNSYLVANIA ECONOMY AND THE
26 NATIONAL ECONOMY AND THE IMPACT OF THE ECONOMIC TRENDS ON
27 REVENUE PERFORMANCE FOR THE BUDGET YEAR AND THE SUCCEEDING
28 YEAR.

29 (2) RECOMMENDED CHANGES TO REVENUE FORECASTING AND
30 ECONOMETRIC MODELS BEING CONSIDERED BY THE OFFICE.

1 (3) CURRENT YEAR-TO-DATE REVENUE COLLECTIONS BY SPECIFIC
2 TAX OR REVENUE SOURCE, INCLUDING FEDERAL FUNDS, THE GENERAL
3 FUND, THE LOTTERY FUND AND THE MOTOR LICENSE FUND AND
4 VARIATIONS THAT MAY BE OCCURRING IN THE REVENUE ESTIMATE
5 SUBMITTED UNDER SECTION 505-A(A).

6 (4) ANY STATUTORY OR TAX POLICY CHANGES THAT MAY BE
7 RECOMMENDED BY THE GOVERNOR OR THE GENERAL ASSEMBLY FOR THE
8 NEXT SUCCEEDING FISCAL YEAR.

9 SECTION 509-A. ACCESS TO INFORMATION.

10 (A) AGENCIES.--THE DIRECTOR IS AUTHORIZED TO SECURE
11 INFORMATION, DATA, EXPENSE INFORMATION, ESTIMATES AND STATISTICS
12 DIRECTLY FROM A COMMONWEALTH AGENCY OR A POLITICAL SUBDIVISION.
13 ALL COMMONWEALTH AGENCIES AND POLITICAL SUBDIVISIONS SHALL
14 FURNISH THE DIRECTOR WITH ALL REPORTS OF EXPENDITURE FOR EACH
15 AGENCY AND ANY OTHER AVAILABLE MATERIAL OR DATA WHICH THE
16 DIRECTOR DETERMINES TO BE NECESSARY IN THE PERFORMANCE OF THE
17 DUTIES OF THE OFFICE, OTHER THAN MATERIAL THE DISCLOSURE OF
18 WHICH WOULD BE A VIOLATION OF LAW. THE DIRECTOR IS ALSO
19 AUTHORIZED, UPON AGREEMENT WITH THE HEAD OF ANY COMMONWEALTH
20 AGENCY OR POLITICAL SUBDIVISION, TO UTILIZE THE SERVICES,
21 FACILITIES AND PERSONNEL OF THE AGENCY WITH OR WITHOUT
22 REIMBURSEMENT.

23 (B) OFFICE OF THE BUDGET.--IN CARRYING OUT THE DUTIES AND
24 FUNCTIONS OF THE OFFICE, THE DIRECTOR IS AUTHORIZED TO OBTAIN
25 INFORMATION, DATA, ESTIMATES AND STATISTICS DEVELOPED BY THE
26 OFFICE OF THE BUDGET AND ALL COMMONWEALTH AGENCIES. THE GOVERNOR
27 SHALL SUBMIT TO THE OFFICE COPIES OF FINAL AGENCY BUDGET
28 REQUESTS.

29 (C) COMPUTER DATABASE.--IN ORDER TO CARRY OUT ITS DUTIES
30 UNDER THIS ARTICLE, THE OFFICE SHALL HAVE ACCESS TO ANY

1 COMPUTERIZED DATABASE OF A STATE AGENCY THAT IS REQUIRED TO AID
2 THE OFFICE IN THE PERFORMANCE OF ITS DUTIES, EXCEPT THAT ANY
3 STATUTORY REQUIREMENTS REGARDING PRIVACY OF INDIVIDUALS' RECORDS
4 SHALL BE OBSERVED IN PROVIDING ACCESS.

5 (D) DAILY REVENUE DATA.--

6 (1) THE SECRETARY OF REVENUE AND THE SECRETARY OF THE
7 BUDGET SHALL POST REVENUE COLLECTION DATA FOR EACH DEPOSIT
8 DAY AND MAKE THE INFORMATION AVAILABLE TO THE OFFICE AND THE
9 CHAIRMAN AND MINORITY CHAIRMAN OF THE APPROPRIATIONS
10 COMMITTEE OF THE SENATE AND THE CHAIRMAN AND MINORITY
11 CHAIRMAN OF THE APPROPRIATIONS COMMITTEE OF THE HOUSE OF
12 REPRESENTATIVES.

13 (2) THE DAILY REVENUE DATA SHALL BE PRESENTED IN A
14 MANNER SIMILAR TO AND CONSISTENT WITH THE DAILY REVENUE DATA
15 PROVIDED ON JUNE 30, 2007. IN NO CASE SHALL EACH DEPOSIT DAY
16 CONTAIN LESS INFORMATION THAN WAS ACCESSIBLE DURING THE
17 2006-2007 FISCAL YEAR AS A RESULT OF CHANGES IN REPORTING
18 PROCEDURES, ACCOUNTING SYSTEMS OR COMPUTER SYSTEMS.

19 (3) THE GOVERNOR, THE ATTORNEY GENERAL, THE AUDITOR
20 GENERAL AND THE STATE TREASURER SHALL CAUSE TO BE PREPARED
21 ANY OTHER REVENUE DATA AS MAY BE REQUESTED BY THE OFFICE.

22 (E) CIVIL ACTION.--IF INFORMATION IS NOT MADE AVAILABLE BY A
23 COMMONWEALTH AGENCY OR POLITICAL SUBDIVISION WITHIN A REASONABLE
24 TIME, THE DIRECTOR MAY MAKE A WRITTEN REQUEST TO THE AGENCY
25 HEAD, STATING THE AUTHORITY TO RECEIVE THE INFORMATION. THE
26 AGENCY HEAD SHALL HAVE TEN DAYS TO RESPOND. IF THE INFORMATION
27 IS NOT PROVIDED WITHIN TEN DAYS OF THE RECEIPT OF THE AGENCY
28 RESPONSE, THE DIRECTOR MAY BRING A CIVIL ACTION TO REQUIRE THE
29 AGENCY HEAD TO PROVIDE THE INFORMATION.

30 SECTION 510-A. SELECTION AND ORGANIZATION COMMITTEE.

1 (A) SELECTION AND ORGANIZATION COMMITTEE.--THERE IS
2 ESTABLISHED A COMMITTEE TO ORGANIZE THE OFFICE AND SELECT THE
3 DIRECTOR OF THE OFFICE CONSISTING OF THE FOLLOWING:

4 (1) THE CHAIRMAN AND MINORITY CHAIRMAN OF THE
5 APPROPRIATIONS COMMITTEE OF THE SENATE AND THE CHAIRMAN AND
6 MINORITY CHAIRMAN OF THE APPROPRIATIONS COMMITTEE OF THE
7 HOUSE OF REPRESENTATIVES.

8 (2) THE MAJORITY LEADER AND THE MINORITY LEADER OF THE
9 SENATE AND THE MAJORITY LEADER AND THE MINORITY LEADER OF THE
10 HOUSE OF REPRESENTATIVES.

11 (3) THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE
12 SPEAKER OF THE HOUSE OF REPRESENTATIVES.

13 (4) THE GOVERNOR.

14 (B) DUTIES OF COMMITTEE.--THE FOLLOWING SHALL APPLY:

15 (1) BY AUGUST 31, 2010, THE SELECTION AND ORGANIZATION
16 COMMITTEE SHALL DELIBERATE THE FOLLOWING:

17 (I) THE ORGANIZATIONAL STRUCTURE OF THE OFFICE.

18 (II) THE PROCEDURES TO BE ADOPTED TO SELECT THE
19 DIRECTOR OF THE OFFICE.

20 (III) THE OPERATIONAL BUDGET FOR THE OFFICE.

21 (2) BY OCTOBER 31, 2010, THE SELECTION AND ORGANIZATION
22 COMMITTEE SHALL SUBMIT A REPORT TO THE SECRETARY OF THE
23 BUDGET, THE CHAIRMAN AND MINORITY CHAIRMAN OF THE
24 APPROPRIATIONS COMMITTEE AND THE CHAIRMAN AND MINORITY
25 CHAIRMAN OF THE FINANCE COMMITTEE OF THE SENATE AND THE
26 CHAIRMAN AND MINORITY CHAIRMAN OF THE APPROPRIATIONS
27 COMMITTEE AND THE CHAIRMAN AND MINORITY CHAIRMAN OF THE
28 FINANCE COMMITTEE OF THE HOUSE OF REPRESENTATIVES SETTING
29 FORTH A PLAN TO ESTABLISH THE OFFICE, INCLUDING AN
30 OPERATIONAL BUDGET, AND TO SELECT THE DIRECTOR OF THE OFFICE.

1 SECTION 511-A. APPOINTMENT.

2 (A) DIRECTOR.--THE OFFICE SHALL BE HEADED BY A DIRECTOR
3 APPOINTED BY THE SELECTION COMMITTEE UNDER SECTION 510-A. THE
4 APPOINTMENT SHALL BE MADE WITHOUT REGARD TO POLITICAL
5 AFFILIATION AND SOLELY ON THE BASIS OF FITNESS TO PERFORM THE
6 DUTIES OF THE OFFICE BASED ON QUALIFICATIONS PUBLISHED BY THE
7 SELECTION COMMITTEE.

8 (B) DEPUTY DIRECTOR.--THE DIRECTOR SHALL APPOINT A DEPUTY
9 DIRECTOR WHO SHALL PERFORM SUCH DUTIES AS ASSIGNED BY THE
10 DIRECTOR AND WHO SHALL DURING THE ABSENCE OR INCAPACITY OF THE
11 DIRECTOR OR A VACANCY ACT AS THE DIRECTOR.

12 (C) TERM.--THE TERM OF OFFICE OF THE DIRECTOR SHALL BE SIX
13 YEARS. AN INDIVIDUAL APPOINTED AS DIRECTOR TO FILL A VACANCY
14 PRIOR TO THE EXPIRATION OF A TERM SHALL SERVE ONLY FOR THE
15 UNEXPIRED PORTION OF THAT TERM. AN INDIVIDUAL SERVING AS
16 DIRECTOR AT THE EXPIRATION OF A TERM MAY CONTINUE TO SERVE UNTIL
17 A SUCCESSOR IS APPOINTED.

18 (D) REMOVAL.--THE DIRECTOR MAY BE REMOVED BY A CONCURRENT
19 RESOLUTION PASSED BY THE SENATE AND THE HOUSE OF
20 REPRESENTATIVES.

21 SECTION 512-A. POWERS AND DUTIES OF DIRECTOR.

22 (A) PERSONNEL.--THE DIRECTOR SHALL APPOINT AND FIX THE
23 COMPENSATION OF PERSONNEL NECESSARY TO CARRY OUT THE DUTIES AND
24 FUNCTIONS OF THE OFFICE. ALL PERSONNEL SHALL BE APPOINTED
25 WITHOUT REGARD TO POLITICAL AFFILIATION AND SOLELY ON THE BASIS
26 OF THEIR FITNESS TO PERFORM THEIR DUTIES.

27 (B) EXPERTS AND CONSULTANTS.--IN CARRYING OUT THE DUTIES AND
28 FUNCTIONS OF THE OFFICE, THE DIRECTOR MAY PROCURE THE TEMPORARY
29 OR INTERMITTENT SERVICES OF EXPERTS OR CONSULTANTS BY CONTRACT.

30 SECTION 2. SECTION 1301.12(C) AND (D) OF THE ACT, AMENDED

1 JUNE 29, 2002 (P.L.614, NO.91), ARE AMENDED TO READ:

2 SECTION 1301.12. NOTICE AND PUBLICATION OF LISTS OF PROPERTY
3 SUBJECT TO CUSTODY AND CONTROL OF THE COMMONWEALTH UNDER THIS
4 ARTICLE.--* * *

5 (C) THE STATE TREASURER IS NOT REQUIRED TO [PUBLISH IN SUCH
6 NOTICE] INCLUDE IN SUCH NOTICE PUBLISHED IN AN ENGLISH LANGUAGE
7 NEWSPAPER OF GENERAL CIRCULATION ANY ITEM OF LESS THAN [ONE
8 HUNDRED DOLLARS (\$100)] TWO HUNDRED FIFTY DOLLARS (\$250) OR TO
9 INCLUDE IN SUCH NOTICE PUBLISHED IN A LEGAL NEWSPAPER ANY ITEM
10 OF LESS THAN TWO HUNDRED FIFTY DOLLARS (\$250), UNLESS THE STATE
11 TREASURER, IN EITHER INSTANCE, DEEMS SUCH PUBLICATION TO BE IN
12 THE PUBLIC INTEREST.

13 (D) WITHIN NINE (9) MONTHS FROM THE RECEIPT OF THE REPORT
14 REQUIRED BY SECTION 1301.11, THE STATE TREASURER SHALL MAIL A
15 NOTICE TO EACH PERSON HAVING AN ADDRESS LISTED WHO APPEARS TO BE
16 ENTITLED TO PROPERTY OF THE VALUE OF [ONE HUNDRED DOLLARS
17 (\$100)] TWO HUNDRED FIFTY DOLLARS (\$250) OR MORE SUBJECT TO
18 CUSTODY AND CONTROL OF THE COMMONWEALTH UNDER THIS ARTICLE. THE
19 MAILED NOTICE SHALL CONTAIN:

20 1. A STATEMENT THAT, ACCORDING TO A REPORT FILED WITH THE
21 STATE TREASURER, PROPERTY IS BEING HELD TO WHICH THE ADDRESSEE
22 APPEARS ENTITLED;

23 2. THE NAME AND ADDRESS OF THE HOLDER OF THE PROPERTY AND
24 ANY NECESSARY INFORMATION REGARDING CHANGES OF NAME AND ADDRESS
25 OF THE HOLDER;

26 3. A STATEMENT THAT, IF SATISFACTORY PROOF OF CLAIM IS NOT
27 PRESENTED BY THE OWNER TO THE HOLDER BY THE DATE SPECIFIED IN
28 THE PUBLISHED NOTICE, CLAIMS SHOULD THEREAFTER BE FILED WITH THE
29 STATE TREASURER.

30 * * *

1 SECTION 3. THE ACT IS AMENDED BY ADDING ARTICLES TO READ:

2 ARTICLE XVI-B

3 BORROWING FOR CAPITAL FACILITIES

4 SECTION 1601-B. SCOPE.

5 THIS ARTICLE RELATES TO NEIGHBORHOOD IMPROVEMENT ZONES.

6 SECTION 1602-B. DEFINITIONS.

7 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE
8 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
9 CONTEXT CLEARLY INDICATES OTHERWISE:

10 "CAPITAL FACILITIES DEBT ENABLING ACT." THE ACT OF FEBRUARY
11 9, 1999 (P.L.1, NO.1), KNOWN AS THE CAPITAL FACILITIES DEBT
12 ENABLING ACT.

13 "CITY." A CITY OF THE THIRD CLASS WITH, ON THE EFFECTIVE
14 DATE OF THIS SECTION, A POPULATION OF AT LEAST 106,000 AND NOT
15 MORE THAN 107,000, BASED ON THE 2000 FEDERAL DECENNIAL CENSUS.

16 "CONTRACTING AUTHORITY." AN AUTHORITY CREATED UNDER 53
17 PA.C.S. CH. 56 (RELATING TO MUNICIPAL AUTHORITIES) FOR THE
18 PURPOSE OF DESIGNATING A NEIGHBORHOOD IMPROVEMENT ZONE AND
19 CONSTRUCTING A FACILITY OR OTHER AUTHORITY CREATED UNDER THE
20 LAWS OF THIS COMMONWEALTH WHICH IS ELIGIBLE TO APPLY FOR AND
21 RECEIVE REDEVELOPMENT ASSISTANCE CAPITAL GRANTS UNDER CHAPTER 3
22 OF THE ACT OF FEBRUARY 9, 1999 (P.L.1, NO.1), KNOWN AS THE
23 CAPITAL FACILITIES DEBT ENABLING ACT, AND WHICH IS UNDER A
24 CONTRACT WITH THE OFFICE OF THE BUDGET TO RECEIVE THOSE GRANTS.

25 "FACILITY." A STADIUM, ARENA OR OTHER STRUCTURE OWNED OR
26 LEASED BY PROFESSIONAL SPORTS ORGANIZATION AT WHICH PROFESSIONAL
27 ATHLETIC EVENTS ARE CONDUCTED IN THE PRESENCE OF INDIVIDUALS WHO
28 PAY ADMISSION TO VIEW THE EVENT CONSTRUCTED OR OPERATED BY THE
29 CONTRACTING AUTHORITY.

30 "FACILITY COMPLEX." A DEVELOPMENT OR COMPLEX OF RESIDENTIAL,

1 COMMERCIAL, EXHIBITION, HOSPITALITY, CONFERENCE, RETAIL AND
2 COMMUNITY USES WHICH INCLUDES A STADIUM ARENA OR OTHER PLACE
3 OWNED, LEASED OR UTILIZED BY A PROFESSIONAL SPORTS ORGANIZATION
4 AT WHICH A PROFESSIONAL ATHLETIC EVENT OR OTHER EVENTS ARE
5 CONDUCTED IN THE PRESENCE OF INDIVIDUALS WHO PAY ADMISSION TO
6 VIEW THE EVENT.

7 "FUND." THE NEIGHBORHOOD IMPROVEMENT ZONE FUND ESTABLISHED
8 UNDER SECTION 1604-B.

9 "NEIGHBORHOOD IMPROVEMENT ZONE." A NEIGHBORHOOD IMPROVEMENT
10 ZONE DESIGNATED BY THE CONTRACTING AUTHORITY FOR THE PURPOSES OF
11 NEIGHBORHOOD IMPROVEMENT AND DEVELOPMENT WITHIN A CITY.

12 "PROFESSIONAL SPORTS ORGANIZATION." A SOLE PROPRIETORSHIP,
13 CORPORATION, LIMITED LIABILITY COMPANY, PARTNERSHIP OR
14 ASSOCIATION THAT MEETS ALL OF THE FOLLOWING:

15 (1) OWNS A PROFESSIONAL SPORTS FRANCHISE.

16 (2) CONDUCTS PROFESSIONAL ATHLETIC EVENTS OF THE SPORTS
17 FRANCHISE AT A FACILITY.

18 "QUALIFIED BUSINESS." AN ENTITY AUTHORIZED TO CONDUCT
19 BUSINESS IN THIS COMMONWEALTH WHICH IS LOCATED OR PARTIALLY
20 LOCATED WITHIN A NEIGHBORHOOD IMPROVEMENT ZONE AND IS ENGAGED IN
21 THE ACTIVE CONDUCT OF A TRADE OR BUSINESS FOR THE TAXABLE YEAR.
22 AN AGENT, BROKER OR REPRESENTATIVE OF A BUSINESS SHALL NOT BE
23 CONSIDERED TO BE IN THE ACTIVE CONDUCT OF TRADE OR BUSINESS FOR
24 THE BUSINESS.

25 SECTION 1603-B. FACILITY.

26 THE CONTRACTING AUTHORITY MAY DESIGNATE A NEIGHBORHOOD
27 IMPROVEMENT ZONE OF NOT GREATER THAN 130 ACRES, IN WHICH A
28 FACILITY OR FACILITY COMPLEX MAY BE CONSTRUCTED, AND MAY BORROW
29 FUNDS FOR THE PURPOSE OF IMPROVEMENT AND DEVELOPMENT WITHIN THE
30 NEIGHBORHOOD IMPROVEMENT ZONE AND CONSTRUCTION OF A FACILITY OR

1 FACILITY COMPLEX WITHIN THE ZONE.

2 SECTION 1604-B. NEIGHBORHOOD IMPROVEMENT ZONE FUND.

3 (A) SPECIAL FUND.--THERE IS ESTABLISHED A SPECIAL FUND KNOWN
4 AS THE NEIGHBORHOOD IMPROVEMENT ZONE FUND. INTEREST INCOME
5 DERIVED FROM INVESTMENT OF THE MONEY IN THE FUND SHALL BE
6 CREDITED BY THE TREASURY DEPARTMENT TO THE FUND.

7 (B) CALCULATION.--WITHIN 60 DAYS OF THE END OF EACH QUARTER,
8 THE DEPARTMENT OF REVENUE SHALL CALCULATE THE AMOUNTS UNDER THIS
9 SUBSECTION FOR IMPROVEMENT AND DEVELOPMENT IN THE NEIGHBORHOOD
10 IMPROVEMENT ZONE, THE FACILITY COMPLEX AND THE FACILITY. THE
11 CONTRACTING AUTHORITY SHALL PROVIDE GOOD FAITH ESTIMATES OF
12 QUARTERLY AMOUNTS TO BE CALCULATED. THE DEPARTMENT OF REVENUE
13 SHALL ESTIMATE THE QUARTERLY AMOUNTS, SUBJECT TO AN ANNUAL
14 RECONCILIATION, AND SHALL CERTIFY THE AMOUNTS TO THE OFFICE OF
15 THE BUDGET WITHIN 90 DAYS OF THE END OF A FISCAL QUARTER. AN
16 ENTITY COLLECTING A LOCAL TAX WITHIN THE NEIGHBORHOOD
17 IMPROVEMENT ZONE SHALL, WITHIN 30 DAYS OF THE END OF A FISCAL
18 QUARTER, SUBMIT ALL OF THE LOCAL TAXES COLLECTED THAT ARE TO BE
19 CALCULATED UNDER THIS SUBSECTION TO THE STATE TREASURER FOR
20 TRANSFER TO THE FUND UNDER SUBSECTION (D). THE FOLLOWING SHALL
21 BE THE AMOUNTS CALCULATED:

22 (1) AN AMOUNT EQUAL TO ALL CORPORATE NET INCOME TAX,
23 CAPITAL STOCK AND FRANCHISE TAX, PERSONAL INCOME TAX,
24 BUSINESS PRIVILEGE TAX, BUSINESS PRIVILEGE LICENSING FEES AND
25 EARNED INCOME TAX RELATED TO THE OWNERSHIP AND OPERATION OF A
26 PROFESSIONAL SPORTS ORGANIZATION CONDUCTING PROFESSIONAL
27 ATHLETIC EVENTS AT THE FACILITY OR FACILITY COMPLEX.

28 (2) AN AMOUNT EQUAL TO ALL OF THE FOLLOWING:

29 (I) ALL PERSONAL INCOME TAX, EARNED INCOME TAX AND
30 LOCAL SERVICES TAX WITHHELD FROM ITS EMPLOYEES BY A

1 PROFESSIONAL SPORTS ORGANIZATION CONDUCTING PROFESSIONAL
2 ATHLETIC EVENTS AT THE FACILITY OR FACILITY COMPLEX.

3 (II) ALL PERSONAL INCOME TAX, EARNED INCOME TAX AND
4 LOCAL SERVICES TAX WITHHELD FROM THE EMPLOYEES OF ANY
5 PROVIDER OF EVENTS AT OR SERVICES TO, OR ANY OPERATOR OF
6 AN ENTERPRISE IN, THE FACILITY OR FACILITY COMPLEX.

7 (III) ALL PERSONAL INCOME TAX, EARNED INCOME TAX AND
8 LOCAL SERVICES TAX TO WHICH THE COMMONWEALTH WOULD BE
9 ENTITLED FROM PERFORMERS OR OTHER PARTICIPANTS, INCLUDING
10 VISITING TEAMS, AT AN EVENT OR ACTIVITY AT THE FACILITY
11 OR FACILITY COMPLEX.

12 (3) AN AMOUNT EQUAL TO ALL SALES AND USE TAX RELATED TO
13 THE OPERATION OF THE PROFESSIONAL SPORTS ORGANIZATION AND THE
14 FACILITY AND ENTERPRISES DEVELOPED AS PART OF THE FACILITY
15 COMPLEX. THIS PARAGRAPH SHALL INCLUDE SALES AND USE TAX PAID
16 BY ANY PROVIDER OF EVENTS OR ACTIVITIES AT OR SERVICES TO THE
17 FACILITY OR FACILITY COMPLEX, INCLUDING SALES AND USE TAX
18 PAID BY VENDORS AND CONCESSIONAIRES AND CONTRACTORS AT THE
19 FACILITY OR FACILITY COMPLEX.

20 (4) AN AMOUNT EQUAL TO ALL TAX PAID TO THE COMMONWEALTH
21 RELATED TO THE SALE OF ANY LIQUOR, WINE OR MALT OR BREWED
22 BEVERAGE IN THE FACILITY OR FACILITY COMPLEX.

23 (5) THE AMOUNT PAID BY THE PROFESSIONAL SPORTS
24 ORGANIZATION OR BY ANY PROVIDER OF EVENTS OR ACTIVITIES AT OR
25 SERVICES TO THE FACILITY OR FACILITY COMPLEX OF ANY NEW TAX
26 ENACTED BY THE COMMONWEALTH FOLLOWING THE EFFECTIVE DATE OF
27 THIS SECTION.

28 (6) AN AMOUNT EQUAL TO ALL PERSONAL INCOME TAX, EARNED
29 INCOME TAX AND LOCAL SERVICES TAX WITHHELD FROM PERSONNEL BY
30 THE PROFESSIONAL SPORTS ORGANIZATION OR BY A CONTRACTOR OR

1 OTHER ENTITY INVOLVED IN THE CONSTRUCTION OF THE FACILITY OR
2 FACILITY COMPLEX.

3 (7) AN AMOUNT EQUAL TO ALL SALES AND USE TAX PAID ON
4 MATERIALS AND OTHER CONSTRUCTION COSTS, WHETHER WITHHELD OR
5 PAID BY THE PROFESSIONAL SPORTS ORGANIZATION OR OTHER ENTITY,
6 DIRECTLY RELATED TO THE CONSTRUCTION OF THE FACILITY OR
7 FACILITY COMPLEX.

8 (8) AN AMOUNT EQUAL TO ALL OF THE FOLLOWING:

9 (I) ALL CORPORATE NET INCOME TAX, CAPITAL STOCK AND
10 FRANCHISE TAX, PERSONAL INCOME TAX, BUSINESS PRIVILEGE
11 TAX, BUSINESS PRIVILEGE LICENSING FEES AND EARNED INCOME
12 TAX RELATED TO THE OWNERSHIP AND OPERATION OF ANY
13 QUALIFIED BUSINESS WITHIN THE NEIGHBORHOOD IMPROVEMENT
14 ZONE.

15 (II) ALL PERSONAL INCOME TAX, EARNED INCOME TAX AND
16 LOCAL SERVICES TAX WITHHELD FROM ITS EMPLOYEES BY A
17 QUALIFIED BUSINESS WITHIN THE NEIGHBORHOOD IMPROVEMENT
18 ZONE.

19 (III) ALL PERSONAL INCOME TAX, EARNED INCOME TAX AND
20 LOCAL SERVICES TAX WITHHELD FROM THE EMPLOYEES OF A
21 QUALIFIED BUSINESS THAT PROVIDES EVENTS, ACTIVITIES OR
22 SERVICES IN THE NEIGHBORHOOD IMPROVEMENT ZONE.

23 (IV) ALL PERSONAL INCOME TAX, EARNED INCOME TAX AND
24 LOCAL SERVICES TAX TO WHICH THE COMMONWEALTH WOULD BE
25 ENTITLED FROM PERFORMERS OR OTHER PARTICIPANTS AT AN
26 EVENT OR ACTIVITY IN THE NEIGHBORHOOD IMPROVEMENT ZONE.

27 (V) ALL SALES AND USE TAX RELATED TO THE OPERATION
28 OF A QUALIFIED BUSINESS WITHIN THE NEIGHBORHOOD
29 IMPROVEMENT ZONE. THIS SUBPARAGRAPH SHALL INCLUDE SALES
30 AND USE TAX PAID BY A QUALIFIED BUSINESS THAT PROVIDES

1 EVENTS, ACTIVITIES OR SERVICES IN THE NEIGHBORHOOD
2 IMPROVEMENT ZONE.

3 (VI) ALL TAX PAID BY A QUALIFIED BUSINESS TO THE
4 COMMONWEALTH RELATED TO THE SALE OF ANY LIQUOR, WINE OR
5 MALT OR BREWED BEVERAGE WITHIN THE NEIGHBORHOOD
6 IMPROVEMENT ZONE.

7 (VII) THE AMOUNT PAID A QUALIFIED BUSINESS WITHIN
8 THE NEIGHBORHOOD IMPROVEMENT ZONE OF ANY NEW TAX ENACTED
9 BY THE COMMONWEALTH FOLLOWING THE EFFECTIVE DATE OF THIS
10 SECTION.

11 (VIII) ALL PERSONAL INCOME TAX, EARNED INCOME TAX
12 AND LOCAL SERVICES TAX WITHHELD FROM PERSONNEL BY A
13 QUALIFIED BUSINESS INVOLVED IN THE IMPROVEMENT,
14 DEVELOPMENT OR CONSTRUCTION OF THE NEIGHBORHOOD
15 IMPROVEMENT ZONE.

16 (IX) ALL SALES AND USE TAX PAID ON MATERIALS AND
17 OTHER CONSTRUCTION COSTS, WHETHER WITHHELD OR PAID BY THE
18 PROFESSIONAL SPORTS ORGANIZATION OR OTHER QUALIFIED
19 BUSINESS, DIRECTLY RELATED TO THE IMPROVEMENT,
20 DEVELOPMENT OR CONSTRUCTION OF THE NEIGHBORHOOD
21 IMPROVEMENT ZONE.

22 (X) AN AMOUNT EQUAL TO ANY AMUSEMENT TAX PAID BY A
23 QUALIFIED BUSINESS OPERATING IN THE NEIGHBORHOOD
24 IMPROVEMENT ZONE. NO POLITICAL SUBDIVISION OR OTHER
25 ENTITY AUTHORIZED TO COLLECT AMUSEMENT TAXES MAY IMPOSE
26 OR INCREASE THE RATE OF ANY TAX ON ADMISSIONS TO PLACES
27 OF ENTERTAINMENT, EXHIBITION, AMUSEMENT OR UPON ATHLETIC
28 EVENTS IN THE NEIGHBORHOOD IMPROVEMENT ZONE WHICH ARE NOT
29 IN EFFECT ON THE DATE THE NEIGHBORHOOD IMPROVEMENT ZONE
30 IS DESIGNATED BY THE CONTRACTING AUTHORITY.

1 (9) EXCEPT FOR A TAX LEVIED AGAINST REAL PROPERTY, AN
2 AMOUNT EQUAL TO ANY TAX IMPOSED BY THE COMMONWEALTH OR ANY OF
3 ITS POLITICAL SUBDIVISIONS ON A QUALIFIED BUSINESS ENGAGED IN
4 AN ACTIVITY WITHIN THE NEIGHBORHOOD IMPROVEMENT ZONE.

5 (C) INCOME APPORTIONMENT.--FOR THE PURPOSE OF MAKING THE
6 CALCULATIONS UNDER SUBSECTION (B), THE TAXABLE INCOME OF A
7 CORPORATION THAT IS A QUALIFIED BUSINESS SHALL BE APPORTIONED TO
8 THE NEIGHBORHOOD IMPROVEMENT ZONE BY MULTIPLYING THE
9 PENNSYLVANIA TAXABLE INCOME BY A FRACTION, THE NUMERATOR OF
10 WHICH IS THE PROPERTY FACTOR PLUS THE PAYROLL FACTOR PLUS THE
11 SALES FACTOR AND THE DENOMINATOR OF WHICH IS THREE, IN
12 ACCORDANCE WITH THE FOLLOWING:

13 (1) THE PROPERTY FACTOR IS A FRACTION, THE NUMERATOR OF
14 WHICH IS THE AVERAGE VALUE OF THE TAXPAYER'S REAL AND
15 TANGIBLE PERSONAL PROPERTY OWNED OR RENTED AND USED IN THE
16 NEIGHBORHOOD IMPROVEMENT ZONE DURING THE TAX PERIOD AND THE
17 DENOMINATOR OF WHICH IS THE AVERAGE VALUE OF ALL THE
18 TAXPAYER'S REAL AND TANGIBLE PERSONAL PROPERTY OWNED OR
19 RENTED AND USED IN THIS COMMONWEALTH DURING THE TAX PERIOD
20 BUT SHALL NOT INCLUDE THE SECURITY INTEREST OF ANY
21 CORPORATION AS SELLER OR LESSOR IN PERSONAL PROPERTY SOLD OR
22 LEASED UNDER A CONDITIONAL SALE, BAILMENT LEASE, CHATTEL
23 MORTGAGE OR OTHER CONTRACT PROVIDING FOR THE RETENTION OF A
24 LIEN OR TITLE AS SECURITY FOR THE SALES PRICE OF THE
25 PROPERTY.

26 (2) THE FOLLOWING APPLY:

27 (I) THE PAYROLL FACTOR IS A FRACTION, THE NUMERATOR
28 OF WHICH IS THE TOTAL AMOUNT PAID IN THE NEIGHBORHOOD
29 IMPROVEMENT ZONE DURING THE TAX PERIOD BY THE TAXPAYER
30 FOR COMPENSATION AND THE DENOMINATOR OF WHICH IS THE

1 TOTAL COMPENSATION PAID IN THIS COMMONWEALTH DURING THE
2 TAX PERIOD.

3 (II) COMPENSATION IS PAID IN THE NEIGHBORHOOD
4 IMPROVEMENT ZONE IF:

5 (A) THE PERSON'S SERVICE IS PERFORMED ENTIRELY
6 WITHIN THE NEIGHBORHOOD IMPROVEMENT ZONE;

7 (B) THE PERSON'S SERVICE IS PERFORMED BOTH
8 WITHIN AND WITHOUT THE NEIGHBORHOOD IMPROVEMENT ZONE,
9 BUT THE SERVICE PERFORMED WITHOUT THE NEIGHBORHOOD
10 IMPROVEMENT ZONE IS INCIDENTAL TO THE PERSON'S
11 SERVICE WITHIN THE NEIGHBORHOOD IMPROVEMENT ZONE; OR

12 (C) SOME OF THE SERVICE IS PERFORMED IN THE
13 NEIGHBORHOOD IMPROVEMENT ZONE AND THE BASE OF
14 OPERATIONS OR, IF THERE IS NO BASE OF OPERATIONS, THE
15 PLACE FROM WHICH THE SERVICE IS DIRECTED OR
16 CONTROLLED IS IN THE NEIGHBORHOOD IMPROVEMENT ZONE,
17 OR THE BASE OF OPERATIONS OR THE PLACE FROM WHICH THE
18 SERVICE IS DIRECTED OR CONTROLLED IS NOT IN ANY
19 LOCATION IN WHICH SOME PART OF THE SERVICE IS
20 PERFORMED, BUT THE PERSON'S RESIDENCE IS IN THE
21 NEIGHBORHOOD IMPROVEMENT ZONE.

22 (3) THE SALES FACTOR IS A FRACTION, THE NUMERATOR OF
23 WHICH IS THE TOTAL SALES OF THE TAXPAYER IN THE NEIGHBORHOOD
24 IMPROVEMENT ZONE DURING THE TAX PERIOD AND THE DENOMINATOR OF
25 WHICH IS THE TOTAL SALES OF THE TAXPAYER IN THIS COMMONWEALTH
26 DURING THE TAX PERIOD.

27 (I) SALES OF TANGIBLE PERSONAL PROPERTY ARE IN THE
28 NEIGHBORHOOD IMPROVEMENT ZONE IF THE PROPERTY IS
29 DELIVERED OR SHIPPED TO A PURCHASER THAT TAKES POSSESSION
30 WITHIN THE NEIGHBORHOOD IMPROVEMENT ZONE REGARDLESS OF

1 THE F.O.B. POINT OR OTHER CONDITIONS OF THE SALE.

2 (II) SALES OTHER THAN SALES OF TANGIBLE PERSONAL
3 PROPERTY ARE IN THE NEIGHBORHOOD IMPROVEMENT ZONE IF:

4 (A) THE INCOME-PRODUCING ACTIVITY IS PERFORMED
5 IN THE NEIGHBORHOOD IMPROVEMENT ZONE; OR

6 (B) THE INCOME-PRODUCING ACTIVITY IS PERFORMED
7 BOTH WITHIN AND WITHOUT THE NEIGHBORHOOD IMPROVEMENT
8 ZONE AND A GREATER PROPORTION OF THE INCOME-PRODUCING
9 ACTIVITY IS PERFORMED IN THE NEIGHBORHOOD IMPROVEMENT
10 ZONE THAN IN ANY OTHER LOCATION, BASED ON COSTS OF
11 PERFORMANCE.

12 (D) TRANSFERS.--

13 (1) WITHIN TEN DAYS OF RECEIVING NOTIFICATION UNDER
14 SUBSECTION (B), THE SECRETARY OF THE BUDGET SHALL DIRECT THE
15 STATE TREASURER TO, NOTWITHSTANDING ANY OTHER LAW, TRANSFER
16 THE AMOUNTS CALCULATED UNDER SUBSECTION (B) FROM THE GENERAL
17 FUND TO THE FUND.

18 (2) THE STATE TREASURER SHALL PROVIDE QUARTERLY PAYMENTS
19 TO THE CONTRACTING AUTHORITY UNTIL THE BONDS ISSUED TO
20 FINANCE THE IMPROVEMENT AND DEVELOPMENT OF THE NEIGHBORHOOD
21 IMPROVEMENT ZONE AND THE CONSTRUCTION OF THE CONTRACTED
22 FACILITY OR FACILITY COMPLEX ARE RETIRED. THE PAYMENT IN EACH
23 QUARTER SHALL BE EQUAL TO THE BALANCE OF THE FUND ON THE LAST
24 DAY OF THE PRIOR CALENDAR QUARTER.

25 (E) RESTRICTION ON USE OF FUNDS.--FUNDS TRANSFERRED UNDER
26 SUBSECTION (D):

27 (1) MAY ONLY BE UTILIZED FOR PAYMENT OF DEBT SERVICE ON
28 BONDS ISSUED FOR THE IMPROVEMENT AND DEVELOPMENT OF ALL OR
29 ANY PART OF THE NEIGHBORHOOD IMPROVEMENT ZONE AND THE PURPOSE
30 OF CONSTRUCTING A FACILITY OR FACILITY COMPLEX.

1 (2) MAY NOT BE UTILIZED FOR PURPOSES OF RENOVATING OR
2 REPAIRING A FACILITY OR FACILITY COMPLEX, EXCEPT FOR CAPITAL
3 MAINTENANCE AND IMPROVEMENT PROJECTS.

4 (F) TICKET SURCHARGE.--THE ENTITY OPERATING THE FACILITY MAY
5 COLLECT A CAPITAL REPAIR AND IMPROVEMENT TICKET SURCHARGE, THE
6 PROCEEDS OF WHICH SHALL BE DEPOSITED INTO THE FUND. THE FUNDS
7 SHALL BE MAINTAINED AND UTILIZED AS FOLLOWS:

8 (1) THE MONEY DEPOSITED UNDER THIS SUBSECTION MAY NOT BE
9 ENCUMBERED FOR ANY REASON AND SHALL BE TRANSFERRED TO THE
10 ENTITY FOR CAPITAL REPAIR AND IMPROVEMENT PROJECTS UPON
11 REQUEST FROM THE ENTITY.

12 (2) UPON THE EXPIRATION OF THE NEIGHBORHOOD IMPROVEMENT
13 ZONE UNDER SECTION 1606-B, ANY AND ALL PORTIONS OF THE FUND
14 ATTRIBUTABLE TO THE TICKET SURCHARGE SHALL BE IMMEDIATELY
15 TRANSFERRED TO THE CONTRACTING AUTHORITY TO BE HELD IN ESCROW
16 WHERE THEY SHALL BE UNENCUMBERED AND MAINTAINED BY THE
17 CONTRACTING AUTHORITY IN THE SAME MANNER AS THE FUND. UPON
18 THE TRANSFER, ANY TICKET SURCHARGE COLLECTED BY THE OPERATING
19 ENTITY SHALL THEREAFTER BE DEPOSITED IN THE ACCOUNT
20 MAINTAINED BY THE CONTRACTING AUTHORITY AND DISPERSED FOR A
21 CAPITAL REPAIR AND IMPROVEMENT PROJECT UPON REQUEST BY THE
22 OPERATING ENTITY.

23 SECTION 1605-B. KEYSTONE OPPORTUNITY ZONE.

24 WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS SECTION, THE
25 CITY SHALL APPLY TO THE DEPARTMENT TO DECERTIFY AND REMOVE THE
26 DESIGNATION OF ALL OR PART OF THE KEYSTONE OPPORTUNITY ZONE IN
27 ACCORDANCE WITH SECTION 309 OF THE ACT OF OCTOBER 6, 1998
28 (P.L.705, NO.92), KNOWN AS THE KEYSTONE OPPORTUNITY ZONE,
29 KEYSTONE OPPORTUNITY EXPANSION ZONE AND KEYSTONE OPPORTUNITY
30 IMPROVEMENT ZONE ACT. THE DEPARTMENT SHALL ACT ON THE

1 APPLICATION WITHIN 30 DAYS.

2 SECTION 1606-B. DURATION.

3 THE NEIGHBORHOOD IMPROVEMENT ZONE SHALL BE IN EFFECT FOR A
4 PERIOD EQUAL TO THE LENGTH OF TIME OF THE BONDS THAT ARE
5 INITIALLY ISSUED.

6 ARTICLE XVI-E

7 OIL AND GAS WELLS

8 SUBARTICLE A

9 PRELIMINARY PROVISIONS

10 SECTION 1601-E. DEFINITIONS.

11 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE
12 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SUBARTICLE UNLESS
13 THE CONTEXT CLEARLY INDICATES OTHERWISE:

14 "ACTIVE PRODUCTION WELL." AN OIL, GAS OR COAL BED METHANE
15 WELL WHICH IS CERTIFIED BY THE DEPARTMENT OF ENVIRONMENTAL
16 PROTECTION AS A WELL FROM WHICH OIL, GAS OR COAL BED METHANE WAS
17 EXTRACTED DURING THE FISCAL YEAR.

18 "COMMONWEALTH LANDS." LAND OWNED BY THE COMMONWEALTH. THE
19 TERM DOES NOT INCLUDE LAND OWNED BY THE COMMONWEALTH
20 ADMINISTERED BY THE PENNSYLVANIA GAME COMMISSION OR THE
21 PENNSYLVANIA FISH AND BOAT COMMISSION.

22 "DEPARTMENT." THE DEPARTMENT OF CONSERVATION AND NATURAL
23 RESOURCES.

24 "FUND." THE OIL AND GAS LEASE FUND ESTABLISHED UNDER THE ACT
25 OF DECEMBER 15, 1955 (P.L.865, NO.256), ENTITLED, "AN ACT
26 REQUIRING RENTS AND ROYALTIES FROM OIL AND GAS LEASES OF
27 COMMONWEALTH LAND TO BE PLACED IN A SPECIAL FUND TO BE USED FOR
28 CONSERVATION, RECREATION, DAMS, AND FLOOD CONTROL; AUTHORIZING
29 THE SECRETARY OF FORESTS AND WATERS TO DETERMINE THE NEED FOR
30 AND LOCATION OF SUCH PROJECTS AND TO ACQUIRE THE NECESSARY

1 LAND."

2 "MARCELLUS WELL." AN ACTIVE PRODUCTION WELL CERTIFIED BY THE
3 DEPARTMENT OF ENVIRONMENTAL PROTECTION AS A WELL FROM WHICH GAS
4 FROM THE MARCELLUS SHALE FORMATION AS DETERMINED BY THE UNITED
5 STATES GEOLOGICAL SURVEY WAS EXTRACTED DURING THE FISCAL YEAR,
6 INCLUDING WELLS ON COMMONWEALTH AND NON-COMMONWEALTH LAND.

7 "RESPONSIBLE BIDDER." THE TERM SHALL HAVE THE SAME MEANING
8 AS THE TERM "RESPONSIBLE BIDDER" AS DEFINED IN 62 PA.C.S. § 103
9 (RELATING TO DEFINITIONS).

10 SUBARTICLE B

11 ADMINISTRATION

12 SECTION 1611-E. CONTRACTS.

13 IN FISCAL YEAR 2009-2010 AND IN FISCAL YEAR 2010-2011, THE
14 DEPARTMENT SHALL CONDUCT A COMPETITIVE PUBLIC AUCTION TO LEASE
15 STATE FOREST LAND EACH YEAR FOR THE PRODUCTION OF MARCELLUS
16 SHALE GAS RESERVES IN AN AMOUNT THAT GENERATES THE AMOUNT
17 REQUIRED TO BE TRANSFERRED TO THE GENERAL FUND UNDER SECTION
18 1615-E. THE DEPARTMENT SHALL ADVERTISE EACH AUCTION OF MARCELLUS
19 SHALE GAS RESERVES ONCE A WEEK FOR THREE WEEKS IN AT LEAST TWO
20 NEWSPAPERS OF GENERAL CIRCULATION PUBLISHED NEAREST TO THE
21 LOCALITY OF THE STATE FOREST LAND TO BE LEASED AND IN THE
22 PENNSYLVANIA BULLETIN. THE DEPARTMENT MAY NOT ACCEPT A BID FOR
23 THE RIGHTS TO EXPLORE AND DEVELOP MARCELLUS SHALE GAS RESERVES
24 UNLESS THE BID IS IN AN AMOUNT THAT REFLECTS A REASONABLE MARKET
25 PRICE AND MAXIMIZES REVENUES FOR THE COMMONWEALTH AND IS AT
26 LEAST \$2,500 PER ACRE. A LEASE CONTRACT SHALL BE AWARDED TO THE
27 HIGHEST RESPONSIBLE BIDDER AND SHALL REQUIRE THE POSTING OF A
28 BOND AND CARRY A PRIMARY TERM OF TEN YEARS, WHICH MAY BE
29 EXTENDED. EACH LEASE CONTRACT SHALL RESERVE AS ROYALTY PAYABLE
30 TO THE COMMONWEALTH NOT LESS THAN 16% OF THE MARKET VALUE OF ALL

1 MARKETABLE GAS PRODUCED AT EACH WELLHEAD. NOTHING IN THIS
2 SECTION SHALL PREVENT THE DEPARTMENT FROM ESTABLISHING A HIGHER
3 MINIMUM PRICE OR HIGHER ROYALTY IN ANY REQUEST FOR OR
4 SOLICITATION OF BIDS. LEASE AND ROYALTY PAYMENTS RECEIVED BY THE
5 COMMONWEALTH UNDER A LEASE AWARDED UNDER THIS PARAGRAPH SHALL BE
6 DEPOSITED INTO THE FUND.

7 SECTION 1611.1-E. WELLHEAD METER.

8 EACH ACTIVE PRODUCTION WELL LEASED UNDER SECTION 1611-E SHALL
9 BE EQUIPPED WITH A WELLHEAD METER MAINTAINED ACCORDING TO
10 INDUSTRY STANDARDS AND ACCESSIBLE TO THE DEPARTMENT.

11 SECTION 1612-E. REPORTS.

12 BY JUNE 1 OF EACH YEAR, THE DEPARTMENT, IN COOPERATION WITH
13 THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, SHALL CERTIFY TO THE
14 STATE TREASURER THE NUMBER OF MARCELLUS WELLS LOCATED IN EACH
15 MUNICIPALITY ON THE FIRST DAY OF MAY OF EACH YEAR.

16 SECTION 1613-E. FUND.

17 LEASE PAYMENTS RECEIVED BY THE OIL AND GAS LEASE FUND FOR THE
18 DEVELOPMENT OR STORAGE OF OIL AND GAS RESERVES SHALL BE
19 DEPOSITED INTO A SEPARATE LEASE ACCOUNT IN THE FUND. ROYALTY
20 PAYMENTS RECEIVED BY THE OIL AND GAS LEASE FUND FROM THE
21 PRODUCTION OF OIL AND GAS FROM ACTIVE PRODUCTION WELLS ON
22 COMMONWEALTH LANDS SHALL BE DEPOSITED INTO A SEPARATE ROYALTIES
23 ACCOUNT IN THE FUND.

24 SECTION 1614-E. APPROPRIATION.

25 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, BEGINNING IN
26 FISCAL YEAR 2010-2011, ALL MONEY IN THE ROYALTIES ACCOUNT MAY
27 NOT BE EXPENDED UNLESS APPROPRIATED BY THE GENERAL ASSEMBLY.
28 BEGINNING IN FISCAL YEAR 2010-2011, THE SUM OF \$30,000,000 FROM
29 THE ROYALTIES ACCOUNT IS APPROPRIATED ANNUALLY TO THE DEPARTMENT
30 TO CARRY OUT THE PURPOSES SET FORTH IN THE ACT OF DECEMBER 15,

1 1955 (P.L.865, NO.256), ENTITLED "AN ACT REQUIRING RENTS AND
2 ROYALTIES FROM OIL AND GAS LEASES OF COMMONWEALTH LAND TO BE
3 PLACED IN A SPECIAL FUND TO BE USED FOR CONSERVATION,
4 RECREATION, DAMS, AND FLOOD CONTROL; AUTHORIZING THE SECRETARY
5 OF FORESTS AND WATERS TO DETERMINE THE NEED FOR AND LOCATION OF
6 SUCH PROJECTS AND TO ACQUIRE THE NECESSARY LAND."
7 SECTION 1615-E. USE.

8 (A) LOCAL DISTRIBUTION.--NOTWITHSTANDING ANY OTHER PROVISION
9 OF LAW, BEGINNING IN FISCAL YEAR 2012-2013, 15% OF THE MONEY IN
10 THE ACCOUNT FOR ROYALTIES IN THE FUND, UP TO \$50,000,000, SHALL
11 BE DISTRIBUTED ANNUALLY TO MUNICIPALITIES IMPACTED BY THE
12 OPERATION OF MARCELLUS WELLS IN ACCORDANCE WITH AN ALLOCATION
13 PLAN AND PROCEDURES ADOPTED IN A STATUTE BY THE GENERAL
14 ASSEMBLY.

15 (B) TRANSFERS FROM LEASE ACCOUNT.--NOTWITHSTANDING ANY OTHER
16 PROVISION OF LAW, THE FOLLOWING SHALL APPLY:

17 (1) IN FISCAL YEAR 2009-2010, THE AMOUNT OF \$60,000,000
18 SHALL BE TRANSFERRED FROM THE LEASE ACCOUNT TO THE GENERAL
19 FUND.

20 (2) IN FISCAL YEAR 2010-2011, THE AMOUNT OF \$180,000,000
21 SHALL BE TRANSFERRED FROM THE LEASE ACCOUNT TO THE GENERAL
22 FUND.

23 SECTION 3.1. ARTICLE XVII-A OF THE ACT IS AMENDED BY ADDING
24 SUBARTICLES TO READ:

25 SUBARTICLE H

26 PENNSYLVANIA GAMING ECONOMIC DEVELOPMENT

27 AND TOURISM FUND

28 SECTION 1771-A. DEFINITIONS.

29 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBARTICLE
30 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE

1 CONTEXT CLEARLY INDICATES OTHERWISE:

2 "AFFILIATED ENTITY." ANY OF THE FOLLOWING:

3 (1) A SUBSIDIARY OR HOLDING COMPANY OF A LOBBYING FIRM
4 OR OTHER BUSINESS ENTITY OWNED IN WHOLE OR IN PART BY A
5 LOBBYING FIRM.

6 (2) AN ORGANIZATION RECOGNIZED BY THE INTERNAL REVENUE
7 SERVICE AS A TAX-EXEMPT ORGANIZATION UNDER SECTION 501(C) OF
8 THE INTERNAL REVENUE CODE OF 1986 (PUBLIC LAW 99-514, 26
9 U.S.C. § 501(C)) ESTABLISHED BY A LOBBYIST OR LOBBYING FIRM
10 OR AN AFFILIATED ENTITY.

11 "AUTHORITY." THE COMMONWEALTH FINANCING AUTHORITY.

12 "ELIGIBLE APPLICANT." AS DEFINED IN THE H2O PA ACT.

13 "H2O PA ACT." THE ACT OF JULY 9, 2008 (P.L.908, NO.63),
14 KNOWN AS THE H2O PA ACT.

15 "HIGH HAZARD UNSAFE DAM." AS DEFINED IN THE H2O PA ACT.

16 "LOBBYING." THE TERM SHALL HAVE THE MEANING GIVEN TO IT IN
17 65 PA.C.S. § 13A03 (RELATING TO DEFINITIONS). THE TERM SHALL
18 ALSO INCLUDE AN EFFORT TO INFLUENCE THE ACTION OF THE AUTHORITY
19 OR THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT RELATING
20 TO THE APPROVAL, AWARD, RECEIPT OR DENIAL OF A GRANT UNDER THE
21 H2O PA ACT.

22 "PROJECT." AS DEFINED IN THE H2O PA ACT.

23 SECTION 1772-A. CERTIFICATION OF FUNDS.

24 ON OR BEFORE JANUARY 1 OF EACH YEAR, THE SECRETARY OF THE
25 BUDGET SHALL CERTIFY TO THE AUTHORITY AND THE STATE TREASURER
26 THE AMOUNT OF FUNDS AVAILABLE FOR TRANSFER FROM THE GAMING
27 ECONOMIC DEVELOPMENT AND TOURISM FUND UNDER THE PROVISIONS OF
28 SECTION 301 OF THE H2O PA ACT, FOR THE NEXT FISCAL YEAR.

29 SECTION 1773-A. REQUEST FOR APPROPRIATION.

30 IF INADEQUATE FUNDS ARE AVAILABLE TO THE AUTHORITY TO PAY ALL

1 THE COSTS RELATED TO INDEBTEDNESS INCURRED TO FUND PROJECTS
2 UNDER THE H2O PA ACT AFTER THE TRANSFER OF FUNDS FROM THE GAMING
3 ECONOMIC DEVELOPMENT AND TOURISM FUND UNDER SECTION 301 OF THE
4 H2O PA ACT, THE SECRETARY OF THE BUDGET ON BEHALF OF THE
5 AUTHORITY SHALL SEEK AN APPROPRIATION FROM THE GENERAL FUND TO
6 FULLY PAY THE COSTS.

7 SECTION 1774-A. AMOUNT OF GRANTS.

8 NOTWITHSTANDING THE PROVISIONS OF SECTION 501(D) OF THE H2O
9 PA ACT, GRANTS SHALL BE MADE AS FOLLOWS:

10 (1) A MINIMUM OF \$85,000,000 SHALL BE AWARDED TO FLOOD
11 CONTROL PROJECTS.

12 (2) A MINIMUM OF \$50,000,000 SHALL BE AWARDED TO HIGH-
13 HAZARD UNSAFE DAM PROJECTS. NO MORE THAN \$20,000,000 MAY GO
14 TO AN ELIGIBLE APPLICANT THAT IS THE COMMONWEALTH OR AN
15 INDEPENDENT AGENCY.

16 SECTION 1775-A. ELIGIBLE APPLICANTS.

17 NOTWITHSTANDING ANY OTHER PROVISION OF THE H2O PA ACT TO THE
18 CONTRARY, A NOT-FOR-PROFIT ORGANIZATION THAT OWNS A HIGH-HAZARD
19 UNSAFE DAM AND HAS FILED WITH THE AUTHORITY AN APPLICATION FOR A
20 GRANT UNDER SECTION 502(A) (3) OF THE H2O PA ACT PRIOR TO THE
21 EFFECTIVE DATE OF THIS SECTION SHALL BE AN ELIGIBLE APPLICANT
22 FOR A GRANT UNDER SECTION 502(A) (3) OF THE H2O PA ACT.

23 SECTION 1776-A. PROHIBITED ACTIVITIES.

24 (A) LIMITATION ON GIVING COMPENSATION.--A PERSON OR ITS
25 AFFILIATED ENTITY MAY NOT COMPENSATE OR INCUR AN OBLIGATION TO
26 COMPENSATE A PERSON TO ENGAGE IN LOBBYING FOR COMPENSATION
27 CONTINGENT IN WHOLE OR IN PART UPON THE APPROVAL, AWARD, RECEIPT
28 OR DENIAL OF A GRANT UNDER CHAPTERS 1 THROUGH 7 OF THE H2O PA
29 ACT.

30 (B) LIMITATION ON RECEIVING COMPENSATION.--A PERSON OR ITS

1 AFFILIATED ENTITY MAY NOT ENGAGE IN OR AGREE TO ENGAGE IN
2 LOBBYING FOR COMPENSATION CONTINGENT IN WHOLE OR IN PART UPON
3 THE APPROVAL, AWARD, RECEIPT OR DENIAL OF ANY GRANT UNDER
4 CHAPTERS 1 THROUGH 7 OF THE H2O PA ACT.

5 (C) INAPPLICABILITY.--THE PROVISIONS OF THIS SECTION SHALL
6 NOT APPLY TO AN ELIGIBLE APPLICANT THAT COMPENSATES A PERSON TO
7 PREPARE OR ASSIST IN THE PREPARATION OF A GRANT APPLICATION AND
8 RELATED MATERIALS FOR SUBMISSION TO THE AUTHORITY UNDER THE H2O
9 PA ACT IF THE FOLLOWING REQUIREMENTS ARE MET:

10 (1) THE PERSON IS NOT IDENTIFIED IN THE SUBMITTED
11 APPLICATION.

12 (2) THE PERSON HAS NO DIRECT CONTACT WITH THE AUTHORITY,
13 UNLESS THE PERSON IS RESPONDING TO REQUESTS FOR ADDITIONAL
14 INFORMATION OR CLARIFICATION.

15 (3) THE PERSON IS PAID A FIXED FEE FOR THE PREPARATION
16 OR ASSISTANCE OR A PERCENTAGE OF THE AMOUNT OF ANY GRANT
17 APPROVED, AWARDED OR RECEIVED OF UP TO .5%.

18 (D) VIOLATION.--A VIOLATION OF THIS SECTION SHALL BE
19 CONSIDERED AN INTENTIONAL VIOLATION OF 65 PA.C.S. § 13A09(E)
20 (RELATING TO PENALTIES).

21 SUBARTICLE I

22 WATER AND SEWER SYSTEMS

23 ASSISTANCE BOND FUND

24 SECTION 1781-A. DEFINITIONS.

25 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBARTICLE
26 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
27 CONTEXT CLEARLY INDICATES OTHERWISE:

28 "ASSISTANCE ACT." THE ACT OF JULY 9, 2008 (P.L.915, NO.64),
29 KNOWN AS THE WATER AND SEWER SYSTEMS ASSISTANCE ACT.

30 "FUND." THE WATER AND SEWER SYSTEMS ASSISTANCE BOND FUND.

1 "ISSUING OFFICIALS." THE GOVERNOR, THE AUDITOR GENERAL AND
2 THE STATE TREASURER.

3 "NUTRIENT CREDIT." AS DEFINED IN THE ASSISTANCE ACT.

4 "PROJECT." AS DEFINED IN THE ASSISTANCE ACT.

5 "MUNICIPALITY." AS DEFINED IN THE ASSISTANCE ACT.

6 SECTION 1782-A. WATER AND SEWER SYSTEMS ASSISTANCE BOND FUND.

7 (A) ESTABLISHMENT.--THE WATER AND SEWER SYSTEMS ASSISTANCE
8 BOND FUND, WHICH IS CREATED IN THE STATE TREASURY, SHALL BE THE
9 SOURCE FROM WHICH ALL PAYMENTS ARE AUTHORIZED, WITH THE APPROVAL
10 OF THE GOVERNOR, TO CARRY OUT THE PURPOSES OF THIS SECTION AND
11 AS OTHERWISE PROVIDED FOR IN THE ASSISTANCE ACT.

12 (B) PURPOSE OF FUND.--THE MONEY IN THE FUND SHALL ONLY BE
13 UTILIZED IN ACCORDANCE WITH THE PROVISIONS OF THE ASSISTANCE ACT
14 FOR GRANTS AND LOANS TO MUNICIPALITIES, PUBLIC UTILITIES AND
15 OTHER ENTITIES IMPLEMENTING ELIGIBLE PROJECTS AND FOR THE
16 PURCHASE OR TRADING OF NUTRIENT CREDITS.

17 (C) EXEMPTION.--MONEY IN THE FUND IS EXEMPT AND NOT TO BE
18 CONSIDERED UNDER THE LIMITATIONS OF SECTION 5(C)(2) OF THE ACT
19 OF MARCH 1, 1988 (P.L.82, NO.16), KNOWN AS THE PENNSYLVANIA
20 INFRASTRUCTURE INVESTMENT AUTHORITY ACT.

21 SECTION 1783-A. COMMONWEALTH INDEBTEDNESS.

22 (A) BORROWING AUTHORIZED.--

23 (1) IF THE ELECTORATE APPROVES A REFERENDUM QUESTION, IN
24 ACCORDANCE WITH THE PROVISIONS OF THE ASSISTANCE ACT, FOR
25 INCURRING INDEBTEDNESS IN THE AMOUNT AND FOR THE PURPOSES
26 PRESCRIBED IN THE ASSISTANCE ACT AND THIS ARTICLE, THE
27 ISSUING OFFICIALS, PURSUANT TO THE PROVISIONS OF SECTION 7(A)
28 (3) OF ARTICLE VIII OF THE CONSTITUTION OF PENNSYLVANIA, ARE
29 AUTHORIZED AND DIRECTED TO BORROW, ON THE CREDIT OF THE
30 COMMONWEALTH, MONEY NOT EXCEEDING IN THE AGGREGATE THE SUM OF

1 \$400,000,000, IN INCREMENTS OF NOT MORE THAN \$150,000,000
2 EVERY YEAR OVER A THREE-YEAR PERIOD AFTER THE EFFECTIVE DATE
3 OF THIS SECTION, NOT INCLUDING MONEY BORROWED TO REFUND
4 OUTSTANDING BONDS, NOTES OR REPLACEMENT NOTES, AS MAY BE
5 FOUND NECESSARY TO CARRY OUT THE PURPOSES OF THE ASSISTANCE
6 ACT.

7 (2) AS EVIDENCE OF THE INDEBTEDNESS, GENERAL OBLIGATION
8 BONDS OF THE COMMONWEALTH SHALL BE ISSUED TO PROVIDE MONEY
9 NECESSARY TO CARRY OUT THE PURPOSES OF THE ASSISTANCE ACT FOR
10 THE TOTAL AMOUNTS, IN THE FORM, IN THE DENOMINATIONS AND
11 SUBJECT TO THE TERMS AND CONDITIONS OF ISSUE, REDEMPTION AND
12 MATURITY, RATE OF INTEREST AND TIME OF PAYMENT OF INTEREST,
13 AS THE ISSUING OFFICIALS DIRECT, EXCEPT THAT THE LATEST
14 STATED MATURITY DATE SHALL NOT EXCEED 20 YEARS FROM THE DATE
15 OF THE FIRST OBLIGATION ISSUED TO EVIDENCE THE DEBT.

16 (3) ALL BONDS AND NOTES ISSUED UNDER THE AUTHORITY OF
17 THE ASSISTANCE ACT MUST BEAR FACSIMILE SIGNATURES OF THE
18 ISSUING OFFICIALS AND A FACSIMILE OF THE GREAT SEAL OF THE
19 COMMONWEALTH AND MUST BE COUNTERSIGNED BY AN AUTHORIZED
20 OFFICER OF AN AUTHORIZED LOAN AND TRANSFER AGENT OF THE
21 COMMONWEALTH.

22 (4) ALL BONDS AND NOTES ISSUED IN ACCORDANCE WITH THE
23 PROVISIONS OF THIS SECTION SHALL BE DIRECT OBLIGATIONS OF THE
24 COMMONWEALTH, AND THE FULL FAITH AND CREDIT OF THE
25 COMMONWEALTH IS PLEDGED FOR THE PAYMENT OF THE INTEREST ON
26 THEM, AS IT BECOMES DUE, AND FOR THE PAYMENT OF THE PRINCIPAL
27 AT MATURITY. THE PRINCIPAL OF AND INTEREST ON THE BONDS AND
28 NOTES SHALL BE PAYABLE IN LAWFUL MONEY OF THE UNITED STATES.

29 (5) ALL BONDS AND NOTES ISSUED UNDER THE PROVISIONS OF
30 THIS SECTION SHALL BE EXEMPT FROM TAXATION FOR STATE AND

1 LOCAL PURPOSES.

2 (6) THE BONDS MAY BE ISSUED AS COUPON BONDS OR
3 REGISTERED AS TO BOTH PRINCIPAL AND INTEREST AS THE ISSUING
4 OFFICIALS DETERMINE. IF INTEREST COUPONS ARE ATTACHED, THEY
5 SHALL CONTAIN THE FACSIMILE SIGNATURE OF THE STATE TREASURER.

6 (7) THE ISSUING OFFICIALS SHALL PROVIDE FOR AMORTIZATION
7 OF THE BONDS IN SUBSTANTIAL AND REGULAR AMOUNTS OVER THE TERM
8 OF THE DEBT SO THAT THE BONDS OF EACH ISSUE ALLOCATED TO THE
9 PROJECT TO BE FUNDED FROM THE BOND ISSUE SHALL MATURE WITHIN
10 A PERIOD NOT TO EXCEED THE APPROPRIATE AMORTIZATION PERIOD
11 FOR EACH PROJECT AS SPECIFIED BY THE ISSUING OFFICIALS, BUT
12 IN NO CASE IN EXCESS OF 20 YEARS. THE FIRST RETIREMENT OF
13 PRINCIPAL SHALL BE STATED TO MATURE PRIOR TO THE EXPIRATION
14 OF A PERIOD OF TIME EQUAL TO ONE-TENTH OF THE TIME FROM THE
15 DATE OF THE FIRST OBLIGATION ISSUED TO EVIDENCE THE DEBT TO
16 THE DATE OF THE EXPIRATION OF THE TERM OF THE DEBT.

17 RETIREMENTS OF PRINCIPAL SHALL BE REGULAR AND SUBSTANTIAL IF
18 MADE IN ANNUAL OR SEMIANNUAL AMOUNTS, WHETHER BY STATED
19 SERIAL MATURITIES OR BY MANDATORY SINKING FUND RETIREMENTS.

20 (8) THE ISSUING OFFICIALS ARE AUTHORIZED TO PROVIDE BY
21 RESOLUTION FOR THE ISSUANCE OF REFUNDING BONDS FOR THE
22 PURPOSE OF REFUNDING ANY DEBT ISSUED UNDER THE PROVISIONS OF
23 THE ASSISTANCE ACT AND THIS ARTICLE AND OUTSTANDING, EITHER
24 BY VOLUNTARY EXCHANGE WITH THE HOLDERS OF THE OUTSTANDING
25 DEBT OR BY PROVIDING FUNDS TO REDEEM AND RETIRE THE
26 OUTSTANDING DEBT WITH ACCRUED INTEREST, ANY PREMIUM PAYABLE
27 ON THE DEBT AND THE COSTS OF ISSUANCE AND RETIREMENT OF THE
28 DEBT, AT MATURITY OR AT ANY CALL DATE. THE ISSUANCE OF THE
29 REFUNDING BONDS, THE MATURITIES AND OTHER DETAILS OF THE
30 REFUNDING BONDS, THE RIGHTS OF THE HOLDERS OF THE REFUNDING

1 BONDS AND THE DUTIES OF THE ISSUING OFFICIAL IN RESPECT TO
2 THE REFUNDING BONDS SHALL BE GOVERNED BY THE APPLICABLE
3 PROVISIONS OF THIS SECTION. REFUNDING BONDS, WHICH ARE NOT
4 SUBJECT TO THE AGGREGATE LIMITATION OF \$400,000,000 OF DEBT
5 TO BE ISSUED UNDER THE ASSISTANCE ACT, MAY BE ISSUED BY THE
6 ISSUING OFFICIALS TO REFUND DEBT ORIGINALLY ISSUED OR TO
7 REFUND BONDS PREVIOUSLY ISSUED FOR REFUNDING PURPOSES.

8 (9) IF ACTION IS TO BE TAKEN OR DECISION MADE BY THE
9 ISSUING OFFICIALS AND THE ISSUING OFFICIALS ARE NOT ABLE
10 UNANIMOUSLY TO AGREE, THE ACTION OR DECISION OF THE GOVERNOR
11 AND EITHER THE AUDITOR GENERAL OR THE STATE TREASURER SHALL
12 BE BINDING AND FINAL.

13 (B) SALE OF BONDS.--

14 (1) WHEN BONDS ARE ISSUED, THEY SHALL BE OFFERED FOR
15 SALE AT NOT LESS THAN 98% OF THE PRINCIPAL AMOUNT AND ACCRUED
16 INTEREST AND SHALL BE SOLD BY THE ISSUING OFFICIALS TO THE
17 HIGHEST AND BEST BIDDER OR BIDDERS AFTER DUE PUBLIC
18 ADVERTISEMENT ON THE TERMS AND CONDITIONS AND UPON OPEN
19 COMPETITIVE BIDDING AS THE ISSUING OFFICIALS DIRECT. THE
20 MANNER AND CHARACTER OF THE ADVERTISEMENT AND THE TIME OF
21 ADVERTISING SHALL BE PRESCRIBED BY THE ISSUING OFFICIALS. NO
22 COMMISSION SHALL BE ALLOWED OR PAID FOR THE SALE OF ANY BONDS
23 ISSUED UNDER THE AUTHORITY OF THE ASSISTANCE ACT AND THIS
24 ARTICLE.

25 (2) ANY PORTION OF ANY BOND ISSUE SO OFFERED AND NOT
26 SOLD OR SUBSCRIBED FOR AT PUBLIC SALE MAY BE DISPOSED OF BY
27 PRIVATE SALE BY THE ISSUING OFFICIALS IN THE MANNER AND AT
28 PRICES, NOT LESS THAN 98% OF THE PRINCIPAL AMOUNT AND ACCRUED
29 INTEREST, AS THE GOVERNOR DIRECTS. NO COMMISSION SHALL BE
30 ALLOWED OR PAID FOR THE SALE OF ANY BONDS ISSUED UNDER THE

1 AUTHORITY OF THE ASSISTANCE ACT.

2 (3) WHEN BONDS ARE ISSUED, THE BONDS OF EACH ISSUE SHALL
3 CONSTITUTE A SEPARATE SERIES TO BE DESIGNATED BY THE ISSUING
4 OFFICIALS OR MAY BE COMBINED FOR SALE AS ONE SERIES WITH
5 OTHER GENERAL OBLIGATION BONDS OF THE COMMONWEALTH.

6 (4) UNTIL PERMANENT BONDS CAN BE PREPARED, THE ISSUING
7 OFFICIALS MAY ISSUE, IN LIEU OF PERMANENT BONDS, TEMPORARY
8 BONDS IN THE FORM AND WITH THE PRIVILEGES AS TO REGISTRATION
9 AND EXCHANGE FOR PERMANENT BONDS AS DETERMINED BY THE ISSUING
10 OFFICIALS.

11 (5) THE PROCEEDS REALIZED FROM THE SALE OF BONDS AND
12 NOTES, EXCEPT REFUNDING BONDS AND REPLACEMENT NOTES, UNDER
13 THE PROVISIONS OF THE ASSISTANCE ACT AND THIS ARTICLE SHALL
14 BE PAID INTO THE FUND. THE PROCEEDS SHALL BE PAID BY THE
15 STATE TREASURER PERIODICALLY TO THOSE COMMONWEALTH OFFICERS
16 AND COMMONWEALTH AGENCIES AUTHORIZED TO EXPEND THEM AT THE
17 TIMES AND IN THE AMOUNTS NECESSARY TO SATISFY THE FUNDING
18 NEEDS OF THOSE COMMONWEALTH AGENCIES. THE PROCEEDS OF THE
19 SALE OF REFUNDING BONDS AND REPLACEMENT NOTES SHALL BE PAID
20 TO THE STATE TREASURER AND APPLIED TO THE PAYMENT OF
21 PRINCIPAL, ANY ACCRUED INTEREST AND PREMIUM AND THE COST OF
22 REDEMPTION OF THE BONDS AND NOTES FOR WHICH THE OBLIGATIONS
23 SHALL HAVE BEEN ISSUED.

24 (6) PENDING APPLICATION FOR THE PURPOSES AUTHORIZED,
25 MONEY HELD OR DEPOSITED BY THE STATE TREASURER MAY BE
26 INVESTED OR REINVESTED AS ARE OTHER FUNDS IN THE CUSTODY OF
27 THE STATE TREASURER IN THE MANNER PROVIDED BY LAW. ALL
28 EARNINGS RECEIVED FROM THE INVESTMENT OR DEPOSIT OF THE FUNDS
29 SHALL BE PAID INTO THE STATE TREASURY TO THE CREDIT OF THE
30 FUND. THE EARNINGS IN EXCESS OF BOND DISCOUNTS ALLOWED,

1 EXPENSES PAID FOR THE ISSUANCE OF BONDS AND NOTES AND
2 INTEREST ARBITRAGE REBATES DUE TO THE FEDERAL GOVERNMENT
3 SHALL BE TRANSFERRED ANNUALLY TO THE FUND. ANY INTEREST OR
4 INVESTMENT INCOME SHALL BE APPLIED TO ASSIST IN THE PAYMENT
5 OF THE DEBT SERVICE INCURRED IN CONNECTION WITH THE
6 ASSISTANCE ACT AND THIS ARTICLE.

7 (7) THE AUDITOR GENERAL SHALL PREPARE THE NECESSARY
8 REGISTRY BOOK TO BE KEPT IN THE OFFICE OF THE AUTHORIZED LOAN
9 AND TRANSFER AGENT OF THE COMMONWEALTH FOR THE REGISTRATION
10 OF ANY BONDS, AT THE REQUEST OF OWNERS OF THE BONDS,
11 ACCORDING TO THE TERMS AND CONDITIONS OF ISSUE DIRECTED BY
12 THE ISSUING OFFICIALS.

13 (8) THERE IS APPROPRIATED TO THE STATE TREASURER FROM
14 THE FUND AS MUCH MONEY AS MAY BE NECESSARY FOR ALL COSTS AND
15 EXPENSES IN CONNECTION WITH THE ISSUE OF AND SALE AND
16 REGISTRATION OF THE BONDS AND NOTES IN CONNECTION WITH THE
17 ASSISTANCE ACT AND THIS ARTICLE AND THE PAYMENT OF INTEREST
18 ARBITRAGE REBATES OR PROCEEDS OF THE BONDS AND NOTES.

19 (C) TEMPORARY FINANCING AUTHORIZATION.--

20 (1) PENDING THE AUTHORIZED ISSUANCE OF BONDS OF THE
21 COMMONWEALTH, THE ISSUING OFFICIALS ARE AUTHORIZED, IN
22 ACCORDANCE WITH THE PROVISIONS OF THE ASSISTANCE ACT AND THIS
23 ARTICLE AND ON THE CREDIT OF THE COMMONWEALTH, TO MAKE
24 TEMPORARY BORROWINGS NOT TO EXCEED THREE YEARS IN
25 ANTICIPATION OF THE ISSUE OF BONDS IN ORDER TO PROVIDE FUNDS
26 IN THE AMOUNTS DEEMED ADVISABLE PRIOR TO THE ISSUE OF BONDS.
27 IN ORDER TO PROVIDE FOR AND IN CONNECTION WITH THE TEMPORARY
28 BORROWINGS, THE ISSUING OFFICIALS ARE AUTHORIZED IN THE NAME
29 AND ON BEHALF OF THE COMMONWEALTH TO ENTER INTO ANY PURCHASE,
30 LOAN OR CREDIT AGREEMENT OR OTHER AGREEMENT WITH ANY BANK,

1 TRUST COMPANY OR OTHER LENDING INSTITUTION, INVESTMENT
2 BANKING FIRM OR PERSON, IN THE UNITED STATES HAVING POWER TO
3 ENTER INTO THE AGREEMENT. THE AGREEMENT MAY CONTAIN
4 PROVISIONS WHICH ARE NOT INCONSISTENT WITH THE PROVISIONS OF
5 THE ASSISTANCE ACT OR THIS ARTICLE AND AUTHORIZED BY THE
6 ISSUING OFFICIALS.

7 (2) ALL TEMPORARY BORROWINGS MADE UNDER THIS SECTION
8 SHALL BE EVIDENCED BY NOTES OF THE COMMONWEALTH, WHICH SHALL
9 BE ISSUED FOR AMOUNTS NOT EXCEEDING IN THE AGGREGATE THE
10 APPLICABLE STATUTORY AND CONSTITUTIONAL DEBT LIMITATION IN
11 THE FORM AND DENOMINATIONS AND SUBJECT TO TERMS AND
12 CONDITIONS OF SALE AND ISSUE, PREPAYMENT OR REDEMPTION AND
13 MATURITY, RATE OF INTEREST AND TIME OF PAYMENT OF INTEREST AS
14 THE ISSUING OFFICIALS AUTHORIZE AND DIRECT IN ACCORDANCE WITH
15 THE ASSISTANCE ACT AND THIS ARTICLE. THE AUTHORIZATION AND
16 DIRECTION MAY PROVIDE FOR THE SUBSEQUENT ISSUANCE OF
17 REPLACEMENT NOTES TO REFUND OUTSTANDING NOTES OR REPLACEMENT
18 NOTES. THE REPLACEMENT NOTES SHALL, UPON ISSUANCE, EVIDENCE
19 THE BORROWING AND MAY SPECIFY OTHER TERMS AND CONDITIONS WITH
20 RESPECT TO THE NOTES AND REPLACEMENT NOTES AS THE ISSUING
21 OFFICIALS DETERMINE AND DIRECT.

22 (3) IF THE AUTHORIZATION AND DIRECTION OF THE ISSUING
23 OFFICIALS PROVIDE FOR THE ISSUANCE OF REPLACEMENT NOTES, THE
24 FOLLOWING SHALL APPLY:

25 (I) THE ISSUING OFFICIALS MAY, ON BEHALF OF THE
26 COMMONWEALTH, ISSUE, ENTER INTO OR AUTHORIZE AND DIRECT
27 THE STATE TREASURER TO ENTER INTO AN AGREEMENT WITH ANY
28 BANK, TRUST COMPANY, INVESTMENT BANKING FIRM OR OTHER
29 INSTITUTION OR PERSON, IN THE UNITED STATES HAVING THE
30 POWER TO ENTER THE AGREEMENT:

1 (A) TO PURCHASE OR UNDERWRITE AN ISSUE OR SERIES
2 OF ISSUES OR NOTES.

3 (B) TO CREDIT, ENTER INTO A PURCHASE, LOAN OR
4 CREDIT AGREEMENT, DRAW MONEY PURSUANT TO THE
5 AGREEMENT ON THE TERMS AND CONDITIONS SET FORTH IN
6 THE AGREEMENT AND ISSUE NOTES AS EVIDENCE OF
7 BORROWINGS MADE UNDER THE AGREEMENTS.

8 (C) TO APPOINT AN ISSUING AND PAYMENT AGENT OR
9 AGENTS WITH RESPECT TO THE NOTES.

10 (D) TO DO OTHER ACTS NECESSARY OR APPROPRIATE TO
11 PROVIDE FOR THE PAYMENT, WHEN DUE, OF THE INTEREST ON
12 AND THE PRINCIPAL OF THE NOTES.

13 (II) THE AGREEMENTS MAY PROVIDE FOR THE COMPENSATION
14 OF PURCHASERS OR UNDERWRITERS OF NOTES OR REPLACEMENT
15 NOTES BY DISCOUNTING THE PURCHASE PRICE OF THE NOTES OR
16 BY PAYMENT OF A FIXED FEE OR COMMISSION AT THE TIME OF
17 ISSUANCE. ALL OTHER COSTS AND EXPENSES, INCLUDING FEES
18 FOR AGREEMENTS RELATED TO THE NOTES, ISSUING AND PAYING
19 AGENT COSTS AND COSTS AND EXPENSES OF ISSUANCE, MAY BE
20 PAID FROM THE PROCEEDS OF THE NOTES.

21 (4) IF THE ISSUING OFFICIALS PROVIDE FOR THE ISSUANCE OF
22 REPLACEMENT NOTES ALL SUBJECT TO THE AUTHORIZATION AND
23 DIRECTION OF THE ISSUING OFFICIALS, THE FOLLOWING APPLY:

24 (I) AT OR PRIOR TO THE TIME OF DELIVERY OF THE NOTES
25 OR REPLACEMENT NOTES, THE STATE TREASURER SHALL DETERMINE
26 THE PRINCIPAL AMOUNT, DATE OF ISSUE, INTEREST RATE OR
27 PROCEDURE FOR ESTABLISHING INTEREST RATE, RATE OF
28 DISCOUNT, DENOMINATIONS AND ALL OTHER TERMS AND
29 CONDITIONS RELATING TO THE ISSUANCE.

30 (II) THE STATE TREASURER SHALL PERFORM ALL ACTS

1 NECESSARY TO PAY OR CAUSE TO BE PAID, WHEN DUE, ALL
2 PRINCIPAL OF AND INTEREST ON THE NOTES BEING REFUNDED BY
3 REPLACEMENT NOTES AND TO ASSURE THAT THE REPLACEMENT
4 NOTES MAY DRAW UPON ANY MONEY AVAILABLE FOR THAT PURPOSE
5 PURSUANT TO ANY PURCHASE, LOAN OR CREDIT AGREEMENT
6 ESTABLISHED WITH RESPECT TO THE REPLACEMENT NOTES.

7 (5) OUTSTANDING NOTES EVIDENCING THE BORROWINGS MAY BE
8 FUNDED AND RETIRED BY THE ISSUANCE AND SALE OF THE BONDS OF
9 THE COMMONWEALTH AS AUTHORIZED IN THIS SUBARTICLE. THE
10 REFUNDING BONDS SHALL BE ISSUED AND SOLD NO LATER THAN A DATE
11 THREE YEARS AFTER THE DATE OF ISSUANCE OF THE FIRST NOTES
12 EVIDENCING THE BORROWINGS TO THE EXTENT THAT PAYMENT OF THE
13 NOTES HAS NOT OTHERWISE BEEN MADE OR PROVIDED FOR BY SOURCES
14 OTHER THAN PROCEEDS OF REPLACEMENT NOTES.

15 (6) THE PROCEEDS OF ALL THE TEMPORARY BORROWING SHALL BE
16 PAID TO THE STATE TREASURER TO BE HELD AND DISPOSED OF IN
17 ACCORDANCE WITH THE PROVISIONS OF THE ASSISTANCE ACT AND THIS
18 ARTICLE.

19 (D) DEBT RETIREMENT.--

20 (1) ALL BONDS ISSUED UNDER THE ASSISTANCE ACT AND THIS
21 ARTICLE SHALL BE REDEEMED AT MATURITY, TOGETHER WITH ALL
22 INTEREST DUE ON THE BONDS; AND THESE PRINCIPAL AND INTEREST
23 PAYMENTS SHALL BE PAID FROM THE WATER AND SEWER SYSTEMS
24 ASSISTANCE BOND SINKING FUND, WHICH IS CREATED. FOR THE
25 SPECIFIC PURPOSE OF REDEEMING THE BONDS AT MATURITY AND
26 PAYING ALL INTEREST ON THE BONDS IN ACCORDANCE WITH THE
27 INFORMATION RECEIVED FROM THE GOVERNOR, THE GENERAL ASSEMBLY
28 SHALL APPROPRIATE MONEY TO THE WATER AND SEWER SYSTEMS
29 ASSISTANCE BOND SINKING FUND FOR THE PAYMENT OF INTEREST ON
30 THE BONDS AND NOTES AND THEIR PRINCIPAL AT MATURITY. ALL

1 MONEY PAID INTO THE WATER AND SEWER SYSTEMS ASSISTANCE BOND
2 SINKING FUND AND ALL OF THE MONEY NOT NECESSARY TO PAY
3 ACCRUING INTEREST SHALL BE INVESTED BY THE STATE TREASURER IN
4 THE SECURITIES AS ARE PROVIDED BY LAW FOR THE INVESTMENT OF
5 THE SINKING FUNDS OF THE COMMONWEALTH.

6 (2) THE STATE TREASURER, WITH THE APPROVAL OF THE
7 GOVERNOR, MAY USE ANY OF THE MONEY IN THE FUND NOT NECESSARY
8 TO CONDUCT THE REFERENDUM AUTHORIZING THE INDEBTEDNESS
9 NECESSARY TO CARRY OUT THE ASSISTANCE ACT AND THIS ARTICLE TO
10 PURCHASE AND RETIRE OF ALL OR PART OF THE BONDS AND NOTES
11 ISSUED PURSUANT TO THE ASSISTANCE ACT AND THIS ARTICLE. IF
12 ALL OR PART OF THE BONDS AND NOTES ARE PURCHASED, THEY SHALL
13 BE CANCELED AND RETURNED TO THE LOAN AND TRANSFER AGENT AS
14 CANCELED AND PAID BONDS AND NOTES. FOLLOWING THE PURCHASE,
15 ALL PAYMENTS OF INTEREST ON THE BONDS AND NOTES SHALL CEASE.
16 THE CANCELED BONDS, NOTES AND COUPONS, TOGETHER WITH ANY
17 OTHER CANCELED BONDS, NOTES AND COUPONS, SHALL BE DESTROYED
18 AS PROMPTLY AS POSSIBLE, BUT NO LATER THAN TWO YEARS AFTER
19 CANCELLATION. A CERTIFICATION EVIDENCING THE DESTRUCTION OF
20 THE CANCELED BONDS, NOTES AND COUPONS SHALL BE PROVIDED BY
21 THE LOAN AND TRANSFER AGENT TO THE ISSUING OFFICIALS. ALL
22 CANCELED BONDS, NOTES AND COUPONS SHALL BE MARKED TO MAKE THE
23 CANCELED BONDS, NOTES AND COUPONS NONNEGOTIABLE.

24 (3) THE STATE TREASURER SHALL DETERMINE AND REPORT TO
25 THE SECRETARY OF THE BUDGET BY NOVEMBER 1 OF EACH YEAR THE
26 AMOUNT OF MONEY NECESSARY FOR THE PAYMENT OF INTEREST ON
27 OUTSTANDING OBLIGATIONS AND THE PRINCIPAL OF THE OBLIGATIONS,
28 IF ANY, FOR THE FOLLOWING FISCAL YEAR AND THE TIMES AND
29 AMOUNTS OF THE PAYMENTS. THE GOVERNOR SHALL INCLUDE IN EVERY
30 BUDGET SUBMITTED TO THE GENERAL ASSEMBLY FULL INFORMATION

1 RELATING TO THE ISSUANCE OF BONDS AND NOTES UNDER THE
2 ASSISTANCE ACT AND THIS ARTICLE AND THE STATUS OF THE WATER
3 AND SEWER SYSTEMS ASSISTANCE BOND SINKING FUND FOR THE
4 PAYMENT OF INTEREST ON THE BONDS AND NOTES AND THEIR
5 PRINCIPAL AT MATURITY.

6 (4) THE GENERAL ASSEMBLY SHALL APPROPRIATE AN AMOUNT
7 EQUAL TO THE SUMS NECESSARY TO MEET REPAYMENT OBLIGATIONS FOR
8 PRINCIPAL AND INTEREST FOR DEPOSIT INTO THE WATER AND SEWER
9 SYSTEMS ASSISTANCE BOND SINKING FUND.

10 (E) EXPIRATION.--AUTHORIZATION TO ISSUE BONDS AND NOTES, NOT
11 INCLUDING REFUNDING BONDS AND REPLACEMENT NOTES, FOR THE PURPOSE
12 OF THE ASSISTANCE ACT AND THIS ARTICLE SHALL EXPIRE TEN YEARS
13 FROM THE EFFECTIVE DATE OF THIS SECTION.

14 SECTION 4. SECTIONS 1721-E, 1722-E, 1723-E, 1733-E AND 1735-
15 E OF THE ACT, ADDED JULY 17, 2007 (P.L.141, NO.42), ARE AMENDED
16 TO READ:

17 SECTION 1721-E. DEPARTMENT OF CORRECTIONS [(RESERVED)].

18 THE FOLLOWING SHALL APPLY TO APPROPRIATIONS FOR THE
19 DEPARTMENT OF CORRECTIONS:

20 (1) WHEN MAKING EXPENDITURES FROM APPROPRIATIONS FOR THE
21 OPERATION OF STATE CORRECTIONAL INSTITUTIONS, THE DEPARTMENT
22 OF CORRECTIONS SHALL GIVE CONSIDERATION TO MINIMUM RELIEF
23 FACTOR VALUES CALCULATED WHEN DETERMINING STAFFING LEVELS FOR
24 CORRECTIONS OFFICERS AND FOOD SERVICE INSTRUCTORS AT EACH
25 STATE CORRECTIONAL INSTITUTION.

26 (2) (RESERVED).

27 SECTION 1722-E. DEPARTMENT OF EDUCATION [(RESERVED)].

28 (A) GENERAL RULE.--FOR THE 2010-2011 SCHOOL YEAR AND EVERY
29 SCHOOL YEAR THEREAFTER, PAYMENTS UNDER SECTION 1376.1(B.2) OF
30 THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS THE PUBLIC

1 SCHOOL CODE OF 1949, FOR A CHARTERED SCHOOL THAT ESTABLISHES A
2 SATELLITE CAMPUS WITH THE APPROVAL OF THE DEPARTMENT FOR THE
3 PURPOSE OF ENROLLING STUDENTS PREVIOUSLY ENROLLED IN A SCHOOL
4 FOR THE DEAF FORMERLY OPERATED BY THE COMMONWEALTH SHALL, IN
5 ADDITION TO ANY AMOUNT OTHERWISE CALCULATED UNDER SECTION
6 1376.1(B.2), INCLUDE THE AMOUNT PROVIDED IN FISCAL YEAR
7 2009-2010 PURSUANT TO SECTION 1722-J(10) (II). THE TOTAL SHALL BE
8 SUBJECT TO THE ANNUAL ADJUSTMENT UNDER SECTION 1376.1(B.2) (1) OF
9 THE PUBLIC SCHOOL CODE OF 1949.

10 (B) ADDITIONAL FUNDING.--FOR THE 2010-2011 AND 2011-2012
11 SCHOOL YEARS, IN ADDITION TO ANY OTHER FUNDS PROVIDED TO IT, THE
12 DEPARTMENT SHALL PROVIDE TO A CHARTERED SCHOOL THAT ESTABLISHES
13 A SATELLITE CAMPUS WITH APPROVAL OF THE DEPARTMENT FOR THE
14 PURPOSE OF ENROLLING STUDENTS PREVIOUSLY ENROLLED IN A SCHOOL
15 FOR THE DEAF FORMERLY OPERATED BY THE COMMONWEALTH, OUT OF FUNDS
16 APPROPRIATED TO THE DEPARTMENT, AN AMOUNT EQUAL TO \$500,000
17 ANNUALLY TO THE EXTENT APPROPRIATED BY THE GENERAL ASSEMBLY.

18 SECTION 1723-E. DEPARTMENT OF ENVIRONMENTAL PROTECTION

19 [(RESERVED)].

20 THE DEPARTMENT OF ENVIRONMENTAL PROTECTION MAY ASSESS A FEE
21 TO APPLICANTS WHO APPLY FOR FUNDS UNDER SECTION 306 OF THE ACT
22 OF JULY 9, 2008 (1ST SP.SESS., P.L.1873, NO.1), KNOWN AS THE
23 ALTERNATIVE ENERGY INVESTMENT ACT. THE DEPARTMENT SHALL PUBLISH
24 THE FEE ON ITS PUBLICLY ACCESSIBLE INTERNET WEBSITE. PROCEEDS
25 FROM THE FEE SHALL BE USED TO ADMINISTER THE PROVISION OF LOANS,
26 GRANTS, REIMBURSEMENTS OR REBATES UNDER SECTION 306 OF THE
27 ALTERNATIVE ENERGY INVESTMENT ACT. NO FEE AUTHORIZED UNDER THIS
28 SECTION MAY EXCEED \$150 FOR COMMERCIAL APPLICANTS AND \$100 FOR
29 RESIDENTIAL APPLICANTS.

30 SECTION 1733-E. PENNSYLVANIA STATE POLICE [(RESERVED)].

1 THE FOLLOWING SHALL APPLY TO APPROPRIATIONS FOR THE
2 PENNSYLVANIA STATE POLICE:

3 (1) THE PENNSYLVANIA STATE POLICE MAY NOT CLOSE A
4 BARRACKS UNTIL THE PENNSYLVANIA STATE POLICE CONDUCTS A
5 PUBLIC HEARING AND PROVIDES 30 DAYS' NOTICE, WHICH SHALL BE
6 PUBLISHED IN THE PENNSYLVANIA BULLETIN AND IN AT LEAST TWO
7 LOCAL NEWSPAPERS.

8 (2) (RESERVED).

9 SECTION 1735-E. PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY

10 [(RESERVED)].

11 THE PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY SHALL PROVIDE
12 SEMIANNUAL REPORTS OF ALL GRANTS AWARDED BY THE PENNSYLVANIA
13 EMERGENCY MANAGEMENT AGENCY FROM FEDERAL DISASTER ASSISTANCE OR
14 RELIEF FUNDS, HOMELAND SECURITY AND DEFENSE FUNDS, AVIAN
15 FLU/PANDEMIC PREPAREDNESS OR OTHER PUBLIC HEALTH EMERGENCY FUNDS
16 TO THE CHAIRMAN AND MINORITY CHAIRMAN OF THE APPROPRIATIONS
17 COMMITTEE OF THE SENATE AND THE CHAIRMAN AND MINORITY CHAIRMAN
18 OF THE APPROPRIATIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES.
19 THE REPORTS SHALL INCLUDE INFORMATION RELATING TO THE ENTITY
20 RECEIVING GRANT MONEY FROM THE AGENCY, INCLUDING THE NAME AND
21 ADDRESS OF THE ENTITY, THE AMOUNT OF THE GRANT, THE DATE OF
22 ISSUANCE AND THE PURPOSE OF THE GRANT. REPORTS SHALL BE
23 SUBMITTED BY AUGUST 15 FOR GRANTS AWARDED DURING THE PERIOD FROM
24 JANUARY 1 THROUGH JUNE 30 AND BY FEBRUARY 15 FOR GRANTS AWARDED
25 DURING THE PERIOD FROM JULY 1 THROUGH DECEMBER 31.

26 SECTION 5. THE ACT IS AMENDED BY ADDING ARTICLES TO READ:

27 ARTICLE XVII-J

28 2009-2010 BUDGET IMPLEMENTATION

29 SUBARTICLE A

30 PRELIMINARY PROVISIONS

1 SECTION 1701-J. APPLICABILITY.

2 EXCEPT AS SPECIFICALLY PROVIDED IN THIS ARTICLE, THIS ARTICLE
3 APPLIES TO THE GENERAL APPROPRIATION ACT OF 2009, THE
4 SUPPLEMENTAL APPROPRIATION ACT OF 2009 AND, AS APPROPRIATE, ALL
5 OTHER APPROPRIATION ACTS OF 2009.

6 SECTION 1702-J. DEFINITIONS AND ABBREVIATIONS.

7 (A) DEFINITIONS.--THE FOLLOWING WORDS AND PHRASES WHEN USED
8 IN THIS ARTICLE SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
9 SECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

10 "GENERAL APPROPRIATION ACT." THE ACT OF AUGUST 5, 2009 (P.L.
11 , NO.1A), KNOWN AS THE GENERAL APPROPRIATION ACT OF 2009, AND
12 THE ACT OF , 2009 (P.L. , NO.), KNOWN AS THE
13 SUPPLEMENTAL APPROPRIATION ACT OF 2009.

14 "SECRETARY." THE SECRETARY OF THE BUDGET OF THE
15 COMMONWEALTH.

16 (B) ABBREVIATIONS.--THE FOLLOWING ABBREVIATIONS WHEN USED IN
17 THIS ARTICLE SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
18 SECTION:

19 "AIDS." ACQUIRED IMMUNE DEFICIENCY SYNDROME.

20 "ARC." APPALACHIAN REGIONAL COMMISSION.

21 "ARRA." THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
22 (PUBLIC LAW 111-5, 123 STAT. 115).

23 "BG." BLOCK GRANT.

24 "CCDFBG." CHILD CARE AND DEVELOPMENT FUND BLOCK GRANT.

25 "CHARTERED SCHOOL." A SCHOOL CHARTERED BY THE COMMONWEALTH.

26 "CSBG." COMMUNITY SERVICES BLOCK GRANT.

27 "DCSI." DRUG CONTROL AND SYSTEMS IMPROVEMENT FORMULA GRANT
28 PROGRAM.

29 "DFSC." THE SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES ACT
30 (PUBLIC LAW 107-110, 20 U.S.C. § 7101 ET SEQ.).

1 EXECUTIVE DEPARTMENT

2 SECTION 1711-J. GOVERNOR (RESERVED).

3 SECTION 1712-J. EXECUTIVE OFFICES.

4 THE FOLLOWING SHALL APPLY TO APPROPRIATIONS FOR THE EXECUTIVE
5 OFFICES:

6 (1) FUNDS APPROPRIATED FOR PUBLIC TELEVISION STATION
7 GRANTS SHALL BE PAID IN AN AMOUNT EQUAL TO THE FORMULA AWARD
8 AMOUNT DETERMINED BY THE PENNSYLVANIA PUBLIC TELEVISION
9 COMMISSION FOR FISCAL YEAR 2008-2009. IF INSUFFICIENT FUNDS
10 ARE APPROPRIATED, SUCH PAYMENTS SHALL BE PAID ON A PRO RATA
11 BASIS.

12 (2) (RESERVED).

13 SECTION 1713-J. LIEUTENANT GOVERNOR (RESERVED).

14 SECTION 1714-J. ATTORNEY GENERAL (RESERVED).

15 SECTION 1715-J. AUDITOR GENERAL (RESERVED).

16 SECTION 1716-J. TREASURY DEPARTMENT (RESERVED).

17 SECTION 1717-J. DEPARTMENT OF AGING (RESERVED).

18 SECTION 1718-J. DEPARTMENT OF AGRICULTURE (RESERVED).

19 SECTION 1719-J. DEPARTMENT OF COMMUNITY AND ECONOMIC
20 DEVELOPMENT.

21 THE SUM OF \$12,000,000 SHALL BE TRANSFERRED FROM THE SMALL
22 BUSINESS FIRST FUND TO THE MACHINERY AND EQUIPMENT LOAN FUND TO
23 BE USED IN ACCORDANCE WITH 12 PA.C.S. § 2905 (RELATING TO
24 ELIGIBILITY FOR LOANS; TERMS AND CONDITIONS).

25 SECTION 1720-J. DEPARTMENT OF CONSERVATION AND NATURAL
26 RESOURCES (RESERVED).

27 SECTION 1721-J. DEPARTMENT OF CORRECTIONS (RESERVED).

28 SECTION 1722-J. DEPARTMENT OF EDUCATION.

29 THE FOLLOWING SHALL APPLY TO APPROPRIATIONS FOR THE
30 DEPARTMENT OF EDUCATION FROM THE GENERAL APPROPRIATION ACT:

1 (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, FUNDS
2 RECEIVED UNDER THE ARRA SHALL BE SPENT IN ACCORDANCE WITH THE
3 ARRA AND APPLICABLE RULES AND GUIDELINES DEVELOPED BY THE
4 FEDERAL GOVERNMENT.

5 (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A BOARD
6 OF SCHOOL DIRECTORS OF A SCHOOL DISTRICT MAY REOPEN ITS
7 2009-2010 BUDGET TO REFLECT FEDERAL AND STATE ALLOCATIONS FOR
8 FISCAL YEAR 2009-2010 PROVIDED BY THE GENERAL APPROPRIATION
9 ACT.

10 (3) ANNUAL PAYMENTS FROM THE APPROPRIATION TO
11 INSTITUTIONS OF HIGHER LEARNING FOR DEFRAYING THE EXPENSES OF
12 HEARING-IMPAIRED OR SIGHT-IMPAIRED STUDENTS SHALL NOT EXCEED
13 \$500 PER STUDENT.

14 (4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, FEDERAL
15 AND STATE FUNDS SHALL BE DISTRIBUTED TO EACH COMMUNITY
16 COLLEGE IN AN AMOUNT EQUAL TO THE AMOUNT PAID UNDER SECTION
17 1913-A(B) (1.6) OF THE ACT OF MARCH 10, 1949 (P.L.30, NO.14),
18 KNOWN AS THE PUBLIC SCHOOL CODE OF 1949, DURING THE 2008-2009
19 FISCAL YEAR. IF INSUFFICIENT FUNDS ARE APPROPRIATED, THE
20 PAYMENTS SHALL BE MADE ON A PRO RATA BASIS.

21 (5) FUNDS APPROPRIATED FOR SPECIAL EDUCATION PAYMENTS TO
22 SCHOOL DISTRICTS SHALL BE DISTRIBUTED TO EACH SCHOOL DISTRICT
23 IN AN AMOUNT EQUAL TO THE AMOUNT PAID DURING THE 2008-2009
24 SCHOOL YEAR UNDER SECTION 2509.5(ZZ) OF THE PUBLIC SCHOOL
25 CODE OF 1949. IF INSUFFICIENT FUNDS ARE APPROPRIATED, THE
26 PAYMENTS SHALL BE MADE ON A PRO RATA BASIS.

27 (6) (I) FUNDS APPROPRIATED FOR THE EDUCATIONAL
28 ASSISTANCE PROGRAM SHALL BE DISTRIBUTED TO EACH SCHOOL
29 ENTITY IN AN AMOUNT EQUAL TO THE AMOUNT PAID DURING THE
30 2008-2009 SCHOOL YEAR. IF INSUFFICIENT FUNDS ARE

1 APPROPRIATED, THE PAYMENTS SHALL BE MADE ON A PRO RATA
2 BASIS.

3 (II) FOR PURPOSES OF THE EDUCATIONAL ASSISTANCE
4 PROGRAM ESTABLISHED IN SECTION 1502-C OF THE PUBLIC
5 SCHOOL CODE OF 1949 AND THIS PARAGRAPH, "SCHOOL ENTITY"
6 SHALL MEAN ANY OF THE FOLLOWING LOCATED IN THIS
7 COMMONWEALTH: A SCHOOL DISTRICT, JOINT SCHOOL DISTRICT,
8 AREA VOCATIONAL-TECHNICAL SCHOOL OR INDEPENDENT SCHOOL.

9 (7) FUNDS APPROPRIATED FOR PENNSYLVANIA ACCOUNTABILITY
10 GRANTS SHALL BE DISTRIBUTED TO EACH SCHOOL DISTRICT IN AN
11 AMOUNT EQUAL TO THE AMOUNT PAID DURING THE 2008-2009 SCHOOL
12 YEAR. IF INSUFFICIENT FUNDS ARE APPROPRIATED, THE PAYMENTS
13 SHALL BE MADE ON A PRO RATA BASIS.

14 (8) THE FOLLOWING SHALL APPLY TO PROFESSIONAL AND
15 TEMPORARY PROFESSIONAL EMPLOYEES OF A SCHOOL FORMERLY
16 OPERATED BY THE COMMONWEALTH:

17 (I) THE COMMONWEALTH SHALL CREATE A POOL FOR EACH
18 SCHOOL COMPRISED OF THE PROFESSIONAL AND TEMPORARY
19 PROFESSIONAL EMPLOYEES WHO HAVE RECEIVED FORMAL NOTICE OF
20 SUSPENSION FROM THE COMMONWEALTH AS A RESULT OF THE
21 COMMONWEALTH'S DECISION TO CEASE COMMONWEALTH OPERATION
22 OF THE SCHOOL.

23 (II) FOR THE THREE SCHOOL YEARS IMMEDIATELY
24 FOLLOWING THE FORMAL NOTICE OF SUSPENSION FROM THE
25 COMMONWEALTH, EMPLOYEES IN A POOL CREATED UNDER
26 SUBPARAGRAPH (I) SHALL BE OFFERED EMPLOYMENT BY EACH
27 ELIGIBLE SCHOOL ENTITY AS DETERMINED UNDER SUBPARAGRAPH
28 (IV) ASSOCIATED WITH THE APPLICABLE POOL CREATED UNDER
29 SUBPARAGRAPH (I), WHEN THAT ELIGIBLE SCHOOL ENTITY HAS A
30 VACANCY FOR A POSITION THAT AN EMPLOYEE IN THE APPLICABLE

1 POOL IS PROPERLY CERTIFIED TO FILL, PROVIDED THAT NO
2 EMPLOYEE OF THE ELIGIBLE SCHOOL ENTITY IN WHICH THE
3 VACANCY EXISTS, INCLUDING A SUSPENDED OR DEMOTED
4 EMPLOYEE, HAS A RIGHT TO THE VACANCY UNDER THE PUBLIC
5 SCHOOL CODE OF 1949 OR THE COLLECTIVE BARGAINING
6 AGREEMENT OF THE RESPECTIVE ELIGIBLE SCHOOL ENTITY.

7 (III) FOR THE THREE SCHOOL YEARS IMMEDIATELY
8 FOLLOWING THE FORMAL NOTICE OF SUSPENSION FROM THE
9 COMMONWEALTH, NO NEW EMPLOYEE SHALL BE HIRED BY AN
10 ELIGIBLE SCHOOL ENTITY AS DETERMINED UNDER SUBPARAGRAPH
11 (IV) ASSOCIATED WITH THE APPLICABLE POOL CREATED UNDER
12 SUBPARAGRAPH (I), UNTIL THE POSITION HAS BEEN OFFERED, IN
13 ORDER OF SENIORITY, TO ALL PROPERLY CERTIFIED MEMBERS OF
14 THE APPLICABLE POOL CREATED UNDER SUBPARAGRAPH (I).

15 (IV) FOR THE PURPOSE OF SUBPARAGRAPHS (II) AND
16 (III), AN "ELIGIBLE SCHOOL ENTITY" SHALL BE DETERMINED AS
17 FOLLOWS:

18 (A) A SCHOOL DISTRICT, VOCATIONAL-TECHNICAL
19 SCHOOL OR INTERMEDIATE UNIT, THE ADMINISTRATION
20 BUILDING OF WHICH IS 17 MILES OR LESS FROM THE
21 ADMINISTRATION BUILDING OF A SCHOOL FORMERLY OPERATED
22 BY THE COMMONWEALTH OR WHICH IS ADJACENT TO THE
23 SCHOOL DISTRICT IN WHICH A SCHOOL FORMERLY OPERATED
24 BY THE COMMONWEALTH WAS SITUATE; OR

25 (B) A SCHOOL DISTRICT WITH AVERAGE DAILY
26 MEMBERSHIP GREATER THAN OR EQUAL TO 8,000, THE
27 ADMINISTRATION BUILDING OF WHICH IS 45 MILES OR LESS
28 FROM THE ADMINISTRATION BUILDING OF A SCHOOL FORMERLY
29 OPERATED BY THE COMMONWEALTH, AND WHICH RELIES ON
30 STATE REVENUE FOR NO LESS THAN 50% OF THE SCHOOL

1 DISTRICT'S TOTAL BUDGET IN THE MOST RECENT YEAR FOR
2 WHICH DATA HAS BEEN PUBLISHED ON THE DEPARTMENT OF
3 EDUCATION'S PUBLIC INTERNET WEBSITE.

4 (9) (I) EMPLOYEES HIRED FROM A POOL UNDER PARAGRAPH (8)
5 AND FORMER EMPLOYEES OF A SCHOOL FORMERLY OPERATED BY THE
6 COMMONWEALTH WHO RESIGNED FROM A SCHOOL FORMERLY OPERATED
7 BY THE COMMONWEALTH WITHIN THE SIX MONTHS PRIOR TO THE
8 EFFECTIVE DATE OF AN ACT OF THE GENERAL ASSEMBLY
9 DECLINING TO FUND THE SCHOOL AND WHO ACCEPTED EMPLOYMENT
10 AT A SCHOOL DISTRICT, INTERMEDIATE UNIT OR VOCATIONAL-
11 TECHNICAL SCHOOL SHALL BE CREDITED BY THE HIRING SCHOOL
12 DISTRICT, INTERMEDIATE UNIT OR VOCATIONAL-TECHNICAL
13 SCHOOL FOR ALL SICK LEAVE ACCUMULATED IN THE SCHOOL AND
14 SHALL BE CREDITED FOR YEARS OF SERVICE IN THE SCHOOL FOR
15 PURPOSES OF SALARY SCHEDULE PLACEMENT. EMPLOYEES SHALL
16 FURTHER BE CREDITED FOR THEIR YEARS OF SERVICE IN THE
17 SCHOOL FOR PURPOSES OF SABBATICAL LEAVE ELIGIBILITY,
18 SUSPENSION AND REALIGNMENT RIGHTS AND ELIGIBILITY FOR ANY
19 RETIREMENT INCENTIVES OR SEVERANCE PAYMENTS IN A HIRING
20 SCHOOL DISTRICT, INTERMEDIATE UNIT OR VOCATIONAL-
21 TECHNICAL SCHOOL.

22 (II) NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO
23 SUPERSEDE OR PREEMPT ANY PROVISION OF AN INDIVIDUAL
24 EMPLOYMENT AGREEMENT BETWEEN A SCHOOL DISTRICT,
25 INTERMEDIATE UNIT OR VOCATIONAL-TECHNICAL SCHOOL AND AN
26 EMPLOYEE ENTERED INTO PRIOR TO THE EFFECTIVE DATE OF THIS
27 PARAGRAPH, OR ANY PROVISION OF A COLLECTIVE BARGAINING
28 AGREEMENT IN EFFECT AS OF THE EFFECTIVE DATE OF THIS
29 PARAGRAPH AND NEGOTIATED BY A SCHOOL ENTITY AND AN
30 EXCLUSIVE REPRESENTATIVE OF THE EMPLOYEES IN ACCORDANCE

1 WITH THE ACT OF JULY 23, 1970 (P.L.563, NO.195), KNOWN AS
2 THE PUBLIC EMPLOYE RELATIONS ACT.

3 (10) THE APPROPRIATION FOR THE SCRANTON STATE SCHOOL FOR
4 THE DEAF - TRANSITION FUNDING SHALL BE DISTRIBUTED AS
5 FOLLOWS:

6 (I) IN ADDITION TO ANY OTHER FUNDING PROVIDED
7 PURSUANT TO SECTION 1376.1(B.2) OF THE PUBLIC SCHOOL CODE
8 OF 1949, THE DEPARTMENT OF EDUCATION SHALL PROVIDE TO
9 EACH CHARTERED SCHOOL IN THE 2009-2010 SCHOOL YEAR FOR
10 ENROLLMENT DURING THE 2009-2010 SCHOOL YEAR FOR ONE OR
11 MORE STUDENTS WHO WERE ENROLLED AS OF MAY 1, 2009, IN A
12 SCHOOL FOR THE DEAF FORMERLY OPERATED BY THE
13 COMMONWEALTH, AN AMOUNT EQUAL TO THE PRODUCT OF THE
14 FOLLOWING:

15 (A) THE NUMBER OF STUDENTS ENROLLED IN THE
16 CHARTERED SCHOOL AS OF OCTOBER 1, 2009, WHO WERE
17 ENROLLED AS OF MAY 1, 2009, IN A SCHOOL FOR THE DEAF
18 FORMERLY OPERATED BY THE COMMONWEALTH, DIVIDED BY THE
19 TOTAL NUMBER OF SUCH STUDENTS ENROLLED IN ALL
20 CHARTERED SCHOOLS AS OF OCTOBER 1, 2009, WHO WERE
21 ENROLLED AS OF MAY 1, 2009, IN A SCHOOL FOR THE DEAF
22 FORMERLY OPERATED BY THE COMMONWEALTH.

23 (B) THREE MILLION THREE HUNDRED THOUSAND
24 DOLLARS.

25 (II) IN ADDITION TO ANY OTHER FUNDS PROVIDED TO A
26 CHARTERED SCHOOL UNDER SUBPARAGRAPH (I), THE DEPARTMENT
27 SHALL PROVIDE TO EACH CHARTERED SCHOOL THAT ESTABLISHES A
28 SATELLITE CAMPUS WITH APPROVAL OF THE DEPARTMENT FOR THE
29 PURPOSE OF ENROLLING STUDENTS PREVIOUSLY ENROLLED IN A
30 SCHOOL FOR THE DEAF FORMERLY OPERATED BY THE

1 COMMONWEALTH, THE AMOUNT OF \$27,273 MULTIPLIED BY THE
2 NUMBER OF STUDENTS ENROLLED IN THE CHARTERED SCHOOL AS OF
3 OCTOBER 1, 2009, WHO WERE ENROLLED AS OF MAY 1, 2009, IN
4 A SCHOOL FOR THE DEAF FORMERLY OPERATED BY THE
5 COMMONWEALTH, PROVIDED THAT THE TOTAL AMOUNT UNDER THIS
6 SUBPARAGRAPH SHALL NOT EXCEED \$2,100,000.

7 (11) THE DEPARTMENT OF EDUCATION, WITH ASSISTANCE FROM
8 THE DEPARTMENT OF PUBLIC WELFARE AND THE JUVENILE COURT
9 JUDGES COMMISSION, SHALL SUBMIT A REPORT TO THE GENERAL
10 ASSEMBLY BY JUNE 1, 2010, DETAILING THE COSTS TO SCHOOL
11 DISTRICTS AND THE COMMONWEALTH TO PROVIDE EDUCATIONAL
12 SERVICES TO CHILDREN WHO ARE ADJUDICATED DELINQUENT AND
13 COMMITTED TO NONPUBLIC RESIDENTIAL FACILITIES PURSUANT TO 42
14 PA.C.S. § 6352 (RELATING TO DISPOSITION OF DELINQUENT CHILD)
15 FOR THE 2008-2009 SCHOOL YEAR. THE REPORT SHALL IDENTIFY THE
16 FOLLOWING INFORMATION RELATING TO EACH FACILITY:

17 (I) FACILITY LOCATION.

18 (II) SCHOOL DISTRICT WHERE EACH FACILITY IS LOCATED.

19 (III) PROVIDER OF EDUCATIONAL SERVICES AT EACH
20 FACILITY, INCLUDING WHETHER THOSE SERVICES ARE UNDER
21 CONTRACT OR PROVIDED BY AN ENTITY OTHER THAN THE
22 FACILITY.

23 (IV) DEPARTMENT OF EDUCATION'S CLASSIFICATION OF THE
24 EDUCATION PROGRAM AT EACH FACILITY.

25 (V) NUMBER OF STUDENTS COMMITTED BY THE COURT
26 RECEIVING EDUCATIONAL SERVICES AT EACH FACILITY.

27 (VI) SCHOOL DISTRICT OF RESIDENCE FOR EACH STUDENT
28 COMMITTED BY THE COURT AT EACH FACILITY.

29 (VII) TUITION FEE CHARGED BY THE EDUCATIONAL
30 SERVICES PROVIDER PER STUDENT COMMITTED BY THE COURT AT

1 EACH FACILITY.

2 (VIII) ENTITY RESPONSIBLE FOR EACH TUITION PAYMENT
3 FOR EACH STUDENT COMMITTED BY THE COURT AT EACH FACILITY.

4 THE TERM "FACILITY" SHALL MEAN ANY NONPUBLIC PROGRAM
5 SUPERVISED OR LICENSED PURSUANT TO THE ACT OF JUNE 13, 1967
6 (P.L.31, NO.21), KNOWN AS THE PUBLIC WELFARE CODE, THAT
7 PROVIDES OUT-OF-HOME, RESIDENTIAL SERVICES TO A CHILD WHO IS
8 ADJUDICATED DELINQUENT.

9 (12) (I) EACH SCHOOL DISTRICT SHALL TAKE SUCH STEPS AS
10 NECESSARY DURING FISCAL YEAR 2009-2010 IN ORDER TO HAVE
11 OR MAINTAIN A CERTIFIED SAFETY COMMITTEE BY DECEMBER 31,
12 2010, FOR THE PURPOSES OF SECTION 1002(B) OF THE ACT OF
13 JUNE 2, 1915 (P.L.736, NO.338), KNOWN AS THE WORKERS'
14 COMPENSATION ACT. THE DEPARTMENT OF LABOR AND INDUSTRY
15 SHALL PROVIDE THE DEPARTMENT OF EDUCATION WITH THE LIST
16 OF SCHOOL DISTRICTS WHO HAVE A CERTIFIED SAFETY
17 COMMITTEE. IN THE CASE OF A SCHOOL DISTRICT THAT DOES NOT
18 SUBMIT EVIDENCE TO THE DEPARTMENT OF EDUCATION THAT
19 COMPLIES WITH THIS PARAGRAPH, THE DEPARTMENT OF EDUCATION
20 SHALL DEDUCT FROM ANY ALLOCATION FROM THE COMMONWEALTH TO
21 WHICH THE SCHOOL DISTRICT IS ENTITLED THE AMOUNT OF THE
22 DISCOUNT THE SCHOOL DISTRICT WOULD OTHERWISE RECEIVE
23 UNDER SECTION 1002(B) OF THE WORKERS' COMPENSATION ACT.

24 (II) SUBPARAGRAPH (I) SHALL NOT APPLY TO A SCHOOL
25 DISTRICT THAT CANNOT RECEIVE A PREMIUM DISCOUNT UNDER
26 SECTION 1002(B) OF THE WORKERS' COMPENSATION ACT, OR AN
27 EQUIVALENT REDUCTION IN CONTRIBUTION RATES, BY
28 ESTABLISHING AND MAINTAINING A CERTIFIED SAFETY COMMITTEE
29 BECAUSE IT IS AUTHORIZED TO SELF-INSURE ITS LIABILITIES
30 UNDER SECTION 305 OF THE WORKERS' COMPENSATION ACT OR

1 POOL ITS LIABILITIES UNDER SECTION 802 OF THE WORKERS'
2 COMPENSATION ACT.

3 (13) NOTWITHSTANDING THE PROVISIONS OF 24 PA.C.S. §
4 8329(A) (RELATING TO PAYMENTS ON ACCOUNT OF SOCIAL SECURITY
5 DEDUCTIONS FROM APPROPRIATIONS) WHEN CALCULATING PAYMENTS BY
6 THE COMMONWEALTH UNDER 24 PA.C.S. § 8329, THE DEPARTMENT OF
7 EDUCATION SHALL TREAT WAGES PAID OUT OF THE ARRA STATE
8 STABILIZATION FUND OR OUT OF ARRA FUNDS APPROPRIATED FOR
9 INDIVIDUAL WITH DISABILITIES EDUCATION (PART B - PRESCHOOL -
10 AGE 3-5) AS COVERED WAGES WHICH ARE NOT FEDERALLY FUNDED.

11 (14) THE FOLLOWING APPLY TO LIBRARIES:

12 (I) FUNDS APPROPRIATED FOR LIBRARIES SHALL BE
13 DISTRIBUTED TO EACH LIBRARY UNDER THE FOLLOWING FORMULA:

14 (A) DIVIDE THE SUM OF THE AMOUNT OF FUNDING THAT
15 THE LIBRARY RECEIVED IN FISCAL YEAR 2007-2008 UNDER
16 SECTION 2316 OF THE PUBLIC SCHOOL CODE OF 1949 BY THE
17 TOTAL STATE-AID SUBSIDY FOR FISCAL YEAR 2007-2008.

18 (B) MULTIPLY THE QUOTIENT UNDER CLAUSE (A) BY
19 THE TOTAL STATE-AID SUBSIDY FOR 2009-2010.

20 (II) FOLLOWING DISTRIBUTION OF FUNDS APPROPRIATED
21 FOR STATE AID TO LIBRARIES, ANY REMAINING FUNDS MAY BE
22 DISTRIBUTED AT THE DISCRETION OF THE STATE LIBRARIAN.

23 (III) IF FUNDS APPROPRIATED FOR STATE AID TO
24 LIBRARIES IN FISCAL YEAR 2009-2010 ARE LESS THAN FUNDS
25 APPROPRIATED IN FISCAL YEAR 2002-2003, THE STATE
26 LIBRARIAN MAY WAIVE STANDARDS AS PRESCRIBED IN SECTION
27 103 OF THE ACT OF JUNE 14, 1961 (P.L.324, NO.188), KNOWN
28 AS THE LIBRARY CODE, RELATING TO HOURS OF OPERATION,
29 CONTINUING PROFESSIONAL DEVELOPMENT, COLLECTIONS,
30 EXPENDITURES AND OTHER ASPECTS OF LIBRARY OPERATION.

1 (IV) (A) EACH LIBRARY SYSTEM RECEIVING STATE AID
2 UNDER THIS SUBSECTION MAY DISTRIBUTE THE LOCAL
3 LIBRARY SHARE OF THAT AID IN A MANNER AS DETERMINED
4 BY THE BOARD OF DIRECTORS OF THE LIBRARY SYSTEM.

5 (B) THIS SUBPARAGRAPH SHALL NOT APPLY TO A
6 LIBRARY SYSTEM OPERATING IN A COUNTY OF THE SECOND
7 CLASS.

8 (15) (I) THE DEPARTMENT OF EDUCATION MAY UTILIZE UP TO
9 \$4,500,000 OF UNDISTRIBUTED FUNDS NOT EXPENDED,
10 ENCUMBERED OR COMMITTED FROM APPROPRIATIONS FOR GRANTS
11 AND SUBSIDIES MADE TO THE DEPARTMENT TO ASSIST SCHOOL
12 DISTRICTS CERTIFIED AS AN EDUCATION EMPOWERMENT DISTRICT
13 UNDER SECTION 1705-B(H) (3) OF THE PUBLIC SCHOOL CODE OF
14 1949.

15 (II) THERE IS HEREBY ESTABLISHED A RESTRICTED
16 ACCOUNT IN THE STATE TREASURY FROM WHICH PAYMENTS UNDER
17 THIS PARAGRAPH SHALL BE PAID. FUNDS SHALL BE TRANSFERRED
18 BY THE SECRETARY OF THE BUDGET TO THE RESTRICTED ACCOUNT
19 TO THE EXTENT NECESSARY TO MAKE PAYMENTS UNDER THIS
20 PARAGRAPH. FUNDS IN THE RESTRICTED ACCOUNT ARE HEREBY
21 APPROPRIATED TO CARRY OUT THE PURPOSES OF THIS PARAGRAPH.
22 THE SUBSIDY PAYMENT FROM THIS RESTRICTED ACCOUNT SHALL BE
23 UTILIZED TO SUPPLEMENT THE OPERATIONAL BUDGET OF THE
24 ELIGIBLE SCHOOL DISTRICTS.

25 (16) NOTWITHSTANDING SECTION 2510.1 OF THE PUBLIC SCHOOL
26 CODE OF 1949, PAYMENTS MADE TO SCHOOL DISTRICTS FOR THE
27 INSTRUCTION OF HOMEBOUND CHILDREN SHALL ONLY BE MADE TO THE
28 EXTENT FUNDS ARE APPROPRIATED FOR THIS PURPOSE.

29 (17) THE APPROPRIATION FOR BASIC EDUCATION FUNDING SHALL
30 BE DISTRIBUTED AS FOLLOWS:

1 (I) THE COMMONWEALTH SHALL PAY TO EACH SCHOOL
2 DISTRICT A BASIC EDUCATION FUNDING ALLOCATION FOR THE
3 2008-2009 SCHOOL YEAR WHICH SHALL CONSIST OF THE SUM OF
4 THE FOLLOWING:

5 (A) AN AMOUNT EQUAL TO THE ALLOCATIONS RECEIVED
6 BY THE SCHOOL DISTRICT FOR THE 2007-2008 SCHOOL YEAR
7 UNDER SECTION 2502.48(D) (1) AND (2) AND (E) OF THE
8 PUBLIC SCHOOL CODE OF 1949.

9 (B) IF A SCHOOL DISTRICT HAS BEEN DECLARED A
10 COMMONWEALTH PARTNERSHIP SCHOOL DISTRICT UNDER
11 ARTICLE XVII-B OF THE PUBLIC SCHOOL CODE OF 1949, AN
12 AMOUNT EQUAL TO \$2,000,000.

13 (C) (I) FOR A SCHOOL DISTRICT SUBJECT TO
14 SECTION 2502.48(D) (3) (I) OF THE PUBLIC SCHOOL
15 CODE OF 1949, 27.82% OF THE AMOUNT DETERMINED
16 UNDER SECTION 2502.48(C) (1) OF THE PUBLIC SCHOOL
17 CODE OF 1949.

18 (II) FOR A SCHOOL DISTRICT SUBJECT TO
19 SECTION 2502.48(D) (3) (II) OF THE PUBLIC SCHOOL
20 CODE OF 1949, 21.4% OF THE AMOUNT DETERMINED
21 UNDER SECTION 2502.48(C) (1) OF THE PUBLIC SCHOOL
22 CODE OF 1949.

23 (III) ANY ADDITIONAL AMOUNT REQUIRED SO THAT
24 THE TOTAL AMOUNT PROVIDED UNDER CLAUSE (A) AND
25 THIS CLAUSE EQUALS 2% GREATER THAN THE AMOUNT
26 PROVIDED UNDER SECTION 2502.48(D) AND (E) OF THE
27 PUBLIC SCHOOL CODE OF 1949.

28 (II) FOR THE PURPOSE OF THE CALCULATION UNDER
29 SECTION 2502.48(C) (1) OF THE PUBLIC SCHOOL CODE OF 1949,
30 FOR PAYMENTS MADE UNDER THIS SUBSECTION:

1 (A) THE AMOUNT PER STUDENT UNDER SECTION
2 2502.48(A) OF THE PUBLIC SCHOOL CODE OF 1949 SHALL BE
3 INCREASED BY THE INDEX FOR THE SCHOOL YEAR IN WHICH
4 FUNDING WILL BE PAID. THE TERM "INDEX" SHALL HAVE THE
5 MEANING GIVEN TO IT UNDER SECTION 2501 OF THE PUBLIC
6 SCHOOL CODE OF 1949.

7 (B) THE NUMBER USED FOR THE PURPOSE OF EACH
8 SCHOOL DISTRICT'S CALCULATION UNDER SECTION
9 2502.48(B) (5) (II) (B) OF THE PUBLIC SCHOOL CODE OF
10 1949 SHALL NOT BE LESS THAN ONE.

11 (III) ANY INCREASE IN BASIC EDUCATION FUNDING UNDER
12 THIS SUBSECTION SHALL QUALIFY AS AN INCREASE IN BASIC
13 EDUCATION FUNDING FOR THE PURPOSE OF SECTION 2502.49 OF
14 THE PUBLIC SCHOOL CODE OF 1949. THE DEPARTMENT OF
15 EDUCATION MAY GRANT A WAIVER FOR THE USE OF UP TO 25% OF
16 THE FUNDS SUBJECT TO SECTION 2502.49(A) (1) OF THE PUBLIC
17 SCHOOL CODE OF 1949 IF ALL OF THE FOLLOWING APPLY:

18 (A) THE SCHOOL DISTRICT WOULD OTHERWISE BE
19 REQUIRED TO REDUCE OR ELIMINATE ONE OR MORE OF THE
20 PROGRAMS LISTED UNDER SECTION 2502.49(A) (1) OF THE
21 PUBLIC SCHOOL CODE OF 1949 DUE TO A PROJECTED BUDGET
22 SHORTFALL.

23 (B) THE FUNDS SUBJECT TO THE WAIVER WILL BE USED
24 TO MAINTAIN ONE OR MORE EXISTING PROGRAMS LISTED
25 UNDER SECTION 2502.49(A) (1) OF THE PUBLIC SCHOOL CODE
26 OF 1949.

27 (C) THE SCHOOL DISTRICT HAS, IN THE
28 DETERMINATION OF THE DEPARTMENT OF EDUCATION, PURSUED
29 ALTERNATIVE OPPORTUNITIES FOR GREATER EFFICIENCY AND
30 INTERNAL SAVINGS IN ORDER TO FUND THE PROGRAM OR

1 PROGRAMS WITHOUT NEED FOR A WAIVER.

2 (D) THE PROGRAM TO BE MAINTAINED ADDRESSES A
3 SIGNIFICANT NEED OF THE SCHOOL DISTRICT'S STUDENTS
4 AND HAS DEMONSTRATED EFFECTIVENESS AT INCREASING
5 STUDENT ACHIEVEMENT IN THE SCHOOL DISTRICT, IN THE
6 DETERMINATION OF THE DEPARTMENT OF EDUCATION.

7 (IV) THE DECISION TO GRANT A WAIVER SHALL BE AT THE
8 SOLE DISCRETION OF THE DEPARTMENT OF EDUCATION AND SHALL
9 NOT BE SUBJECT TO APPEAL.

10 (18) COMMUNITY COLLEGES SHALL COMPLY WITH THE
11 PROVISIONS OF SECTION 1737-J.

12 (B) DEFINITIONS.--THE WORDS AND PHRASES USED IN THIS SECTION
13 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THE PUBLIC SCHOOL CODE
14 OF 1949.

15 SECTION 1723-J. DEPARTMENT OF ENVIRONMENTAL PROTECTION.

16 THE FOLLOWING SHALL APPLY TO APPROPRIATIONS FOR THE
17 DEPARTMENT OF ENVIRONMENTAL PROTECTION IN THE GENERAL
18 APPROPRIATION ACT:

19 (1) APPROPRIATIONS INCLUDE FUNDS FOR THE WATER RESOURCES
20 TECHNICAL ASSISTANCE CENTER IN AN AMOUNT TO BE DETERMINED BY
21 THE DEPARTMENT IN COOPERATION WITH THE WATER CONSERVATION
22 SUBCOMMITTEE OF THE STATEWIDE WATER RESOURCES COMMITTEE.

23 (2) NOTWITHSTANDING THE PROVISIONS OF SECTION 502 OF THE
24 ACT OF JULY 9, 2008 (1ST SP.SESS., P.L.1873, NO.1), KNOWN AS
25 THE ALTERNATIVE ENERGY INVESTMENT ACT, IN FISCAL YEAR
26 2009-2010, NO FUNDS SHALL BE APPROPRIATED FROM THE GENERAL
27 FUND TO THE DEPARTMENT FOR THE CONSUMER ENERGY PROGRAM. THE
28 APPROPRIATION FOR FISCAL YEAR 2009-2010 IS REVOKED.

29 SECTION 1724-J. DEPARTMENT OF GENERAL SERVICES (RESERVED).

30 SECTION 1725-J. DEPARTMENT OF HEALTH.

1 THE FOLLOWING SHALL APPLY TO APPROPRIATIONS FOR THE
2 DEPARTMENT OF HEALTH IN THE GENERAL APPROPRIATION ACT:

3 (1) FUNDS APPROPRIATED FOR LUPUS PROGRAMS SHALL BE
4 DISTRIBUTED IN THE SAME PROPORTION AS DISTRIBUTED IN FISCAL
5 YEAR 2007-2008.

6 (2) FUNDS APPROPRIATED FOR ARTHRITIS OUTREACH AND
7 EDUCATION SHALL BE EQUITABLY DISTRIBUTED AMONG THE CENTRAL,
8 WESTERN AND EASTERN REGIONS OF THIS COMMONWEALTH BASED ON THE
9 RATIO OF POPULATION SERVED IN EACH REGION TO THE TOTAL
10 POPULATION SERVED IN THIS COMMONWEALTH.

11 (3) FUNDS APPROPRIATED FOR BIOTECHNOLOGY RESEARCH
12 INCLUDE \$1,100,000 FOR A REGENERATIVE MEDICINE CENTER LOCATED
13 IN A COUNTY OF THE SECOND CLASS AND \$1,500,000 FOR AN
14 INSTITUTION FOR HEPATITIS AND VIRUS RESEARCH LOCATED IN
15 COUNTY OF THE SECOND CLASS-A, WHICH CONDUCTS RESEARCH RELATED
16 TO DEVELOPING NEW THERAPIES FOR VIRAL HEPATITIS AND LIVER
17 CANCER.

18 SECTION 1726-J. INSURANCE DEPARTMENT (RESERVED).

19 SECTION 1727-J. DEPARTMENT OF LABOR AND INDUSTRY.

20 THE FOLLOWING SHALL APPLY TO APPROPRIATIONS FOR THE
21 DEPARTMENT OF LABOR AND INDUSTRY IN THE GENERAL APPROPRIATION
22 ACT:

23 (1) THE APPROPRIATION FOR PAYMENT TO THE VOCATIONAL
24 REHABILITATION FUND FOR WORK OF THE STATE BOARD OF VOCATIONAL
25 REHABILITATION INCLUDES \$2,153,000 FOR A STATEWIDE
26 PROFESSIONAL SERVICE PROVIDER ASSOCIATION FOR THE BLIND TO
27 PROVIDE SPECIALIZED SERVICES AND PREVENTION OF BLINDNESS
28 SERVICES AND \$431,000 TO PROVIDE SPECIALIZED SERVICES AND
29 PREVENTION OF BLINDNESS SERVICES IN CITIES OF THE FIRST
30 CLASS.

1 (2) FOR THE "REED ACT-UNEMPLOYMENT INSURANCE" AND "REED
2 ACT-EMPLOYMENT SERVICES AND UNEMPLOYMENT INSURANCE"
3 APPROPRIATIONS, THE TOTAL AMOUNT WHICH MAY BE OBLIGATED SHALL
4 NOT EXCEED THE LIMITATIONS UNDER SECTION 903 OF THE SOCIAL
5 SECURITY ACT (49 STAT. 620, 42 U.S.C. § 1103).

6 SECTION 1728-J. DEPARTMENT OF MILITARY AND VETERANS AFFAIRS
7 (RESERVED).

8 SECTION 1729-J. DEPARTMENT OF PUBLIC WELFARE.

9 THE FOLLOWING SHALL APPLY TO APPROPRIATIONS FOR THE
10 DEPARTMENT OF PUBLIC WELFARE FROM THE GENERAL APPROPRIATION ACT:

11 (1) AUTHORIZED TRANSFERS FOR CHILD-CARE SERVICES. THE
12 FOLLOWING SHALL APPLY:

13 (I) THE DEPARTMENT, UPON APPROVAL OF THE SECRETARY,
14 MAY TRANSFER FEDERAL FUNDS APPROPRIATED FOR TANFBG CHILD
15 CARE ASSISTANCE TO THE CCDFBG CHILD CARE SERVICES
16 APPROPRIATION TO PROVIDE CHILD-CARE SERVICES TO
17 ADDITIONAL LOW-INCOME FAMILIES IF THE TRANSFER OF FUNDS
18 WILL NOT RESULT IN A DEFICIT IN THE APPROPRIATION. THE
19 SECRETARY SHALL PROVIDE NOTICE TEN DAYS PRIOR TO A
20 TRANSFER UNDER THIS SUBPARAGRAPH TO THE CHAIRMAN AND
21 MINORITY CHAIRMAN OF THE APPROPRIATIONS COMMITTEE OF THE
22 SENATE AND THE CHAIRMAN AND MINORITY CHAIRMAN OF THE
23 APPROPRIATIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

24 (II) THE DEPARTMENT, UPON APPROVAL OF THE SECRETARY,
25 MAY TRANSFER FEDERAL FUNDS APPROPRIATED FOR CCDFBG CHILD
26 CARE ASSISTANCE TO THE CCDFBG CHILD CARE SERVICES
27 APPROPRIATION TO PROVIDE CHILD-CARE SERVICES TO
28 ADDITIONAL LOW-INCOME FAMILIES PROVIDED THAT THE TRANSFER
29 OF FUNDS WILL NOT RESULT IN A DEFICIT IN THE
30 APPROPRIATION. THE SECRETARY SHALL PROVIDE NOTICE TEN

1 DAYS PRIOR TO A TRANSFER UNDER THIS SUBPARAGRAPH TO THE
2 CHAIRMAN AND MINORITY CHAIRMAN OF THE APPROPRIATIONS
3 COMMITTEE OF THE SENATE AND THE CHAIRMAN AND MINORITY
4 CHAIRMAN OF THE APPROPRIATIONS COMMITTEE OF THE HOUSE OF
5 REPRESENTATIVES.

6 (2) FEDERAL AND STATE MEDICAL ASSISTANCE PAYMENTS. THE
7 FOLLOWING SHALL APPLY:

8 (I) WHEN MAKING PAYMENTS FOR MEDICAL ASSISTANCE
9 OUTPATIENT OR CAPITATION SERVICES, THE DEPARTMENT SHALL
10 NOT REQUIRE A RECIPIENT TO OBTAIN A PHYSICIAN REFERRAL IN
11 ORDER TO RECEIVE CHIROPRACTIC SERVICES.

12 (II) NO FUNDS APPROPRIATED FOR APPROVED CAPITATION
13 PLANS SHALL BE USED TO PAY A PROVIDER WHO FAILS TO SUPPLY
14 INFORMATION IN A FORM REQUIRED BY THE DEPARTMENT IN ORDER
15 TO FACILITATE CLAIMS FOR FEDERAL FINANCIAL PARTICIPATION
16 FOR SERVICES RENDERED TO GENERAL ASSISTANCE CLIENTS.

17 (III) FOR FISCAL YEAR 2009-2010, ADDITIONAL FEDERAL
18 AND STATE INPATIENT FUNDING IS INCLUDED TO PROVIDE FOR
19 COMMUNITY ACCESS FUND PAYMENTS. PAYMENTS TO HOSPITALS FOR
20 COMMUNITY ACCESS FUND GRANTS SHALL BE DISTRIBUTED UNDER
21 THE FORMULAS UTILIZED FOR THESE GRANTS IN FISCAL YEAR
22 2008-2009. IF THE TOTAL FUNDING AVAILABLE FOR COMMUNITY
23 ACCESS FUND PAYMENTS IN FISCAL YEAR 2009-2010 IS LESS
24 THAN THAT AVAILABLE IN FISCAL YEAR 2008-2009, PAYMENTS
25 SHALL BE MADE ON A PRO RATA BASIS.

26 (IV) QUALIFYING STATE-RELATED ACADEMIC MEDICAL
27 CENTERS SHALL NOT RECEIVE ANY LESS FUNDING THAN RECEIVED
28 FOR THE FISCAL YEAR 2004-2005 STATE APPROPRIATION LEVEL
29 IF FEDERAL FUNDING FOR ACADEMIC MEDICAL CENTERS IS NOT
30 MADE AVAILABLE TO THOSE ACADEMIC MEDICAL CENTERS DURING

1 FISCAL YEAR 2009-2010.

2 (V) IF SUPPLEMENTAL FEDERAL FUNDING FOR PHYSICIAN
3 PRACTICE PLANS IS NOT MADE AVAILABLE DURING FISCAL YEAR
4 2009-2010, QUALIFYING UNIVERSITIES AND AFFILIATED
5 PHYSICIAN PRACTICE PLANS SHALL NOT RECEIVE ANY LESS
6 FUNDING THAN THE AMOUNT RECEIVED FOR THE FISCAL YEAR
7 2007-2008 STATE APPROPRIATION LEVEL.

8 (VI) FUNDS APPROPRIATED FOR MEDICAL ASSISTANCE
9 TRANSPORTATION SHALL ONLY BE UTILIZED AS A PAYMENT OF
10 LAST RESORT FOR TRANSPORTATION FOR ELIGIBLE MEDICAL
11 ASSISTANCE RECIPIENTS.

12 (VII) THE DEPARTMENT SHALL CONSIDER PHARMACEUTICAL
13 SERVICES A COVERED BENEFIT FOR RECIPIENTS WHO ARE
14 ELIGIBLE FOR SUCH SERVICES AND WHOSE CARE IS MANAGED
15 THROUGH CONTRACTS BETWEEN THE DEPARTMENT AND MANAGED CARE
16 CONTRACTORS. PHARMACEUTICAL BENEFITS SHALL REMAIN A
17 COVERED BENEFIT IN THE CONTRACTS BETWEEN THE DEPARTMENT
18 AND MANAGED CARE CONTRACTORS FOR FISCAL YEARS 2008-2009
19 AND 2009-2010. IF THE DEPARTMENT ELECTS TO BID A CONTRACT
20 FOR FISCAL YEAR 2010-2011 THAT DOES NOT INCLUDE
21 PHARMACEUTICAL SERVICES AS A COVERED BENEFIT FOR
22 RECIPIENTS WHOSE CARE IS MANAGED THROUGH CONTRACTS
23 BETWEEN THE DEPARTMENT AND MANAGED CARE CONTRACTORS, THE
24 SECRETARY OF PUBLIC WELFARE SHALL DO ALL OF THE
25 FOLLOWING:

26 (A) BY MARCH 30, NOTIFY IN WRITING THE CHAIR AND
27 MINORITY CHAIR OF THE APPROPRIATIONS COMMITTEE OF THE
28 SENATE, THE CHAIR AND MINORITY CHAIR OF THE
29 APPROPRIATIONS COMMITTEE OF THE HOUSE OF
30 REPRESENTATIVES, THE CHAIR AND MINORITY CHAIR OF THE

1 PUBLIC HEALTH AND WELFARE COMMITTEE OF THE SENATE AND
2 THE CHAIR AND MINORITY CHAIR OF THE HEALTH AND HUMAN
3 SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

4 (B) ADDITIONALLY BID A CONTRACT FOR FISCAL YEAR
5 2010-2011 THAT DOES INCLUDE PHARMACEUTICAL SERVICES
6 AS A COVERED BENEFIT FOR RECIPIENTS WHO ARE ELIGIBLE
7 FOR SUCH SERVICES AND WHOSE CARE IS MANAGED THROUGH
8 CONTRACTS BETWEEN THE DEPARTMENT AND MANAGED CARE
9 CONTRACTORS.

10 (C) CONDUCT ANY PROCUREMENT FOR EXISTING OR NEW
11 ZONES IN A PUBLIC MANNER, INCLUDING PUBLICATION OF
12 ANY REQUEST FOR PROPOSAL ON THE DEPARTMENT OF PUBLIC
13 WELFARE'S PUBLICLY ACCESSIBLE INTERNET WEBSITE.

14 (VIII) AMOUNTS ALLOCATED FROM FUNDS APPROPRIATED FOR
15 MEDICAL ASSISTANCE OUTPATIENT SERVICES FOR THE SELECT
16 PLAN FOR WOMEN PREVENTATIVE HEALTH SERVICES SHALL BE USED
17 FOR WOMEN'S MEDICAL SERVICES, INCLUDING NONINVASIVE
18 CONTRACEPTION SUPPLIES.

19 (IX) FEDERAL OR STATE FUNDS APPROPRIATED UNDER THE
20 GENERAL APPROPRIATION ACT IN ACCORDANCE WITH THE ACT OF
21 MARCH 24, 2004 (P.L.148, NO.15), KNOWN AS THE
22 PENNSYLVANIA TRAUMA SYSTEMS STABILIZATION ACT, NOT USED
23 TO MAKE PAYMENTS TO HOSPITALS QUALIFYING AS LEVEL III
24 TRAUMA CENTERS SHALL BE USED TO MAKE PAYMENTS TO
25 HOSPITALS QUALIFYING AS LEVEL I AND II TRAUMA CENTERS.

26 (3) BREAST CANCER SCREENING. THE FOLLOWING SHALL APPLY:

27 (I) FUNDS APPROPRIATED FOR BREAST CANCER SCREENING
28 MAY BE USED FOR WOMEN'S MEDICAL SERVICES, INCLUDING
29 NONINVASIVE CONTRACEPTION SUPPLIES.

30 (II) (RESERVED).

1 (4) WOMEN'S SERVICE PROGRAMS. THE FOLLOWING SHALL APPLY:

2 (I) FUNDS APPROPRIATED FOR WOMEN'S SERVICE PROGRAMS
3 GRANTS TO NONPROFIT AGENCIES WHOSE PRIMARY FUNCTION IS TO
4 PROVIDE ALTERNATIVES TO ABORTION SHALL BE EXPENDED TO
5 PROVIDE SERVICES TO WOMEN UNTIL CHILDBIRTH AND FOR UP TO
6 12 MONTHS THEREAFTER, INCLUDING FOOD, SHELTER, CLOTHING,
7 HEALTH CARE, COUNSELING, ADOPTION SERVICES, PARENTING
8 CLASSES, ASSISTANCE FOR POSTDELIVERY STRESS AND OTHER
9 SUPPORTIVE PROGRAMS AND SERVICES AND FOR RELATED OUTREACH
10 PROGRAMS. AGENCIES MAY SUBCONTRACT WITH OTHER NONPROFIT
11 ENTITIES WHICH OPERATE PROJECTS DESIGNED SPECIFICALLY TO
12 PROVIDE ALL OR A PORTION OF THESE SERVICES. PROJECTS
13 RECEIVING FUNDS REFERRED TO IN THIS SUBPARAGRAPH SHALL
14 NOT PROMOTE, REFER OR PERFORM ABORTIONS OR ENGAGE IN ANY
15 COUNSELING WHICH IS INCONSISTENT WITH THE APPROPRIATION
16 REFERRED TO IN THIS SUBPARAGRAPH AND SHALL BE PHYSICALLY
17 AND FINANCIALLY SEPARATE FROM ANY COMPONENT OF ANY LEGAL
18 ENTITY ENGAGING IN SUCH ACTIVITIES.

19 (II) FUNDS APPROPRIATED FOR WOMEN'S SERVICE PROGRAMS
20 SHALL BE USED FOR WOMEN'S MEDICAL SERVICES, INCLUDING
21 NONINVASIVE CONTRACEPTION SUPPLIES.

22 (III) FEDERAL FUNDS APPROPRIATED FOR TANFBG
23 ALTERNATIVES TO ABORTION SHALL BE UTILIZED SOLELY FOR
24 SERVICES TO WOMEN WHOSE GROSS FAMILY INCOME IS BELOW 185%
25 OF THE FEDERAL POVERTY GUIDELINES.

26 (5) COUNTY CHILDREN AND YOUTH PROGRAMS. THE FOLLOWING
27 SHALL APPLY:

28 (I) NO MORE THAN 50% OF FUNDS ALLOCATED FROM THE
29 STATE APPROPRIATION FOR COUNTY CHILDREN AND YOUTH
30 PROGRAMS TO EACH COUNTY SHALL BE EXPENDED UNTIL EACH

1 COUNTY SUBMITS TO THE DEPARTMENT DATA FOR THE PRIOR STATE
2 FISCAL YEAR, AND UPDATED QUARTERLY, ON THE UNDUPLICATED
3 CASELOADS, UNDUPLICATED SERVICES AND NUMBER OF
4 CASEWORKERS BY COUNTY PROGRAM. DATA SHALL BE SUBMITTED IN
5 A FORM ACCEPTABLE TO THE DEPARTMENT. A COPY OF THE DATA
6 SHALL BE SENT TO THE CHAIRMAN AND MINORITY CHAIRMAN OF
7 THE APPROPRIATIONS COMMITTEE OF THE SENATE AND TO THE
8 CHAIRMAN AND THE MINORITY CHAIRMAN OF THE APPROPRIATIONS
9 COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

10 (II) REIMBURSEMENT FOR CHILDREN AND YOUTH SERVICES
11 MADE PURSUANT TO SECTION 704.1 OF THE ACT OF JUNE 13,
12 1967 (P.L.31, NO.21), KNOWN AS THE PUBLIC WELFARE CODE,
13 SHALL NOT EXCEED THE AMOUNT OF STATE FUNDS APPROPRIATED.
14 IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT COUNTIES DO
15 NOT EXPERIENCE ANY ADVERSE FISCAL IMPACT DUE TO THE
16 DEPARTMENT'S MAXIMIZATION EFFORTS.

17 (6) COMMUNITY-BASED FAMILY CENTERS. NO FUNDS
18 APPROPRIATED FOR COMMUNITY-BASED FAMILY CENTERS MAY BE
19 CONSIDERED AS PART OF THE BASE FOR CALCULATION OF THE COUNTY
20 CHILD WELFARE NEEDS-BASED BUDGET FOR A FISCAL YEAR.

21 SECTION 1730-J. DEPARTMENT OF REVENUE (RESERVED).

22 SECTION 1731-J. DEPARTMENT OF STATE (RESERVED).

23 SECTION 1732-J. DEPARTMENT OF TRANSPORTATION (RESERVED).

24 SECTION 1733-J. PENNSYLVANIA STATE POLICE.

25 THE FOLLOWING SHALL APPLY TO APPROPRIATIONS FOR THE
26 PENNSYLVANIA STATE POLICE FROM THE GENERAL APPROPRIATION ACT:

27 (1) PAYMENTS MADE TO MUNICIPALITIES UNDER 53 PA.C.S. §
28 2170 (RELATING TO REIMBURSEMENT OF EXPENSES) SHALL BE LIMITED
29 TO FUNDS AVAILABLE. IF FUNDS ARE NOT AVAILABLE TO MAKE FULL
30 PAYMENTS, THE MUNICIPAL POLICE OFFICERS' EDUCATION AND

1 TRAINING COMMISSION SHALL MAKE PAYMENTS ON A PRO RATA BASIS.

2 (2) (RESERVED).

3 SECTION 1734-J. STATE CIVIL SERVICE COMMISSION (RESERVED).

4 SECTION 1735-J. PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY

5 (RESERVED).

6 SECTION 1736-J. PENNSYLVANIA FISH AND BOAT COMMISSION

7 (RESERVED).

8 SECTION 1737-J. STATE SYSTEM OF HIGHER EDUCATION.

9 THE FOLLOWING SHALL APPLY TO APPROPRIATIONS FOR THE STATE
10 SYSTEM OF HIGHER EDUCATION FROM THE GENERAL APPROPRIATION ACT:

11 (1) EACH PUBLIC INSTITUTION OF HIGHER EDUCATION AS
12 DEFINED IN ARTICLE XX-C OF THE PUBLIC SCHOOL CODE OF 1949
13 SHALL DO ALL OF THE FOLLOWING:

14 (I) AGREE TO ACCEPT WITH FULL JUNIOR STANDING THE
15 ASSOCIATE OF ARTS OR ASSOCIATE OF SCIENCE DEGREE INTO A
16 PARALLEL BACCALAUREATE PROGRAM AS OUTLINED IN
17 SUBPARAGRAPH (III) BY THE TIMELINES ESTABLISHED BY THE
18 TRANSFER AND ARTICULATION OVERSIGHT COMMITTEE BUT NO
19 LATER THAN DECEMBER 31, 2011. FOR PURPOSES OF THIS
20 PARAGRAPH, AN ASSOCIATE OF ARTS OR ASSOCIATE OF SCIENCE
21 DEGREE IS A DEGREE DESIGNED PRIMARILY FOR TRANSFER TO A
22 BACCALAUREATE INSTITUTION AND MUST CONTAIN A MINIMUM OF
23 60 CREDITS.

24 (II) SUBMIT TO THE DEPARTMENT OF EDUCATION INTERIM
25 REPORTS OUTLINING THE ACTIONS THAT THE PUBLIC INSTITUTION
26 OF HIGHER EDUCATION HAS UNDERTAKEN OR INTENDS TO
27 UNDERTAKE TO COMPLY WITH SUBPARAGRAPH (I), WHICH SHALL BE
28 FILED BY DECEMBER 31, 2009, JUNE 30, 2010, AND DECEMBER
29 31, 2010.

30 (III) AS A MEMBER OF THE TRANSFER AND ARTICULATION

1 OVERSIGHT COMMITTEE ESTABLISHED IN SECTION 2004-C OF THE
2 PUBLIC SCHOOL CODE OF 1949:

3 (A) BY DECEMBER 1, 2009, CONSULT WITH THE
4 DEPARTMENT OF EDUCATION ON A PROCESS AND TIMELINE,
5 SUBJECT TO APPROVAL BY THE DEPARTMENT, TO IDENTIFY
6 THE ASSOCIATE OF ARTS OR ASSOCIATE OF SCIENCE DEGREE
7 ALIGNED WITH THE GRADUATION REQUIREMENTS OF THE
8 PARALLEL BACCALAUREATE DEGREE IN ALL PUBLIC
9 INSTITUTIONS OF HIGHER EDUCATION IN CONSULTATION WITH
10 FACULTY AND PERSONNEL.

11 (B) IDENTIFY ASSOCIATE OF ARTS OR ASSOCIATE OF
12 SCIENCE DEGREE PROGRAMS FOR TRANSFER WITH FULL JUNIOR
13 STANDING INTO A PARALLEL BACCALAUREATE DEGREE IN
14 CONSULTATION WITH FACULTY AND PERSONNEL IN THOSE
15 DEGREE PROGRAMS BY DECEMBER 31, 2011.

16 (C) IDENTIFY MODIFICATIONS THAT MAY BE REQUIRED
17 IN EXISTING ASSOCIATE OR BACCALAUREATE DEGREES TO
18 SATISFY EXTERNAL ACCREDITATION OR LICENSURE
19 REQUIREMENTS IN CONSULTATION WITH FACULTY AND
20 PERSONNEL. APPROVED MODIFICATIONS SHALL RECOGNIZE ALL
21 COMPETENCIES ATTAINED WITHIN EITHER THE ASSOCIATE OR
22 BACCALAUREATE PROGRAMS.

23 (D) DEFINE REQUIREMENTS, IN CONSULTATION WITH
24 FACULTY AND PERSONNEL, FOR EDUCATION DEGREES,
25 INCLUDING EARLY CHILDHOOD EDUCATION DEGREES, LEADING
26 TO CERTIFICATION TO BE INCLUDED IN AN ASSOCIATE
27 DEGREE AND TO BE ACCEPTED FOR TRANSFER WITH FULL
28 JUNIOR STANDING INTO A PARALLEL BACCALAUREATE DEGREE
29 PROGRAM.

30 (2) (RESERVED).

1 SECTION 1737.1-J. STATE-RELATED INSTITUTIONS.

2 THE FOLLOWING SHALL APPLY TO STATE-RELATED INSTITUTIONS:

3 (1) (I) NO LATER THAN JUNE 15, 2010, EACH STATE-RELATED
4 INSTITUTION SHALL IDENTIFY 30 CREDIT HOURS OF COURSE
5 CONTENT FROM EQUIVALENT COURSES IDENTIFIED UNDER ARTICLE
6 XX-C OF THE PUBLIC SCHOOL CODE OF 1949 THAT IT WILL
7 ACCEPT FROM A STUDENT ACCEPTED FOR TRANSFER FROM AN
8 INSTITUTION OF HIGHER EDUCATION PARTICIPATING IN ARTICLE
9 XX-C OF THE PUBLIC SCHOOL CODE OF 1949. A STATE-RELATED
10 INSTITUTION SHALL COUNT A COURSE IN THE SAME MANNER THAT
11 IT WOULD COUNT THE SAME OR EQUIVALENT COURSE IF TAKEN BY
12 A STUDENT AT THE STATE-RELATED INSTITUTION.

13 (II) EACH STATE-RELATED INSTITUTION SHALL MAKE THE
14 INFORMATION IDENTIFIED IN SUBPARAGRAPH (I) AVAILABLE TO
15 THE DEPARTMENT OF EDUCATION FOR POSTING ON THE
16 DEPARTMENT'S PUBLICLY ACCESSIBLE INTERNET WEBSITE.

17 (III) NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED
18 TO:

19 (A) REQUIRE A STATE-RELATED INSTITUTION TO APPLY
20 A COURSE TO GRADUATION OR DEGREE REQUIREMENTS IF THAT
21 COURSE OR ITS EQUIVALENT COURSE WOULD NOT BE APPLIED
22 TO GRADUATION OR DEGREE REQUIREMENTS IF TAKEN AT THE
23 STATE-RELATED INSTITUTION.

24 (B) INFRINGE ON A STATE-RELATED INSTITUTION'S
25 SOLE AUTHORITY TO ACCEPT A STUDENT FOR TRANSFER, TO
26 DETERMINE ACCEPTANCE INTO A MAJOR, TO DETERMINE THE
27 CAMPUS ASSIGNMENT OF SUCH STUDENT OR TO DETERMINE HOW
28 MANY AND WHICH CREDIT HOURS SHALL APPLY FOR THE
29 TRANSFER STUDENT TOWARD THE COMPLETION OF A DEGREE.
30 THE MANNER IN WHICH ACCEPTED COURSES APPLY TOWARD

1 COMPLETION OF A DEGREE AND WHETHER THEY ARE COUNTED
2 FOR GENERAL EDUCATION, MAJOR OR FREE ELECTIVE CREDIT
3 SHALL BE SUBJECT TO THE REQUIREMENTS ESTABLISHED BY
4 THE ACCEPTING STATE-RELATED INSTITUTION FOR EACH
5 INDIVIDUAL MAJOR OR PROGRAM OF STUDY.

6 (C) PROHIBIT A STATE-RELATED INSTITUTION'S
7 ABILITY TO ENTER INTO DISCUSSIONS WITH THE DEPARTMENT
8 OF EDUCATION TO INCREASE THE NUMBER OF CREDITS
9 PURSUANT TO SUBPARAGRAPH (I).

10 (IV) FOR THE PURPOSE OF THIS PARAGRAPH, "STATE-
11 RELATED INSTITUTION" SHALL HAVE THE MEANING GIVEN TO IT
12 IN ARTICLE XX-C OF THE PUBLIC SCHOOL CODE OF 1949.

13 (2) (RESERVED).

14 SECTION 1738-J. PENNSYLVANIA HIGHER EDUCATION ASSISTANCE
15 AGENCY.

16 THE FOLLOWING SHALL APPLY TO APPROPRIATIONS FOR THE
17 PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY FROM THE GENERAL
18 APPROPRIATION ACT:

19 (1) MAXIMIZATION OF FUNDS. THE PENNSYLVANIA HIGHER
20 EDUCATION ASSISTANCE AGENCY SHALL USE FUNDS APPROPRIATED FOR
21 MATCHING PAYMENTS FOR STUDENT AID FUNDS TO MAXIMIZE THE
22 RECEIPT OF FEDERAL FUNDS TO THE FULLEST EXTENT POSSIBLE.

23 (2) LIMITATION. NO COLLEGE, UNIVERSITY OR INSTITUTION
24 RECEIVING A DIRECT APPROPRIATION FROM THE COMMONWEALTH SHALL
25 BE ELIGIBLE TO PARTICIPATE IN THE INSTITUTIONAL ASSISTANCE
26 GRANTS PROGRAM.

27 (3) AGRICULTURAL LOAN FORGIVENESS. IN DISTRIBUTING FUNDS
28 APPROPRIATED FOR AGRICULTURAL LOAN FORGIVENESS, THE AGENCY
29 SHALL GIVE PREFERENCE TO RENEWAL APPLICANTS.

30 SECTION 1739-J. PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION

1 (RESERVED) .

2 SECTION 1740-J. PENNSYLVANIA INFRASTRUCTURE INVESTMENT

3 AUTHORITY (RESERVED) .

4 SECTION 1741-J. ENVIRONMENTAL HEARING BOARD (RESERVED) .

5 SECTION 1742-J. PENNSYLVANIA BOARD OF PROBATION AND PAROLE

6 (RESERVED) .

7 SECTION 1743-J. PENNSYLVANIA PUBLIC TELEVISION NETWORK

8 COMMISSION (RESERVED) .

9 SECTION 1744-J. PENNSYLVANIA SECURITIES COMMISSION (RESERVED) .

10 SECTION 1745-J. STATE TAX EQUALIZATION BOARD (RESERVED) .

11 SECTION 1746-J. HEALTH CARE COST CONTAINMENT COUNCIL .

12 (1) THE HEALTH CARE COST CONTAINMENT COUNCIL SHALL
13 SUBMIT A REPORT TO THE CHAIRMAN AND MINORITY CHAIRMAN OF THE
14 APPROPRIATIONS COMMITTEE OF THE SENATE AND THE CHAIRMAN AND
15 MINORITY CHAIRMAN OF THE APPROPRIATIONS COMMITTEE OF THE
16 HOUSE OF REPRESENTATIVES SPECIFYING THE AMOUNT AND SOURCE OF
17 PROCEEDS RECEIVED FROM THE SALE OF DATA BY THE COUNCIL. THE
18 REPORT SHALL SUPPLEMENT THE ANNUAL REPORT OF FINANCIAL
19 EXPENDITURES REQUIRED UNDER SECTION 17.1 OF THE ACT OF JULY
20 8, 1986 (P.L.408, NO.89), KNOWN AS THE HEALTH CARE COST
21 CONTAINMENT ACT. TWENTY-FIVE PERCENT OF THE PROCEEDS RECEIVED
22 FROM THE SALE OF DATA MAY BE USED FOR THE OPERATIONS OF THE
23 COUNCIL. THE REMAINDER OF THE PROCEEDS SHALL BE DEPOSITED IN
24 THE GENERAL FUND AND SHALL NOT BE EXPENDED UNLESS
25 APPROPRIATED BY THE GENERAL ASSEMBLY .

26 (2) THE SUM OF \$2,300,000 IS TRANSFERRED FROM THE HEALTH
27 CARE COST CONTAINMENT COUNCIL TO THE GENERAL FUND, TO INCLUDE
28 MONEY APPROPRIATED TO OR RECEIVED BY THE COUNCIL PRIOR TO
29 2008-2009 THAT IS UNSPENT OR UNCOMMITTED .

30 SECTION 1747-J. STATE ETHICS COMMISSION (RESERVED) .

1 SECTION 1748-J. STATE EMPLOYEES' RETIREMENT SYSTEM (RESERVED).
2 SECTION 1749-J. THADDEUS STEVENS COLLEGE OF TECHNOLOGY
3 (RESERVED).
4 SECTION 1750-J. PENNSYLVANIA HOUSING FINANCE AGENCY (RESERVED).
5 SECTION 1751-J. LIHEABG (RESERVED).
6 SECTION 1752-J. BUDGET STABILIZATION RESERVE FUND (RESERVED).

7 SUBARTICLE C

8 LEGISLATIVE DEPARTMENT

9 (RESERVED)

10 SUBARTICLE D

11 JUDICIAL DEPARTMENT

12 SECTION 1781-J. SUPREME COURT (RESERVED).
13 SECTION 1782-J. SUPERIOR COURT (RESERVED).
14 SECTION 1783-J. COMMONWEALTH COURT (RESERVED).
15 SECTION 1784-J. COURTS OF COMMON PLEAS (RESERVED).
16 SECTION 1785-J. COMMUNITY COURTS; MAGISTERIAL DISTRICT JUDGES
17 (RESERVED).
18 SECTION 1786-J. PHILADELPHIA TRAFFIC COURT (RESERVED).
19 SECTION 1787-J. PHILADELPHIA MUNICIPAL COURT (RESERVED).
20 SECTION 1788-J. JUDICIAL CONDUCT BOARD (RESERVED).
21 SECTION 1789-J. COURT OF JUDICIAL DISCIPLINE (RESERVED).
22 SECTION 1790-J. JUROR COST REIMBURSEMENT (RESERVED).
23 SECTION 1791-J. COUNTY COURT REIMBURSEMENT (RESERVED).
24 SECTION 1792-J. SENIOR JUDGES (RESERVED).
25 SECTION 1793-J. TRANSFER OF FUNDS BY SUPREME COURT (RESERVED).

26 ARTICLE XVII-K

27 2009-2010 RESTRICTIONS ON APPROPRIATIONS

28 FOR FUNDS AND ACCOUNTS

29 SECTION 1701-K. APPLICABILITY.
30 EXCEPT AS SPECIFICALLY PROVIDED IN THIS ARTICLE, THIS ARTICLE

1 APPLIES TO THE ACT OF AUGUST 5, 2009 (P.L. _____, NO.1A), KNOWN AS
2 THE GENERAL APPROPRIATION ACT OF 2009, THE ACT OF _____, 2009
3 (P.L. _____, NO. _____), KNOWN AS THE SUPPLEMENTAL APPROPRIATION ACT
4 OF 2009, AND AS APPROPRIATE, ALL OTHER APPROPRIATION ACTS OF
5 2009.

6 SECTION 1702-K. STATE LOTTERY FUND.

7 (1) FUNDS APPROPRIATED FOR PENNCARE SHALL NOT BE
8 UTILIZED FOR ADMINISTRATIVE COSTS BY THE DEPARTMENT OF AGING.

9 (2) (RESERVED).

10 SECTION 1703-K. ENERGY CONSERVATION AND ASSISTANCE FUND

11 (RESERVED).

12 SECTION 1704-K. JUDICIAL COMPUTER SYSTEM AUGMENTATION ACCOUNT.

13 THE SUPREME COURT AND THE COURT ADMINISTRATOR OF PENNSYLVANIA
14 ARE PROHIBITED FROM AUGMENTING THE AMOUNT APPROPRIATED TO THE
15 JUDICIAL COMPUTER SYSTEM AUGMENTATION ACCOUNT BY BILLINGS TO
16 OTHER APPROPRIATIONS TO THE JUDICIAL BRANCH FOR THE STATEWIDE
17 JUDICIAL COMPUTER SYSTEM OR FOR ANY OTHER PURPOSE.

18 SECTION 1705-K. EMERGENCY MEDICAL SERVICES OPERATING FUND

19 (RESERVED).

20 SECTION 1706-K. STATE STORES FUND (RESERVED).

21 SECTION 1707-K. MOTOR LICENSE FUND (RESERVED).

22 SECTION 1708-K. HAZARDOUS MATERIAL RESPONSE FUND (RESERVED).

23 SECTION 1709-K. MILK MARKETING FUND (RESERVED).

24 SECTION 1710-K. HOME INVESTMENT TRUST FUND (RESERVED).

25 SECTION 1711-K. TUITION PAYMENT FUND (RESERVED).

26 SECTION 1712-K. BANKING DEPARTMENT FUND (RESERVED).

27 SECTION 1713-K. FIREARM RECORDS CHECK FUND (RESERVED).

28 SECTION 1714-K. BEN FRANKLIN TECHNOLOGY DEVELOPMENT AUTHORITY

29 FUND (RESERVED).

30 SECTION 1715-K. TOBACCO SETTLEMENT FUND.

1 (A) DEPOSITS.--

2 (1) NOTWITHSTANDING SECTIONS 303(B)(2), (3) AND (4) AND
3 306 OF THE ACT OF JUNE 26, 2001 (P.L.755, NO.77), KNOWN AS
4 THE TOBACCO SETTLEMENT ACT, THE FOLLOWING SHALL APPLY:

5 (I) FOR FISCAL YEAR 2009-2010, THE STRATEGIC
6 CONTRIBUTION PAYMENTS RECEIVED IN FISCAL YEAR 2008-2009
7 PURSUANT TO THE MASTER SETTLEMENT AGREEMENT SHALL BE
8 DEPOSITED IN THE TOBACCO SETTLEMENT FUND.

9 (II) FOR FISCAL YEAR 2009-2010, \$15,000,000 OF THE
10 FUNDS DERIVED UNDER SECTION 303(B)(3) OF THE TOBACCO
11 SETTLEMENT ACT SHALL BE DEPOSITED INTO THE TOBACCO
12 SETTLEMENT FUND.

13 (III) FOR FISCAL YEAR 2009-2010, \$10,000,000 OF THE
14 FUNDS DERIVED UNDER SECTION 303(B)(4) OF THE TOBACCO
15 SETTLEMENT ACT SHALL BE DEPOSITED INTO THE TOBACCO
16 SETTLEMENT FUND.

17 (IV) FOR FISCAL YEAR 2009-2010, 25% OF THE MONEY
18 APPROPRIATED UNDER SECTION 306(B)(1)(III) OF THE TOBACCO
19 SETTLEMENT ACT MAY NOT BE EXPENDED, TRANSFERRED OR LAPSED
20 BUT SHALL REMAIN IN THE TOBACCO SETTLEMENT FUND.

21 (V) FOR FISCAL YEAR 2009-2010, 33.3% OF THE MONEY
22 APPROPRIATED UNDER SECTION 306(B)(1)(VI) OF THE TOBACCO
23 SETTLEMENT ACT MAY NOT BE EXPENDED, TRANSFERRED OR LAPSED
24 BUT SHALL REMAIN IN THE TOBACCO SETTLEMENT FUND.

25 (2) MONEY DEPOSITED INTO THE FUND UNDER PARAGRAPH (1)
26 SHALL BE APPROPRIATED FOR HEALTH-RELATED PURPOSES. IF
27 APPLICABLE, THE AMOUNT APPROPRIATED IN ACCORDANCE WITH THIS
28 PARAGRAPH SHALL BE MATCHED BY APPROPRIATED FEDERAL AUGMENTING
29 FUNDS.

30 (B) TRANSFERS.--

1 (1) NOTWITHSTANDING SECTIONS 306 AND 307 OF THE TOBACCO
2 SETTLEMENT ACT, THE FOLLOWING SHALL APPLY.

3 (I) FOR FISCAL YEAR 2009-2010, 37.5% OF THE MONEY
4 APPROPRIATED UNDER SECTION 306(B) (1) (III) OF THE TOBACCO
5 SETTLEMENT ACT IS TRANSFERRED FROM THE TOBACCO SETTLEMENT
6 FUND TO THE GENERAL FUND.

7 (II) FOR FISCAL YEAR 2010-2011, 37.5% OF THE MONEY
8 APPROPRIATED UNDER SECTION 306(B) (1) (III) OF THE TOBACCO
9 SETTLEMENT ACT IS TRANSFERRED FROM THE TOBACCO SETTLEMENT
10 FUND TO THE GENERAL FUND.

11 (III) FOR FISCAL YEAR 2009-2010, 100% OF THE MONEY
12 RECEIVED IN FISCAL YEAR 2008-2009 APPROPRIATED UNDER
13 SECTION 306(B) (1) (I) OF THE TOBACCO SETTLEMENT ACT SHALL
14 BE TRANSFERRED FROM THE TOBACCO ENDOWMENT ACCOUNT FOR
15 LONG-TERM HOPE TO THE TOBACCO SETTLEMENT FUND.

16 (IV) FOR FISCAL YEAR 2009-2010, \$150,000,000 IS
17 TRANSFERRED FROM THE TOBACCO ENDOWMENT ACCOUNT FOR LONG-
18 TERM HOPE TO THE GENERAL FUND.

19 (V) FOR FISCAL YEAR 2010-2011, \$250,000,000 IS
20 TRANSFERRED FROM THE TOBACCO ENDOWMENT ACCOUNT FOR LONG-
21 TERM HOPE TO THE GENERAL FUND.

22 (2) MONEY TRANSFERRED UNDER PARAGRAPH (1) (III) SHALL BE
23 APPROPRIATED FOR HEALTH-RELATED PURPOSES. IF APPLICABLE, THE
24 AMOUNT APPROPRIATED IN ACCORDANCE WITH THIS PARAGRAPH SHALL
25 BE MATCHED BY APPROPRIATED FEDERAL AUGMENTING FUNDS.

26 (C) ALLOCATION.--FUNDING FOR LOCAL PROGRAMS UNDER SECTION
27 708(B) OF THE TOBACCO SETTLEMENT ACT SHALL BE ALLOCATED AS
28 FOLLOWS:

29 (1) THIRTY PERCENT OF GRANT FUNDING TO PRIMARY
30 CONTRACTORS FOR LOCAL PROGRAMS SHALL BE ALLOCATED EQUALLY

1 AMONG EACH OF THE 67 COUNTIES.

2 (2) THE REMAINING 70% OF GRANT FUNDING TO PRIMARY
3 CONTRACTORS FOR LOCAL PROGRAMS SHALL BE ALLOCATED ON A PER
4 CAPITA BASIS OF EACH COUNTY WITH A POPULATION GREATER THAN
5 60,000. THE PER CAPITA FORMULA SHALL BE APPLIED ONLY TO THAT
6 PORTION OF THE POPULATION THAT IS GREATER THAN 60,000 FOR
7 EACH COUNTY.

8 (3) BUDGETS SHALL BE DEVELOPED BY EACH PRIMARY
9 CONTRACTOR TO REFLECT SERVICE PLANNING AND EXPENDITURES IN
10 EACH COUNTY. EACH PRIMARY CONTRACTOR WILL ENSURE THAT
11 SERVICES ARE AVAILABLE TO RESIDENTS OF EACH COUNTY AND MUST
12 EXPEND THE ALLOCATED FUNDS ON A PER-COUNTY BASIS PURSUANT TO
13 PARAGRAPHS (1) AND (2).

14 (4) THE DEPARTMENT OF HEALTH SHALL COMPILE A DETAILED
15 ANNUAL REPORT OF EXPENDITURES PER COUNTY AND THE SPECIFIC
16 PROGRAMS OFFERED IN EACH REGION. THIS REPORT SHALL BE MADE
17 AVAILABLE ON THE DEPARTMENT OF HEALTH'S PUBLICLY AVAILABLE
18 INTERNET WEBSITE 60 DAYS FOLLOWING THE CLOSE OF EACH FISCAL
19 YEAR.

20 (5) DURING THE THIRD QUARTER OF THE FISCAL YEAR, FUNDS
21 WHICH HAVE NOT BEEN SPENT WITHIN A SERVICE AREA MAY BE
22 REALLOCATED TO SUPPORT PROGRAMMING IN THE SAME REGION.

23 (D) USE OF MONEY FOR LOBBYING PROHIBITED.--NO MONEY DERIVED
24 FROM AN APPROPRIATION BY THE GENERAL ASSEMBLY FROM THE TOBACCO
25 SETTLEMENT FUND MAY BE USED FOR THE LOBBYING OF ANY STATE PUBLIC
26 OFFICIAL.

27 SECTION 1716-K. COMMUNITY HEALTH REINVESTMENT RESTRICTED
28 ACCOUNT.

29 (A) ESTABLISHMENT.--THERE IS ESTABLISHED IN THE STATE
30 TREASURY A RESTRICTED RECEIPTS ACCOUNT IN THE TOBACCO SETTLEMENT

1 FUND TO BE KNOWN AS THE COMMUNITY HEALTH REINVESTMENT RESTRICTED
2 ACCOUNT. INTEREST EARNED ON MONEY IN THE ACCOUNT SHALL REMAIN IN
3 THE ACCOUNT.

4 (B) AGREEMENT ON COMMUNITY HEALTH REINVESTMENT.--EACH
5 CALENDAR YEAR, A CORPORATION UNDER 40 PA.C.S. CH. 61 (RELATING
6 TO HOSPITAL PLAN CORPORATIONS) OR 63 (RELATING TO PROFESSIONAL
7 HEALTH SERVICES PLAN CORPORATIONS) THAT IS A PARTY TO THE
8 AGREEMENT ON COMMUNITY HEALTH REINVESTMENT ENTERED INTO FEBRUARY
9 2, 2005, BY THE INSURANCE DEPARTMENT AND THE CAPITAL BLUE CROSS,
10 HIGHMARK, INC., HOSPITAL SERVICE ASSOCIATION OF NORTHEASTERN
11 PENNSYLVANIA AND INDEPENDENCE BLUE CROSS, AND PUBLISHED IN THE
12 PENNSYLVANIA BULLETIN AT 35 PA.B. 4155 (JULY 23, 2005), SHALL
13 PAY TO THE ACCOUNT THE AMOUNT CALCULATED FOR SUCH CALENDAR YEAR
14 IN SECTION 5 OF THE AGREEMENT, PUBLISHED AT 35 PA.B. 4156.

15 (C) APPROPRIATION.--THE MONEY IN THE ACCOUNT, INCLUDING ALL
16 INTEREST EARNED, IS APPROPRIATED TO THE INSURANCE DEPARTMENT TO
17 BE USED IN ACCORDANCE WITH THE AGREEMENT ON COMMUNITY HEALTH
18 REINVESTMENT DESCRIBED IN SUBSECTION (B).

19 SECTION 1717-K. HEALTH CARE PROVIDER RETENTION ACCOUNT.

20 THE SUM OF \$708,000,000 IS TRANSFERRED FROM THE HEALTH CARE
21 PROVIDER RETENTION ACCOUNT ESTABLISHED UNDER SECTION 1112(A) OF
22 THE ACT OF MARCH 20, 2002 (P.L.154, NO.13), KNOWN AS THE MEDICAL
23 CARE AVAILABILITY AND REDUCTION OF ERROR (MCARE) ACT, TO THE
24 GENERAL FUND.

25 SECTION 1717.1-K. MEDICAL CARE AVAILABILITY AND REDUCTION OF
26 ERROR FUND.

27 THE SUM OF \$100,000,000 IS TRANSFERRED FROM THE MEDICAL CARE
28 AVAILABILITY AND REDUCTION OF ERROR FUND ESTABLISHED UNDER
29 SECTION 712 OF THE ACT OF MARCH 20, 2002 (P.L.154, NO.13), KNOWN
30 AS THE MEDICAL CARE AVAILABILITY AND REDUCTION OF ERROR (MCARE)

1 ACT, TO THE GENERAL FUND.

2 SECTION 1717.2-K. CATASTROPHIC LOSS BENEFITS CONTINUATION FUND.

3 NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, FOR FISCAL
4 YEARS 2009-2010 AND 2010-2011, ALL SURCHARGES DEPOSITED IN THE
5 CATASTROPHIC LOSS BENEFITS CONTINUATION FUND UNDER 75 PA.C.S. §
6 6506 (RELATING TO SURCHARGE) SHALL BE TRANSFERRED TO THE GENERAL
7 FUND.

8 SECTION 1718-K. BUDGET STABILIZATION RESERVE FUND.

9 (A) GENERAL PROVISIONS.--NOTWITHSTANDING SECTION 1703-A(B),
10 THE SUM OF \$755,000,000 IS TRANSFERRED FROM THE BUDGET
11 STABILIZATION RESERVE FUND TO THE GENERAL FUND.

12 (B) SURPLUS.--NO AMOUNT OF THE SURPLUS IN THE GENERAL FUND
13 IN FISCAL YEAR 2009-2010 SHALL BE DEPOSITED INTO THE BUDGET
14 STABILIZATION RESERVE FUND.

15 SECTION 1718.1-K. GAMING ECONOMIC DEVELOPMENT AND TOURISM FUND.

16 NOTWITHSTANDING THE PROVISIONS OF 4 PA.C.S. PART II (RELATING
17 TO GAMING) AND THE ACT OF JULY 9, 2008 (P.L.908, NO.63), KNOWN
18 AS THE H2O PA ACT, \$5,080,000 IS HEREBY APPROPRIATED FROM THE
19 GAMING ECONOMIC DEVELOPMENT AND TOURISM FUND TO THE DEPARTMENT
20 OF GENERAL SERVICES TO MEET ADDITIONAL PAYMENT OBLIGATIONS FOR
21 THE PROJECT ITEMIZED IN SECTION 3(2)(I)(D) OF THE ACT OF JULY
22 25, 2007 (P.L.342, NO.53), KNOWN AS THE PENNSYLVANIA GAMING
23 ECONOMIC DEVELOPMENT AND TOURISM FUND CAPITAL BUDGET ITEMIZATION
24 ACT OF 2007.

25 SECTION 1719-K. RESTRICTED RECEIPT ACCOUNTS.

26 (A) GENERAL PROVISIONS.--THE SECRETARY MAY CREATE RESTRICTED
27 RECEIPT ACCOUNTS FOR THE PURPOSE OF ADMINISTERING FEDERAL GRANTS
28 ONLY FOR THE PURPOSES DESIGNATED IN THIS SECTION.

29 (B) DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT.--THE
30 FOLLOWING RESTRICTED RECEIPT ACCOUNTS MAY BE ESTABLISHED FOR THE

1 DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT:

2 (1) ARC HOUSING REVOLVING LOAN PROGRAM.

3 (2) (RESERVED).

4 (C) DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES.--THE
5 FOLLOWING RESTRICTED RECEIPT ACCOUNTS MAY BE ESTABLISHED FOR THE
6 DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES:

7 (1) FEDERAL AID TO VOLUNTEER FIRE COMPANIES.

8 (2) FEDERAL LAND AND WATER CONSERVATION FUND ACT.

9 (3) NATIONAL FOREST RESERVE ALLOTMENT.

10 (4) FEDERAL LAND AND WATER CONSERVATION FUND ACT -
11 CONSERVATION AND NATURAL RESOURCES.

12 (D) DEPARTMENT OF EDUCATION.--THE FOLLOWING RESTRICTED
13 RECEIPT ACCOUNTS MAY BE ESTABLISHED FOR THE DEPARTMENT OF
14 EDUCATION:

15 (1) EDUCATION OF THE DISABLED - PART C.

16 (2) LSTA - LIBRARY GRANTS.

17 (3) THE PENNSYLVANIA STATE UNIVERSITY FEDERAL AID.

18 (4) EMERGENCY IMMIGRATION EDUCATION ASSISTANCE.

19 (5) EDUCATION OF THE DISABLED - PART D.

20 (6) HOMELESS ADULT ASSISTANCE PROGRAM.

21 (7) SEVERELY HANDICAPPED.

22 (8) MEDICAL ASSISTANCE REIMBURSEMENTS TO LOCAL EDUCATION
23 AGENCIES.

24 (E) DEPARTMENT OF ENVIRONMENTAL PROTECTION.--THE FOLLOWING
25 RESTRICTED RECEIPT ACCOUNTS MAY BE ESTABLISHED FOR THE
26 DEPARTMENT OF ENVIRONMENTAL PROTECTION:

27 (1) FEDERAL WATER RESOURCES PLANNING ACT.

28 (2) FLOOD CONTROL PAYMENTS.

29 (3) SOIL AND WATER CONSERVATION ACT - INVENTORY OF
30 PROGRAMS.

1 (F) DEPARTMENT OF HEALTH.--THE FOLLOWING RESTRICTED RECEIPT
2 ACCOUNTS MAY BE ESTABLISHED FOR THE DEPARTMENT OF HEALTH:

3 (1) SHARE LOAN PROGRAM.

4 (2) (RESERVED).

5 (G) DEPARTMENT OF TRANSPORTATION.--THE FOLLOWING RESTRICTED
6 RECEIPT ACCOUNTS MAY BE ESTABLISHED FOR THE DEPARTMENT OF
7 TRANSPORTATION:

8 (1) CAPITAL ASSISTANCE ELDERLY AND HANDICAPPED PROGRAMS.

9 (2) RAILROAD REHABILITATION AND IMPROVEMENT ASSISTANCE.

10 (3) RIDESHARING/VAN POOL PROGRAM - ACQUISITION.

11 (H) PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY.--THE FOLLOWING
12 RESTRICTED RECEIPT ACCOUNTS MAY BE ESTABLISHED FOR THE
13 PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY:

14 (1) RECEIPTS FROM FEDERAL GOVERNMENT - DISASTER RELIEF -
15 DISASTER RELIEF ASSISTANCE TO STATE AND POLITICAL
16 SUBDIVISIONS.

17 (2) (RESERVED).

18 (I) PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION.--THE
19 FOLLOWING RESTRICTED RECEIPT ACCOUNTS MAY BE ESTABLISHED FOR THE
20 PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION:

21 (1) FEDERAL GRANT - NATIONAL HISTORIC PRESERVATION ACT.

22 (2) (RESERVED).

23 (J) EXECUTIVE OFFICES.--THE FOLLOWING RESTRICTED RECEIPT
24 ACCOUNTS MAY BE ESTABLISHED FOR THE EXECUTIVE OFFICES:

25 (1) RETIRED EMPLOYEES MEDICARE PART D.

26 (2) JUSTICE ASSISTANCE.

27 (3) JUVENILE ACCOUNTABILITY INCENTIVE.

28 SECTION 1720-K. STATE GAMING FUND.

29 (A) DEDUCTION OF CERTAIN APPROPRIATIONS.--NOTWITHSTANDING
30 THE PROVISIONS OF SECTION 504(C)(1) OF THE ACT OF JUNE 27, 2006

1 (1ST SP.SESS., P.L.1873, NO.1), KNOWN AS THE TAXPAYER RELIEF
2 ACT, FUNDS APPROPRIATED TO THE PENNSYLVANIA GAMING CONTROL BOARD
3 FROM THE STATE GAMING FUND SHALL BE DEDUCTED FROM THE AMOUNT
4 TRANSFERRED TO THE PROPERTY TAX RELIEF RESERVE FUND UNDER
5 SECTION 504(B) OF THE TAXPAYER RELIEF ACT AND LOANED TO THE
6 PENNSYLVANIA GAMING CONTROL BOARD FOR PAYMENT OF THE BOARD'S
7 ADMINISTRATIVE AND OPERATING EXPENSES FOR THE FISCAL YEAR
8 COMMENCING JULY 1, 2009. FUNDS LOANED TO THE BOARD UNDER THIS
9 SECTION AND SECTIONS 1720-G AND 1720-I SHALL BE REPAYED FROM THE
10 ACCOUNTS ESTABLISHED UNDER 4 PA.C.S. § 1401 (RELATING TO SLOT
11 MACHINE LICENSEE DEPOSITS) IN ACCORDANCE WITH SUBSECTION (B).

12 (B) ASSESSMENT FOR REPAYMENT.--NOTWITHSTANDING THE
13 PROVISIONS OF 4 PA.C.S. § 1901.1 (RELATING TO REPAYMENTS TO
14 STATE GAMING FUND), THE PENNSYLVANIA GAMING CONTROL BOARD SHALL
15 ASSESS SLOT MACHINE LICENSEES FOR REPAYMENT OF FUNDS TRANSFERRED
16 AND LOANED TO THE BOARD UNDER SUBSECTION (A) FROM THE STATE
17 GAMING FUND IN ACCORDANCE WITH 4 PA.C.S. § 1402 (RELATING TO
18 GROSS TERMINAL REVENUE DEDUCTIONS) FOR REPAYMENT TO THE PROPERTY
19 TAX RELIEF RESERVE FUND AT SUCH TIME AS AT LEAST 11 SLOT MACHINE
20 LICENSES HAVE BEEN ISSUED AND 11 LICENSED GAMING ENTITIES HAVE
21 COMMENCED THE OPERATION OF SLOT MACHINES. THE BOARD SHALL ADOPT
22 A REPAYMENT SCHEDULE THAT ASSESSES TO EACH SLOT MACHINE LICENSEE
23 COSTS FOR THE REPAYMENT OF AMOUNTS APPROPRIATED UNDER THIS
24 SECTION IN AN AMOUNT THAT IS PROPORTIONAL TO EACH SLOT MACHINE
25 LICENSEE'S GROSS TERMINAL REVENUE.

26 (C) PROPERTY TAX RELIEF.--

27 (1) NOTWITHSTANDING THE PROVISIONS OF SECTION 504 OF THE
28 TAXPAYER RELIEF ACT, UNTIL THE LOAN TO THE PENNSYLVANIA
29 GAMING CONTROL BOARD UNDER SUBSECTION (A) IS REPAYED, THE
30 SECRETARY OF THE BUDGET IS AUTHORIZED TO PROVIDE FOR PROPERTY

1 TAX RELIEF UNDER SECTION 503(D) OF THE TAXPAYER RELIEF ACT,
2 REGARDLESS OF WHETHER THE AMOUNT DEPOSITED IN THE PROPERTY
3 TAX RELIEF RESERVE FUND IS LESS THAN REQUIRED BY SECTION 504
4 OF THE TAXPAYER RELIEF ACT.

5 (2) NOTWITHSTANDING THE PROVISIONS OF 4 PA.C.S. §
6 1901.1, BEGINNING JANUARY 1, 2011, IF THE SECRETARY OF THE
7 BUDGET DETERMINES THAT THE MONEYS IN THE PROPERTY TAX RELIEF
8 RESERVE FUND ARE NEEDED FOR PROPERTY TAX RELIEF, THE
9 SECRETARY SHALL NOTIFY THE PENNSYLVANIA GAMING CONTROL BOARD
10 AND UPON NOTIFICATION, THE BOARD SHALL IMMEDIATELY ASSESS
11 EACH SLOT MACHINE LICENSEE FOR THE REPAYMENT OF THE LOAN IN
12 AN AMOUNT THAT IS PROPORTIONAL TO EACH SLOT MACHINE
13 LICENSEE'S GROSS TERMINAL REVENUE.

14 (D) OTHER APPROPRIATIONS SOLELY FROM ASSESSMENT.--

15 (1) ALL FUNDS FOR THE OPERATION OF THE PENNSYLVANIA
16 STATE POLICE, DEPARTMENT OF REVENUE AND ATTORNEY GENERAL ARE
17 APPROPRIATED SOLELY FROM AN ASSESSMENT ON GROSS TERMINAL
18 REVENUE FROM ACCOUNTS UNDER 4 PA.C.S. § 1401 IN AN AMOUNT
19 EQUAL TO THAT APPROPRIATED BY THE GENERAL ASSEMBLY FOR FISCAL
20 YEAR 2009-2010. THE PENNSYLVANIA STATE POLICE, ATTORNEY
21 GENERAL OR DEPARTMENT OF REVENUE SHALL NOT ASSESS ANY CHARGE,
22 FEE, COST OF OPERATIONS OR OTHER PAYMENT FROM A LICENSED
23 GAMING ENTITY IN EXCESS OF AMOUNTS APPROPRIATED FOR FISCAL
24 YEAR 2009-2010, UNLESS SPECIFICALLY AUTHORIZED BY LAW.

25 (2) THIS SUBSECTION SHALL NOT APPLY TO ANY VOLUNTARY
26 PAYMENT MADE BY A NEW SLOT MACHINE LICENSEE IN ACCORDANCE
27 WITH SIMILAR PAYMENTS VOLUNTARILY MADE BY EXISTING LICENSEES.

28 SECTION 1721-K. PENNSYLVANIA RACEHORSE DEVELOPMENT FUND.

29 (RESERVED).

30 SECTION 1722-K. STRAW PURCHASE PREVENTION EDUCATION FUND.

1 NOTWITHSTANDING THE PROVISIONS OF 18 PA.C.S. § 6187 (RELATING
2 TO TRANSFER FOR INITIAL FUNDING), IN FISCAL YEAR 2009-2010, NO
3 FUNDS SHALL BE TRANSFERRED FROM THE GENERAL FUND TO THE STRAW
4 PURCHASE PREVENTION EDUCATION FUND ESTABLISHED IN 18 PA.C.S. §
5 6186 (RELATING TO STRAW PURCHASE PREVENTION EDUCATION FUND).

6 SECTION 6. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE
7 SCRANTON STATE SCHOOL FOR THE DEAF AND THE BOARD OF TRUSTEES OF
8 THE SCRANTON STATE SCHOOL FOR THE DEAF ARE ABOLISHED.

9 SECTION 7. REPEALS ARE AS FOLLOWS:

10 (1) THE GENERAL ASSEMBLY DECLARES THAT THE REPEAL UNDER
11 PARAGRAPH (2) IS NECESSARY TO EFFECTUATE THE ADDITION OF
12 ARTICLE V-A OF THE ACT.

13 (2) SECTIONS 618 AND 618.1 OF THE ACT OF APRIL 9, 1929
14 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF 1929,
15 ARE REPEALED.

16 (3) THE GENERAL ASSEMBLY DECLARES THAT THE REPEALS UNDER
17 PARAGRAPH (4) ARE NECESSARY TO EFFECTUATE THE ADDITION OF
18 SECTION 1722-J(11) OF THE ACT.

19 (4) THE FOLLOWING ACTS OR PARTS OF ACTS ARE REPEALED
20 INsofar AS THEY ARE INCONSISTENT WITH THIS ACT:

21 (I) SECTIONS 3 AND 4 OF THE ACT OF MAY 8, 1913
22 (P.L.163, NO.112), ENTITLED "AN ACT PROVIDING FOR AN
23 EXAMINATION OF THE PENNSYLVANIA ORAL SCHOOL FOR THE DEAF,
24 AT SCRANTON, LACKAWANNA COUNTY, PENNSYLVANIA; PROVIDING
25 FOR THE TRANSFER, UNDER CERTAIN CONDITIONS, OF THE SAID
26 ORAL SCHOOL FOR THE DEAF TO THE COMMONWEALTH; REGULATING
27 SAID SCHOOL IN THE EVENT OF SUCH TRANSFER; AND MAKING AN
28 APPROPRIATION TO CARRY OUT THE PURPOSES OF THIS ACT."

29 (II) SECTIONS 2 AND 202 OF THE ACT OF JUNE 7, 1923
30 (P.L. 498, NO. 274), KNOWN AS THE ADMINISTRATIVE CODE.

1 (III) SECTIONS 202, 401 AND 1311 OF THE ACT OF APRIL
2 9, 1929 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE
3 CODE OF 1929.

4 (IV) SECTION 5.1 OF THE ACT OF JULY 8, 1957
5 (P.L.579, NO.321), ENTITLED, "AN ACT ESTABLISHING MINIMUM
6 COMPENSATION AND INCREMENTS FOR MEMBERS OF THE FACULTY
7 AND ADMINISTRATION OF THE THADDEUS STEVENS STATE SCHOOL
8 OF TECHNOLOGY, THE SCOTLAND SCHOOL FOR VETERANS'
9 CHILDREN, AND THE SCRANTON STATE SCHOOL FOR THE DEAF,
10 PROVIDING LEAVE OF ABSENCE WITH PAY FOR FACULTY MEMBERS
11 AND THE SUPERINTENDENT OF SCHOOLS AND IMPOSING DUTIES ON
12 THE BOARD OF TRUSTEES OF SUCH SCHOOLS AND THE SECRETARY
13 OF EDUCATION."

14 (V) SECTION 1.2 OF THE ACT OF DECEMBER 12, 1973
15 (P.L.397, NO.141), KNOWN AS THE PROFESSIONAL EDUCATOR
16 DISCIPLINE ACT.

17 (VI) 24 PA.C.S. §§ 8102 AND 8327.

18 (5) CHAPTER 11 OF THE ACT OF MARCH 20, 2002 (P.L.154,
19 NO.13), KNOWN AS THE MEDICAL CARE AVAILABILITY AND REDUCTION
20 OF ERROR (MCARE) ACT, IS REPEALED.

21 (6) THE ACT OF JULY 9, 2008 (P.L.908, NO.63), KNOWN AS
22 THE H2O PA ACT, IS REPEALED INSOFAR AS IT IS INCONSISTENT
23 WITH THIS ACT.

24 (7) ALL OTHER ACTS AND PARTS OF ACTS ARE REPEALED
25 INSOFAR AS THEY ARE INCONSISTENT WITH THIS ACT.

26 (8) THE FOLLOWING APPROPRIATIONS IN THE ACT OF AUGUST 5,
27 2009 (P.L. , NO.1A), KNOWN AS THE GENERAL APPROPRIATION ACT
28 OF 2009, VETOED IN PART, ARE REPEALED:

29 (I) THE STATE APPROPRIATION FOR SMOKE FREE
30 PENNSYLVANIA ENFORCEMENT IN SECTION 215 OF THE ACT IS

1 REPEALED.

2 (II) THE STATE APPROPRIATION FOR A SEPARATE STATE-
3 FUNDED VOCATIONAL REHABILITATION PROGRAM TO PROVIDE
4 VOCATIONAL REHABILITATION SERVICES LEADING TO COMPETITIVE
5 EMPLOYMENT FOR OVR-ELIGIBLE PERSONS WITH DISABILITIES
6 UNABLE TO RECEIVE SERVICES THROUGH THE FEDERAL VOCATIONAL
7 REHABILITATION PROGRAM IN SECTION 217 OF THE ACT IS
8 REPEALED.

9 (III) THE FEDERAL APPROPRIATION FOR "HOME VISITATION
10 TO PREVENT CHILD MALTREATMENT" IN SECTION 219 OF THE ACT
11 IS REPEALED.

12 (IV) THE FEDERAL APPROPRIATION FOR "EMERGENCY FOOD
13 ASSISTANCE" IN SECTION 1712 OF THE ACT IS REPEALED.

14 (V) THE FEDERAL AND STATE APPROPRIATIONS FOR
15 PAYMENTS FOR EARLY INTERVENTION SERVICES, FOR
16 "INDIVIDUALS WITH DISABILITIES EDUCATION," FOR "FOOD AND
17 NUTRITION - LOCAL," FOR "ESEA - TITLE I - LOCAL" AND FOR
18 "ARRA - EDUCATION FOR HOMELESS CHILDREN AND YOUTH" IN
19 SECTION 1714 OF THE ACT ARE REPEALED.

20 (VI) THE FEDERAL APPROPRIATIONS FOR "SURVEY STUDIES"
21 AND "STATE ENERGY PROGRAM (SEP)" IN SECTION 1715 OF THE
22 ACT ARE REPEALED.

23 (VII) THE FEDERAL APPROPRIATIONS FOR "PROGRAMS FOR
24 THE AGING - TITLE III," AND "PROGRAMS FOR THE AGING -
25 TITLE V" IN SECTION 1731 OF THE ACT ARE REPEALED.

26 SECTION 8. THE PROVISIONS OF THIS ACT ARE SEVERABLE. IF ANY
27 PROVISION OF THIS ACT OR ITS APPLICATION TO ANY PERSON OR
28 CIRCUMSTANCE IS HELD INVALID, THE INVALIDITY SHALL NOT AFFECT
29 OTHER PROVISIONS OR APPLICATIONS OF THIS ACT WHICH CAN BE GIVEN
30 EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION.

1 SECTION 9. THIS ACT SHALL APPLY AS FOLLOWS:

2 (1) THE ADDITION OF SECTION 1776-A OF THE ACT SHALL
3 APPLY TO CONTRACTS ENTERED INTO ON OR AFTER THE EFFECTIVE
4 DATE OF THIS PARAGRAPH.

5 (1.1) THE FOLLOWING PROVISIONS SHALL APPLY RETROACTIVELY
6 TO JULY 1, 2009:

7 (I) THE AMENDMENT OF SECTION 1721-E OF THE ACT.

8 (II) THE AMENDMENT OF SECTION 1722-E OF THE ACT.

9 (III) THE AMENDMENT OF SECTION 1733-E OF THE ACT.

10 (IV) THE AMENDMENT OF SECTION 1735-E OF THE ACT.

11 (V) EXCEPT AS SET FORTH IN PARAGRAPH (3), THE
12 ADDITION OF ARTICLE XVII-J OF THE ACT.

13 (VI) THE ADDITION OF ARTICLE XVII-K OF THE ACT.

14 (2) THE AMENDMENT OF SECTION 1723-E OF THE ACT SHALL
15 APPLY RETROACTIVELY TO MAY 1, 2009.

16 (3) PARAGRAPH (1.1) (V) DOES NOT APPLY TO THE ADDITION OF
17 SECTION 1722-J(8) AND (9) OF THE ACT.

18 SECTION 10. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

19 (1) NOTWITHSTANDING PARAGRAPH (2) (I), THE ADDITION OF
20 SECTION 510-A OF THE ACT SHALL TAKE EFFECT JULY 1, 2010, OR
21 IMMEDIATELY, WHICHEVER IS LATER.

22 (2) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT NOVEMBER
23 30, 2010:

24 (I) EXCEPT AS SET FORTH IN PARAGRAPH (1), THE
25 ADDITION OF ARTICLE V-A OF THE ACT.

26 (II) SECTION 7(1) AND (2) OF THIS ACT.

27 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT
28 IMMEDIATELY.