

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1042 Session of
2009INTRODUCED BY BROWNE, SCARNATI, PILEGGI AND CORMAN,
JULY 19, 2009AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, JULY 2, 2010

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," providing for method of filing; further~~
31 ~~providing for the definition of "cigarettes"; providing for~~
32 ~~the definition of "little cigars"; establishing the~~

1 ~~independent fiscal office; further providing for notice and~~
2 ~~publication of lists of property subject to custody and~~
3 ~~control of the Commonwealth; providing for borrowing for~~
4 ~~capital facilities, for oil and gas wells and for~~
5 ~~Pennsylvania Gaming Economic Development and Tourism Fund and~~
6 ~~for Water and Sewer System Assistance Bond Fund; further~~
7 ~~providing for Department of Corrections, for Department of~~
8 ~~Education, for Department of Environmental Protection, for~~
9 ~~Pennsylvania State Police and for Pennsylvania Emergency~~
10 ~~Management Agency; providing for 2009-2010 budget~~
11 ~~implementation and for 2009-2010 restrictions on~~
12 ~~appropriations for funds and accounts; abolishing the Board~~
13 ~~of Trustees of the Scranton State School for the Deaf; and~~
14 ~~making related repeals.~~

15 AMENDING THE ACT OF APRIL 9, 1929 (P.L.343, NO.176), ENTITLED, ←
16 AS AMENDED, "AN ACT RELATING TO THE FINANCES OF THE STATE
17 GOVERNMENT; PROVIDING FOR THE SETTLEMENT, ASSESSMENT,
18 COLLECTION, AND LIEN OF TAXES, BONUS, AND ALL OTHER ACCOUNTS
19 DUE THE COMMONWEALTH, THE COLLECTION AND RECOVERY OF FEES AND
20 OTHER MONEY OR PROPERTY DUE OR BELONGING TO THE COMMONWEALTH,
21 OR ANY AGENCY THEREOF, INCLUDING ESCHEATED PROPERTY AND THE
22 PROCEEDS OF ITS SALE, THE CUSTODY AND DISBURSEMENT OR OTHER
23 DISPOSITION OF FUNDS AND SECURITIES BELONGING TO OR IN THE
24 POSSESSION OF THE COMMONWEALTH, AND THE SETTLEMENT OF CLAIMS
25 AGAINST THE COMMONWEALTH, THE RESETTLEMENT OF ACCOUNTS AND
26 APPEALS TO THE COURTS, REFUNDS OF MONEYS ERRONEOUSLY PAID TO
27 THE COMMONWEALTH, AUDITING THE ACCOUNTS OF THE COMMONWEALTH
28 AND ALL AGENCIES THEREOF, OF ALL PUBLIC OFFICERS COLLECTING
29 MONEYS PAYABLE TO THE COMMONWEALTH, OR ANY AGENCY THEREOF,
30 AND ALL RECEIPTS OF APPROPRIATIONS FROM THE COMMONWEALTH,
31 AUTHORIZING THE COMMONWEALTH TO ISSUE TAX ANTICIPATION NOTES
32 TO DEFRAY CURRENT EXPENSES, IMPLEMENTING THE PROVISIONS OF
33 SECTION 7(A) OF ARTICLE VIII OF THE CONSTITUTION OF
34 PENNSYLVANIA AUTHORIZING AND RESTRICTING THE INCURRING OF
35 CERTAIN DEBT AND IMPOSING PENALTIES; AFFECTING EVERY
36 DEPARTMENT, BOARD, COMMISSION, AND OFFICER OF THE STATE
37 GOVERNMENT, EVERY POLITICAL SUBDIVISION OF THE STATE, AND
38 CERTAIN OFFICERS OF SUCH SUBDIVISIONS, EVERY PERSON,
39 ASSOCIATION, AND CORPORATION REQUIRED TO PAY, ASSESS, OR
40 COLLECT TAXES, OR TO MAKE RETURNS OR REPORTS UNDER THE LAWS
41 IMPOSING TAXES FOR STATE PURPOSES, OR TO PAY LICENSE FEES OR
42 OTHER MONEYS TO THE COMMONWEALTH, OR ANY AGENCY THEREOF,
43 EVERY STATE DEPOSITORY AND EVERY DEBTOR OR CREDITOR OF THE
44 COMMONWEALTH," FURTHER PROVIDING FOR INVESTMENT, FOR STATE
45 DEPOSITORIES, FOR REQUISITIONS, FOR AUDIT OF REQUISITIONS AND
46 ISSUANCE OF WARRANTS AND FOR PAYMENTS; PROVIDING FOR
47 ADDITIONAL TRANSFER, FOR BONDS, FOR EDUCATIONAL TAX CREDITS,
48 FOR PERMIT EXTENSIONS, FOR HERITAGE AREAS AND FOR SPECIAL
49 PROVISIONS RELATING TO VICTIMS OF CRIME; FURTHER PROVIDING
50 FOR THE PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY, FOR THE
51 JUDICIAL COMPUTER SYSTEM AUGMENTATION ACCOUNT AND FOR THE
52 ACCESS TO JUSTICE ACCOUNT; PROVIDING FOR THE STATE GAMING
53 FUND; FURTHER PROVIDING FOR THE TOBACCO SETTLEMENT FUND;
54 PROVIDING FOR 2010-2011 BUDGET IMPLEMENTATION, FOR 2010-2011
55 RESTRICTIONS ON APPROPRIATIONS FOR FUNDS AND ACCOUNTS AND FOR
56 RETIREMENT; AND MAKING RELATED REPEALS.

57 The General Assembly of the Commonwealth of Pennsylvania
58 hereby enacts as follows:



1 ~~Section 1. The act of April 9, 1929 (P.L.343, No.176), known~~
2 ~~as The Fiscal Code, is amended by adding a section to read:~~

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

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

29 ~~(c) (1) The Department of Revenue may waive the requirement~~
30 ~~to file by the method required under subsection (a) when the~~

1 ~~department determines that any of the following apply:~~

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

3 ~~(ii) The preparer or taxpayer requests a waiver in writing~~

4 ~~that clearly states why the filing method causes an undue~~

5 ~~hardship.~~

6 ~~(2) In determining whether filing by the method required~~

7 ~~under subsection (a) causes an undue hardship, the Department of~~

8 ~~Revenue may consider unusual circumstances that may prevent the~~

9 ~~person from filing by the prescribed method or any other factor~~

10 ~~that the department determines is relevant.~~

11 ~~Section 1.1. The definition of "cigarettes" in section 202 A~~

12 ~~of the act, added July 2, 1993 (P.L.250, No.46), is amended and~~

13 ~~the section is amended by adding a definition to read:~~

14 ~~Section 202 A. Definitions. As used in this article~~

15 ~~* * *~~

16 ~~"Cigarettes" shall mean and include any roll for smoking made~~

17 ~~wholly or in part of tobacco, irrespective of size or shape, and~~

18 ~~whether or not such tobacco is flavored, adulterated or mixed~~

19 ~~with any other ingredient, the wrapper or cover of which is made~~

20 ~~of paper or any other substance or material, excepting tobacco,~~

21 ~~and shall not include cigars. For purposes of licensing under~~

22 ~~this article only, the term shall include little cigars.~~

23 ~~* * *~~

24 ~~"Little cigars" shall mean any roll for smoking that weighs~~

25 ~~not more than four pounds per thousand, where the wrapper or~~

26 ~~cover is made of natural leaf tobacco or of any substance~~

27 ~~containing tobacco.~~

28 ~~* * *~~

29 ~~Section 1.2. The act is amended by adding an article to~~

30 ~~read:~~

1 ARTICLE V-A

2 INDEPENDENT FISCAL OFFICE

3 Section 501 A. Short title.

4 This article relates to independence in fiscal matters.

5 Section 502 A. Definitions.

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

9 "Baseline budget." A draft budget using current dollar
10 values that projects current year levels of budget authority,
11 outlays and revenues and the deficit or surplus into the new
12 budget year and out years on the basis of current laws and
13 policies.

14 "Committee." The Independent Fiscal Office Selection
15 Committee.

16 "Commonwealth agency." Any office, department, authority,
17 board, multistate agency or commission of the executive branch.
18 The term includes:

19 (1) The Office of the Governor.

20 (2) The Office of Attorney General, the Department of
21 the Auditor General and the Treasury Department.

22 (3) An independent agency, as defined in the act of
23 February 14, 2008 (P.L.6, No.3), known as the Right to Know
24 Law.

25 (4) A State affiliated entity, as defined in the Right
26 to Know Law.

27 (5) The General Assembly.

28 (6) The Judiciary.

29 "Director." The director of the Independent Fiscal Office.

30 "Office." The Independent Fiscal Office established in

1 ~~section 503 A.~~

2 ~~Section 503 A. Office established.~~

3 ~~There is established a nonpartisan Independent Fiscal Office~~
4 ~~as an independent agency.~~

5 ~~Section 504 A. Duties of office.~~

6 ~~The office shall:~~

7 ~~(1) Prepare revenue estimates to include Federal funds,~~
8 ~~State revenues and funds from other resources, including any~~
9 ~~projected revenue surplus or deficit for a given fiscal year,~~
10 ~~as provided under section 505 A.~~

11 ~~(2) By January 1, provide a baseline budget that~~
12 ~~includes levels of spending necessary to retain the current~~
13 ~~program and statutory requirements.~~

14 ~~(3) Provide an analysis of the executive budget,~~
15 ~~including budgetary projections, economic outlook, economic~~
16 ~~impact and an analysis of all related tax and revenue~~
17 ~~proposals. The budget analysis may include performance~~
18 ~~recommendations to secure greater efficiency and economy.~~

19 ~~(4) Develop and use econometric models to annually~~
20 ~~forecast State revenues and update the models. The office~~
21 ~~shall make the equations of a model and any historic~~
22 ~~databases related to the model available to the~~
23 ~~Appropriations Committee of the Senate, the Appropriations~~
24 ~~Committee of the House of Representatives, the Majority~~
25 ~~Leader and Minority Leader of the Senate and the Majority~~
26 ~~Leader and Minority Leader of the House of Representatives.~~

27 ~~(5) By November 15 of each year, provide an assessment~~
28 ~~of the State's current fiscal condition and a projection of~~
29 ~~what the fiscal condition will be during the next five years.~~
30 ~~The assessment shall take into account the state of the~~

1 ~~economy, demographics, revenues and expenditures.~~

2 ~~(6) Monitor State taxes and other receipts.~~

3 ~~(7) Develop performance measures for executive level~~
4 ~~programs and departments and evaluate performance measures~~
5 ~~and results as promulgated and reported by executive level~~
6 ~~departments. Performance measurements shall be outcomes based~~
7 ~~and include activity cost analysis, measures of status~~
8 ~~improvement of recipient populations, economic outcomes and~~
9 ~~performance benchmarks against similar State programs.~~

10 ~~(8) Establish an Internet website.~~

11 ~~Section 505 A. Revenue estimates.~~

12 ~~(a) Initial revenue estimate. By the second week of~~
13 ~~February, the office shall submit to the General Assembly an~~
14 ~~initial revenue estimate for the next fiscal year.~~

15 ~~(b) Official revenue estimate.~~

16 ~~(1) By June 15 of each year, the office shall submit to~~
17 ~~the General Assembly an official final binding revenue~~
18 ~~estimate for the next fiscal year.~~

19 ~~(2) The revenue estimate submitted under this section~~
20 ~~shall establish the maximum amount of tax revenue which may~~
21 ~~be considered for the General Appropriation Act for the~~
22 ~~ensuing fiscal year. No changes in the revenue estimates~~
23 ~~shall be made by the office after submission under paragraph~~
24 ~~(1) unless changes in statutes affecting revenues and~~
25 ~~receipts are enacted.~~

26 ~~(3) The office shall publish the methodology used to~~
27 ~~develop revenue estimates.~~

28 ~~(4) Following the adoption of a General Appropriation~~
29 ~~Act or Supplemental Appropriation Act by the General~~
30 ~~Assembly, the Governor shall certify that the budget~~

1 ~~appropriations made by the General Assembly do not exceed the~~
2 ~~actual and estimated revenue and surplus available according~~
3 ~~to the official final binding revenue estimate under~~
4 ~~paragraph (1).~~

5 ~~(c) Information. The office shall provide the~~
6 ~~Appropriations Committee of the Senate, the Appropriations~~
7 ~~Committee of the House of Representatives and the Secretary of~~
8 ~~the Budget all data, assumptions and econometric models used to~~
9 ~~develop projections and revenue estimates.~~

10 ~~(d) Required information.~~

11 ~~(1) A revenue estimate submitted by the office under~~
12 ~~this subsection shall include all of the following:~~

13 ~~(i) An assessment of the Pennsylvania economy and~~
14 ~~the national economy and the impact of the existing or~~
15 ~~emerging State or national economic trends on revenue~~
16 ~~performance for the current year and the forecasted or~~
17 ~~projected revenue collections for the budget year and the~~
18 ~~succeeding year.~~

19 ~~(ii) A summary of current year to date revenue~~
20 ~~collections by specific tax or revenue source, including~~
21 ~~Federal funds, the General Fund, the Lottery Fund and the~~
22 ~~Motor License Fund and a detailed explanation of any~~
23 ~~negative or positive variation from the prior year's~~
24 ~~official revenue estimate, including the reasons or~~
25 ~~events contributing to the variation.~~

26 ~~(iii) Any projected revenue surplus or deficit for~~
27 ~~the current budget year.~~

28 ~~(2) A revenue estimate shall be based on existing~~
29 ~~statutes and tax policy and existing or emerging State or~~
30 ~~national economic trends.~~

~~(3) The office shall prepare a revenue estimate of any change in State tax law proposed as part of the annual State budget. If the proposed change in State tax law will have a fiscal impact in excess of \$10,000,000 in any fiscal year, the estimate shall be prepared on the basis of assumptions that estimate the probable behavioral responses of taxpayers, businesses and other persons to the proposed changes and shall include a statement identifying those assumptions.~~

~~(c) Department of Revenue. The Department of Revenue in conjunction with the Secretary of the Budget shall make revenue estimates for the use of the Governor in preparing the budget.~~

~~(f) Governor. The Governor shall item veto any part of any appropriation bill that causes total appropriations to exceed the official revenue estimate under subsection (b) plus any unappropriated surplus.~~

~~Section 506 A. Budget information.~~

~~The office shall be notified and shall attend any briefings provided by the Governor or the Secretary of the Budget under section 619 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.~~

~~Section 507 A. Expenditures.~~

~~(a) Expenditure reports. Commonwealth agencies shall make monthly expenditure data available to the office. The data shall be provided within seven days after the end of each month. The monthly data shall include a summary of the last monthly submission. The data shall be provided in finished reports or electronically, as determined by the office. The data shall be provided by fund, by appropriation, by department and by organization within each department and shall include:~~

~~(1) Number of filled personnel positions and their cost.~~

1 ~~(2) Itemized personnel vacancies and their cost.~~
2 ~~(3) New positions created and their cost.~~
3 ~~(4) Wage and overtime costs.~~
4 ~~(5) Allotments and expenditures for itemized personnel~~
5 ~~expenses.~~
6 ~~(6) Allotments and expenditures for itemized operating~~
7 ~~expenses.~~
8 ~~(7) Allotment and expenditures for itemized fixed~~
9 ~~assets.~~
10 ~~(8) The rate of expenditures in appropriations for major~~
11 ~~subsidy and grant programs during the month.~~
12 ~~(b) Budget requests. Commonwealth agencies shall submit~~
13 ~~their agency budget requests to the office and the Office of the~~
14 ~~Budget. The Commonwealth agency budget requests shall be~~
15 ~~submitted to both offices at the same time.~~
16 ~~(c) Revenue reports. The Governor shall make monthly~~
17 ~~revenue reports to the office. The revenue reports shall show~~
18 ~~the actual collection of revenue itemized by source and a~~
19 ~~comparison of the actual collections with estimated collections~~
20 ~~for each month. The comparison shall include an analysis of any~~
21 ~~change in collection patterns which will cause a shortfall or~~
22 ~~overrun on annual estimates of more than 1%.~~
23 ~~(d) Other revenue data. Commonwealth agencies shall cause~~
24 ~~to be prepared any other revenue data as may be requested from~~
25 ~~time to time by the office.~~
26 ~~(e) Electronic access. Except for information that is~~
27 ~~confidential pursuant to statute, the office shall have access~~
28 ~~to all information available under this section on inquiry only~~
29 ~~screens through an integrated central computer system.~~
30 ~~Section 508 A. Revenue conference.~~

~~By January 31 of each year, the office shall convene a meeting with the Secretary of the Budget and the chairman and minority chairman of the Appropriations Committee of the Senate and the chairman and minority chairman of the Appropriations Committee of the House of Representatives to discuss the following:~~

~~(1) An assessment of the Pennsylvania economy and the national economy and the impact of the economic trends on revenue performance for the budget year and the succeeding year.~~

~~(2) Recommended changes to revenue forecasting and econometric models being considered by the office.~~

~~(3) Current year to date revenue collections by specific tax or revenue source, including Federal funds, the General Fund, the Lottery Fund and the Motor License Fund and variations that may be occurring in the revenue estimate submitted under section 505-A(a).~~

~~(4) Any statutory or tax policy changes that may be recommended by the Governor or the General Assembly for the next succeeding fiscal year.~~

~~Section 509 A. Access to information.~~

~~(a) Agencies. The director is authorized to secure information, data, expense information, estimates and statistics directly from a Commonwealth agency or a political subdivision. All Commonwealth agencies and political subdivisions shall furnish the director with all reports of expenditure for each agency and any other available material or data which the director determines to be necessary in the performance of the duties of the office, other than material the disclosure of which would be a violation of law. The director is also~~

1 ~~authorized, upon agreement with the head of any Commonwealth~~
2 ~~agency or political subdivision, to utilize the services,~~
3 ~~facilities and personnel of the agency with or without~~
4 ~~reimbursement.~~

5 ~~(b) Office of the Budget. In carrying out the duties and~~
6 ~~functions of the office, the director is authorized to obtain~~
7 ~~information, data, estimates and statistics developed by the~~
8 ~~Office of the Budget and all Commonwealth agencies. The Governor~~
9 ~~shall submit to the office copies of final agency budget~~
10 ~~requests.~~

11 ~~(c) Computer database. In order to carry out its duties~~
12 ~~under this article, the office shall have access to any~~
13 ~~computerized database of a State agency that is required to aid~~
14 ~~the office in the performance of its duties, except that any~~
15 ~~statutory requirements regarding privacy of individuals' records~~
16 ~~shall be observed in providing access.~~

17 ~~(d) Daily revenue data.~~

18 ~~(1) The Secretary of Revenue and the Secretary of the~~
19 ~~Budget shall post revenue collection data for each deposit~~
20 ~~day and make the information available to the office and the~~
21 ~~chairman and minority chairman of the Appropriations~~
22 ~~Committee of the Senate and the chairman and minority~~
23 ~~chairman of the Appropriations Committee of the House of~~
24 ~~Representatives.~~

25 ~~(2) The daily revenue data shall be presented in a~~
26 ~~manner similar to and consistent with the daily revenue data~~
27 ~~provided on June 30, 2007. In no case shall each deposit day~~
28 ~~contain less information than was accessible during the~~
29 ~~2006-2007 fiscal year as a result of changes in reporting~~
30 ~~procedures, accounting systems or computer systems.~~

~~(3) The Governor, the Attorney General, the Auditor General and the State Treasurer shall cause to be prepared any other revenue data as may be requested by the office.~~

~~(e) Civil action. If information is not made available by a Commonwealth agency or political subdivision within a reasonable time, the director may make a written request to the agency head, stating the authority to receive the information. The agency head shall have ten days to respond. If the information is not provided within ten days of the receipt of the agency response, the director may bring a civil action to require the agency head to provide the information.~~

~~Section 510 A. Selection and organization committee.~~

~~(a) Selection and organization committee. There is established a committee to organize the office and select the director of the office consisting of the following:~~

~~(1) The chairman and minority chairman of the Appropriations Committee of the Senate and the chairman and minority chairman of the Appropriations Committee of the House of Representatives.~~

~~(2) The Majority Leader and the Minority Leader of the Senate and the Majority Leader and the Minority Leader of the House of Representatives.~~

~~(3) The President pro tempore of the Senate and the Speaker of the House of Representatives.~~

~~(4) The Governor.~~

~~(b) Duties of committee. The following shall apply:~~

~~(1) By August 31, 2010, the selection and organization committee shall deliberate the following:~~

~~(i) The organizational structure of the office.~~

~~(ii) The procedures to be adopted to select the~~

1 ~~director of the office.~~

2 ~~(iii) The operational budget for the office.~~

3 ~~(2) By October 31, 2010, the selection and organization~~
4 ~~committee shall submit a report to the Secretary of the~~
5 ~~Budget, the chairman and minority chairman of the~~
6 ~~Appropriations Committee and the chairman and minority~~
7 ~~chairman of the Finance Committee of the Senate and the~~
8 ~~chairman and minority chairman of the Appropriations~~
9 ~~Committee and the chairman and minority chairman of the~~
10 ~~Finance Committee of the House of Representatives setting~~
11 ~~forth a plan to establish the office, including an~~
12 ~~operational budget, and to select the director of the office.~~

13 ~~Section 511 A. Appointment.~~

14 ~~(a) Director. The office shall be headed by a director~~
15 ~~appointed by the selection committee under section 510 A. The~~
16 ~~appointment shall be made without regard to political~~
17 ~~affiliation and solely on the basis of fitness to perform the~~
18 ~~duties of the office based on qualifications published by the~~
19 ~~selection committee.~~

20 ~~(b) Deputy director. The director shall appoint a deputy~~
21 ~~director who shall perform such duties as assigned by the~~
22 ~~director and who shall during the absence or incapacity of the~~
23 ~~director or a vacancy act as the director.~~

24 ~~(c) Term. The term of office of the director shall be six~~
25 ~~years. An individual appointed as director to fill a vacancy~~
26 ~~prior to the expiration of a term shall serve only for the~~
27 ~~unexpired portion of that term. An individual serving as~~
28 ~~director at the expiration of a term may continue to serve until~~
29 ~~a successor is appointed.~~

30 ~~(d) Removal. The director may be removed by a concurrent~~

1 ~~resolution passed by the Senate and the House of~~
2 ~~Representatives.~~

3 ~~Section 512 A. Powers and duties of director.~~

4 ~~(a) Personnel. The director shall appoint and fix the~~
5 ~~compensation of personnel necessary to carry out the duties and~~
6 ~~functions of the office. All personnel shall be appointed~~
7 ~~without regard to political affiliation and solely on the basis~~
8 ~~of their fitness to perform their duties.~~

9 ~~(b) Experts and consultants. In carrying out the duties and~~
10 ~~functions of the office, the director may procure the temporary~~
11 ~~or intermittent services of experts or consultants by contract.~~

12 ~~Section 2. Section 1301.12(c) and (d) of the act, amended~~
13 ~~June 29, 2002 (P.L.614, No.91), are amended to read:~~

14 ~~Section 1301.12. Notice and Publication of Lists of Property~~
15 ~~Subject to Custody and Control of the Commonwealth under this~~
16 ~~Article. * * *~~

17 ~~(c) The State Treasurer is not required to [publish in such~~
18 ~~notice] include in such notice published in an English language~~
19 ~~newspaper of general circulation any item of less than [one~~
20 ~~hundred dollars (\$100)] two hundred fifty dollars (\$250) or to~~
21 ~~include in such notice published in a legal newspaper any item~~
22 ~~of less than two hundred fifty dollars (\$250), unless the State~~
23 ~~Treasurer, in either instance, deems such publication to be in~~
24 ~~the public interest.~~

25 ~~(d) Within nine (9) months from the receipt of the report~~
26 ~~required by section 1301.11, the State Treasurer shall mail a~~
27 ~~notice to each person having an address listed who appears to be~~
28 ~~entitled to property of the value of [one hundred dollars~~
29 ~~(\$100)] two hundred fifty dollars (\$250) or more subject to~~
30 ~~custody and control of the Commonwealth under this article. The~~

1 mailed notice shall contain:

2 1. ~~A statement that, according to a report filed with the~~
3 ~~State Treasurer, property is being held to which the addressee~~
4 ~~appears entitled;~~

5 2. ~~The name and address of the holder of the property and~~
6 ~~any necessary information regarding changes of name and address~~
7 ~~of the holder;~~

8 3. ~~A statement that, if satisfactory proof of claim is not~~
9 ~~presented by the owner to the holder by the date specified in~~
10 ~~the published notice, claims should thereafter be filed with the~~
11 ~~State Treasurer.~~

12 * * *

13 Section 3. ~~The act is amended by adding articles to read:~~

14 ARTICLE XVI B

15 BORROWING FOR CAPITAL FACILITIES

16 Section 1601 B. Scope.

17 This article relates to neighborhood improvement zones.

18 Section 1602 B. Definitions.

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

22 "Capital Facilities Debt Enabling Act." The act of February
23 9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt
24 Enabling Act.

25 "City." A city of the third class with, on the effective
26 date of this section, a population of at least 106,000 and not
27 more than 107,000, based on the 2000 Federal decennial census.

28 "Contracting authority." An authority created under 53
29 Pa.C.S. Ch. 56 (relating to municipal authorities) for the
30 purpose of designating a neighborhood improvement zone and

~~1 constructing a facility or other authority created under the
2 laws of this Commonwealth which is eligible to apply for and
3 receive redevelopment assistance capital grants under Chapter 3
4 of the act of February 9, 1999 (P.L.1, No.1), known as the
5 Capital Facilities Debt Enabling Act, and which is under a
6 contract with the Office of the Budget to receive those grants.~~

~~7 "Facility." A stadium, arena or other structure owned or
8 leased by professional sports organization at which professional
9 athletic events are conducted in the presence of individuals who
10 pay admission to view the event constructed or operated by the
11 contracting authority.~~

~~12 "Facility complex." A development or complex of residential,
13 commercial, exhibition, hospitality, conference, retail and
14 community uses which includes a stadium arena or other place
15 owned, leased or utilized by a professional sports organization
16 at which a professional athletic event or other events are
17 conducted in the presence of individuals who pay admission to
18 view the event.~~

~~19 "Fund." The Neighborhood Improvement Zone Fund established
20 under section 1604-B.~~

~~21 "Neighborhood improvement zone." A neighborhood improvement
22 zone designated by the contracting authority for the purposes of
23 neighborhood improvement and development within a city.~~

~~24 "Professional sports organization." A sole proprietorship,
25 corporation, limited liability company, partnership or
26 association that meets all of the following:~~

~~27 (1) Owns a professional sports franchise.~~

~~28 (2) Conducts professional athletic events of the sports
29 franchise at a facility.~~

~~30 "Qualified business." An entity authorized to conduct~~

~~1 business in this Commonwealth which is located or partially
2 located within a neighborhood improvement zone and is engaged in
3 the active conduct of a trade or business for the taxable year.
4 An agent, broker or representative of a business shall not be
5 considered to be in the active conduct of trade or business for
6 the business.~~

~~7 Section 1603 B. Facility.~~

~~8 The contracting authority may designate a neighborhood
9 improvement zone of not greater than 130 acres, in which a
10 facility or facility complex may be constructed, and may borrow
11 funds for the purpose of improvement and development within the
12 neighborhood improvement zone and construction of a facility or
13 facility complex within the zone.~~

~~14 Section 1604 B. Neighborhood Improvement Zone Fund.~~

~~15 (a) Special fund. There is established a special fund known
16 as the Neighborhood Improvement Zone Fund. Interest income
17 derived from investment of the money in the fund shall be
18 credited by the Treasury Department to the fund.~~

~~19 (b) Calculation. Within 60 days of the end of each quarter,
20 the Department of Revenue shall calculate the amounts under this
21 subsection for improvement and development in the neighborhood
22 improvement zone, the facility complex and the facility. The
23 contracting authority shall provide good faith estimates of
24 quarterly amounts to be calculated. The Department of Revenue
25 shall estimate the quarterly amounts, subject to an annual
26 reconciliation, and shall certify the amounts to the Office of
27 the Budget within 90 days of the end of a fiscal quarter. An
28 entity collecting a local tax within the neighborhood
29 improvement zone shall, within 30 days of the end of a fiscal
30 quarter, submit all of the local taxes collected that are to be~~

1 ~~calculated under this subsection to the State Treasurer for~~
2 ~~transfer to the fund under subsection (d). The following shall~~
3 ~~be the amounts calculated:~~

4 ~~(1) An amount equal to all corporate net income tax,~~
5 ~~capital stock and franchise tax, personal income tax,~~
6 ~~business privilege tax, business privilege licensing fees and~~
7 ~~earned income tax related to the ownership and operation of a~~
8 ~~professional sports organization conducting professional~~
9 ~~athletic events at the facility or facility complex.~~

10 ~~(2) An amount equal to all of the following:~~

11 ~~(i) All personal income tax, earned income tax and~~
12 ~~local services tax withheld from its employees by a~~
13 ~~professional sports organization conducting professional~~
14 ~~athletic events at the facility or facility complex.~~

15 ~~(ii) All personal income tax, earned income tax and~~
16 ~~local services tax withheld from the employees of any~~
17 ~~provider of events at or services to, or any operator of~~
18 ~~an enterprise in, the facility or facility complex.~~

19 ~~(iii) All personal income tax, earned income tax and~~
20 ~~local services tax to which the Commonwealth would be~~
21 ~~entitled from performers or other participants, including~~
22 ~~visiting teams, at an event or activity at the facility~~
23 ~~or facility complex.~~

24 ~~(3) An amount equal to all sales and use tax related to~~
25 ~~the operation of the professional sports organization and the~~
26 ~~facility and enterprises developed as part of the facility~~
27 ~~complex. This paragraph shall include sales and use tax paid~~
28 ~~by any provider of events or activities at or services to the~~
29 ~~facility or facility complex, including sales and use tax~~
30 ~~paid by vendors and concessionaires and contractors at the~~

1 ~~facility or facility complex.~~

2 ~~(4) An amount equal to all tax paid to the Commonwealth~~
3 ~~related to the sale of any liquor, wine or malt or brewed~~
4 ~~beverage in the facility or facility complex.~~

5 ~~(5) The amount paid by the professional sports~~
6 ~~organization or by any provider of events or activities at or~~
7 ~~services to the facility or facility complex of any new tax~~
8 ~~enacted by the Commonwealth following the effective date of~~
9 ~~this section.~~

10 ~~(6) An amount equal to all personal income tax, earned~~
11 ~~income tax and local services tax withheld from personnel by~~
12 ~~the professional sports organization or by a contractor or~~
13 ~~other entity involved in the construction of the facility or~~
14 ~~facility complex.~~

15 ~~(7) An amount equal to all sales and use tax paid on~~
16 ~~materials and other construction costs, whether withheld or~~
17 ~~paid by the professional sports organization or other entity,~~
18 ~~directly related to the construction of the facility or~~
19 ~~facility complex.~~

20 ~~(8) An amount equal to all of the following:~~

21 ~~(i) All corporate net income tax, capital stock and~~
22 ~~franchise tax, personal income tax, business privilege~~
23 ~~tax, business privilege licensing fees and earned income~~
24 ~~tax related to the ownership and operation of any~~
25 ~~qualified business within the neighborhood improvement~~
26 ~~zone.~~

27 ~~(ii) All personal income tax, earned income tax and~~
28 ~~local services tax withheld from its employees by a~~
29 ~~qualified business within the neighborhood improvement~~
30 ~~zone.~~

1 ~~(iii) All personal income tax, earned income tax and~~
2 ~~local services tax withheld from the employees of a~~
3 ~~qualified business that provides events, activities or~~
4 ~~services in the neighborhood improvement zone.~~

5 ~~(iv) All personal income tax, earned income tax and~~
6 ~~local services tax to which the Commonwealth would be~~
7 ~~entitled from performers or other participants at an~~
8 ~~event or activity in the neighborhood improvement zone.~~

9 ~~(v) All sales and use tax related to the operation~~
10 ~~of a qualified business within the neighborhood~~
11 ~~improvement zone. This subparagraph shall include sales~~
12 ~~and use tax paid by a qualified business that provides~~
13 ~~events, activities or services in the neighborhood~~
14 ~~improvement zone.~~

15 ~~(vi) All tax paid by a qualified business to the~~
16 ~~Commonwealth related to the sale of any liquor, wine or~~
17 ~~malt or brewed beverage within the neighborhood~~
18 ~~improvement zone.~~

19 ~~(vii) The amount paid a qualified business within~~
20 ~~the neighborhood improvement zone of any new tax enacted~~
21 ~~by the Commonwealth following the effective date of this~~
22 ~~section.~~

23 ~~(viii) All personal income tax, earned income tax~~
24 ~~and local services tax withheld from personnel by a~~
25 ~~qualified business involved in the improvement,~~
26 ~~development or construction of the neighborhood~~
27 ~~improvement zone.~~

28 ~~(ix) All sales and use tax paid on materials and~~
29 ~~other construction costs, whether withheld or paid by the~~
30 ~~professional sports organization or other qualified~~

1 ~~business, directly related to the improvement,~~
2 ~~development or construction of the neighborhood~~
3 ~~improvement zone.~~

4 ~~(x) An amount equal to any amusement tax paid by a~~
5 ~~qualified business operating in the neighborhood~~
6 ~~improvement zone. No political subdivision or other~~
7 ~~entity authorized to collect amusement taxes may impose~~
8 ~~or increase the rate of any tax on admissions to places~~
9 ~~of entertainment, exhibition, amusement or upon athletic~~
10 ~~events in the neighborhood improvement zone which are not~~
11 ~~in effect on the date the neighborhood improvement zone~~
12 ~~is designated by the contracting authority.~~

13 ~~(9) Except for a tax levied against real property, an~~
14 ~~amount equal to any tax imposed by the Commonwealth or any of~~
15 ~~its political subdivisions on a qualified business engaged in~~
16 ~~an activity within the neighborhood improvement zone.~~

17 ~~(c) Income apportionment. For the purpose of making the~~
18 ~~calculations under subsection (b), the taxable income of a~~
19 ~~corporation that is a qualified business shall be apportioned to~~
20 ~~the neighborhood improvement zone by multiplying the~~
21 ~~Pennsylvania taxable income by a fraction, the numerator of~~
22 ~~which is the property factor plus the payroll factor plus the~~
23 ~~sales factor and the denominator of which is three, in~~
24 ~~accordance with the following:~~

25 ~~(1) The property factor is a fraction, the numerator of~~
26 ~~which is the average value of the taxpayer's real and~~
27 ~~tangible personal property owned or rented and used in the~~
28 ~~neighborhood improvement zone during the tax period and the~~
29 ~~denominator of which is the average value of all the~~
30 ~~taxpayer's real and tangible personal property owned or~~

1 ~~rented and used in this Commonwealth during the tax period~~
2 ~~but shall not include the security interest of any~~
3 ~~corporation as seller or lessor in personal property sold or~~
4 ~~leased under a conditional sale, bailment lease, chattel~~
5 ~~mortgage or other contract providing for the retention of a~~
6 ~~lien or title as security for the sales price of the~~
7 ~~property.~~

8 ~~(2) The following apply:~~

9 ~~(i) The payroll factor is a fraction, the numerator~~
10 ~~of which is the total amount paid in the neighborhood~~
11 ~~improvement zone during the tax period by the taxpayer~~
12 ~~for compensation and the denominator of which is the~~
13 ~~total compensation paid in this Commonwealth during the~~
14 ~~tax period.~~

15 ~~(ii) Compensation is paid in the neighborhood~~
16 ~~improvement zone if:~~

17 ~~(A) the person's service is performed entirely~~
18 ~~within the neighborhood improvement zone;~~

19 ~~(B) the person's service is performed both~~
20 ~~within and without the neighborhood improvement zone,~~
21 ~~but the service performed without the neighborhood~~
22 ~~improvement zone is incidental to the person's~~
23 ~~service within the neighborhood improvement zone; or~~

24 ~~(C) some of the service is performed in the~~
25 ~~neighborhood improvement zone and the base of~~
26 ~~operations or, if there is no base of operations, the~~
27 ~~place from which the service is directed or~~
28 ~~controlled is in the neighborhood improvement zone,~~
29 ~~or the base of operations or the place from which the~~
30 ~~service is directed or controlled is not in any~~

1 ~~location in which some part of the service is~~
2 ~~performed, but the person's residence is in the~~
3 ~~neighborhood improvement zone.~~

4 ~~(3) The sales factor is a fraction, the numerator of~~
5 ~~which is the total sales of the taxpayer in the neighborhood~~
6 ~~improvement zone during the tax period and the denominator of~~
7 ~~which is the total sales of the taxpayer in this Commonwealth~~
8 ~~during the tax period.~~

9 ~~(i) Sales of tangible personal property are in the~~
10 ~~neighborhood improvement zone if the property is~~
11 ~~delivered or shipped to a purchaser that takes possession~~
12 ~~within the neighborhood improvement zone regardless of~~
13 ~~the F.O.B. point or other conditions of the sale.~~

14 ~~(ii) Sales other than sales of tangible personal~~
15 ~~property are in the neighborhood improvement zone if:~~

16 ~~(A) the income producing activity is performed~~
17 ~~in the neighborhood improvement zone; or~~

18 ~~(B) the income producing activity is performed~~
19 ~~both within and without the neighborhood improvement~~
20 ~~zone and a greater proportion of the income producing~~
21 ~~activity is performed in the neighborhood improvement~~
22 ~~zone than in any other location, based on costs of~~
23 ~~performance.~~

24 ~~(d) Transfers.—~~

25 ~~(1) Within ten days of receiving notification under~~
26 ~~subsection (b), the Secretary of the Budget shall direct the~~
27 ~~State Treasurer to, notwithstanding any other law, transfer~~
28 ~~the amounts calculated under subsection (b) from the General~~
29 ~~Fund to the fund.~~

30 ~~(2) The State Treasurer shall provide quarterly payments~~

~~to the contracting authority until the bonds issued to finance the improvement and development of the neighborhood improvement zone and the construction of the contracted facility or facility complex are retired. The payment in each quarter shall be equal to the balance of the fund on the last day of the prior calendar quarter.~~

~~(e) Restriction on use of funds. Funds transferred under subsection (d):~~

~~(1) May only be utilized for payment of debt service on bonds issued for the improvement and development of all or any part of the neighborhood improvement zone and the purpose of constructing a facility or facility complex.~~

~~(2) May not be utilized for purposes of renovating or repairing a facility or facility complex, except for capital maintenance and improvement projects.~~

~~(f) Ticket surcharge. The entity operating the facility may collect a capital repair and improvement ticket surcharge, the proceeds of which shall be deposited into the fund. The funds shall be maintained and utilized as follows:~~

~~(1) The money deposited under this subsection may not be encumbered for any reason and shall be transferred to the entity for capital repair and improvement projects upon request from the entity.~~

~~(2) Upon the expiration of the neighborhood improvement zone under section 1606 B, any and all portions of the fund attributable to the ticket surcharge shall be immediately transferred to the contracting authority to be held in escrow where they shall be unencumbered and maintained by the contracting authority in the same manner as the fund. Upon the transfer, any ticket surcharge collected by the operating~~

1 ~~entity shall thereafter be deposited in the account~~
2 ~~maintained by the contracting authority and dispersed for a~~
3 ~~capital repair and improvement project upon request by the~~
4 ~~operating entity.~~

5 ~~Section 1605 B. Keystone Opportunity Zone.~~

6 ~~Within 30 days of the effective date of this section, the~~
7 ~~city shall apply to the department to decertify and remove the~~
8 ~~designation of all or part of the Keystone Opportunity Zone in~~
9 ~~accordance with section 309 of the act of October 6, 1998~~
10 ~~(P.L.705, No.92), known as the Keystone Opportunity Zone,~~
11 ~~Keystone Opportunity Expansion Zone and Keystone Opportunity~~
12 ~~Improvement Zone Act. The department shall act on the~~
13 ~~application within 30 days.~~

14 ~~Section 1606 B. Duration.~~

15 ~~The neighborhood improvement zone shall be in effect for a~~
16 ~~period equal to the length of time of the bonds that are~~
17 ~~initially issued.~~

18 ~~ARTICLE XVI E~~

19 ~~OIL AND GAS WELLS~~

20 ~~SUBARTICLE A~~

21 ~~PRELIMINARY PROVISIONS~~

22 ~~Section 1601 E. Definitions.~~

23 ~~The following words and phrases when used in this article~~
24 ~~shall have the meanings given to them in this subarticle unless~~
25 ~~the context clearly indicates otherwise:~~

26 ~~"Active production well." An oil, gas or coal bed methane~~
27 ~~well which is certified by the Department of Environmental~~
28 ~~Protection as a well from which oil, gas or coal bed methane was~~
29 ~~extracted during the fiscal year.~~

30 ~~"Commonwealth lands." Land owned by the Commonwealth. The~~

~~1 term does not include land owned by the Commonwealth
2 administered by the Pennsylvania Game Commission or the
3 Pennsylvania Fish and Boat Commission.~~

~~4 "Department." The Department of Conservation and Natural
5 Resources.~~

~~6 "Fund." The Oil and Gas Lease Fund established under the act
7 of December 15, 1955 (P.L.865, No.256), entitled, "An act
8 requiring rents and royalties from oil and gas leases of
9 Commonwealth land to be placed in a special fund to be used for
10 conservation, recreation, dams, and flood control; authorizing
11 the Secretary of Forests and Waters to determine the need for
12 and location of such projects and to acquire the necessary
13 land."~~

~~14 "Marcellus well." An active production well certified by the
15 Department of Environmental Protection as a well from which gas
16 from the Marcellus Shale formation as determined by the United
17 States Geological Survey was extracted during the fiscal year,
18 including wells on Commonwealth and non Commonwealth land.~~

~~19 "Responsible bidder." The term shall have the same meaning
20 as the term "responsible bidder" as defined in 62 Pa.C.S. § 103
21 (relating to definitions).~~

SUBARTICLE B

ADMINISTRATION

~~24 Section 1611 E. Contracts.~~

~~25 In fiscal year 2009-2010 and in fiscal year 2010-2011, the
26 department shall conduct a competitive public auction to lease
27 State forest land each year for the production of Marcellus
28 Shale gas reserves in an amount that generates the amount
29 required to be transferred to the General Fund under section
30 1615 E. The department shall advertise each auction of Marcellus~~

~~1 Shale gas reserves once a week for three weeks in at least two
2 newspapers of general circulation published nearest to the
3 locality of the State forest land to be leased and in the
4 Pennsylvania Bulletin. The department may not accept a bid for
5 the rights to explore and develop Marcellus Shale gas reserves
6 unless the bid is in an amount that reflects a reasonable market
7 price and maximizes revenues for the Commonwealth and is at
8 least \$2,500 per acre. A lease contract shall be awarded to the
9 highest responsible bidder and shall require the posting of a
10 bond and carry a primary term of ten years, which may be
11 extended. Each lease contract shall reserve as royalty payable
12 to the Commonwealth not less than 16% of the market value of all
13 marketable gas produced at each wellhead. Nothing in this
14 section shall prevent the department from establishing a higher
15 minimum price or higher royalty in any request for or
16 solicitation of bids. Lease and royalty payments received by the
17 Commonwealth under a lease awarded under this paragraph shall be
18 deposited into the fund.~~

~~19 Section 1611.1 E. Wellhead meter.~~

~~20 Each active production well leased under section 1611 E shall
21 be equipped with a wellhead meter maintained according to
22 industry standards and accessible to the department.~~

~~23 Section 1612 E. Reports.~~

~~24 By June 1 of each year, the department, in cooperation with
25 the Department of Environmental Protection, shall certify to the
26 State Treasurer the number of Marcellus wells located in each
27 municipality on the first day of May of each year.~~

~~28 Section 1613 E. Fund.~~

~~29 Lease payments received by the Oil and Gas Lease Fund for the
30 development or storage of oil and gas reserves shall be~~

1 ~~deposited into a separate lease account in the fund. Royalty~~
2 ~~payments received by the Oil and Gas Lease Fund from the~~
3 ~~production of oil and gas from active production wells on~~
4 ~~Commonwealth lands shall be deposited into a separate royalties~~
5 ~~account in the fund.~~

6 ~~Section 1614 E. Appropriation.~~

7 ~~Notwithstanding any other provision of law, beginning in~~
8 ~~fiscal year 2010-2011, all money in the royalties account may~~
9 ~~not be expended unless appropriated by the General Assembly.~~
10 ~~Beginning in fiscal year 2010-2011, the sum of \$30,000,000 from~~
11 ~~the royalties account is appropriated annually to the department~~
12 ~~to carry out the purposes set forth in the act of December 15,~~
13 ~~1955 (P.L.865, No.256), entitled "An act requiring rents and~~
14 ~~royalties from oil and gas leases of Commonwealth land to be~~
15 ~~placed in a special fund to be used for conservation,~~
16 ~~recreation, dams, and flood control; authorizing the Secretary~~
17 ~~of Forests and Waters to determine the need for and location of~~
18 ~~such projects and to acquire the necessary land."~~

19 ~~Section 1615 E. Use.~~

20 ~~(a) Local distribution. Notwithstanding any other provision~~
21 ~~of law, beginning in fiscal year 2012-2013, 15% of the money in~~
22 ~~the account for royalties in the fund, up to \$50,000,000, shall~~
23 ~~be distributed annually to municipalities impacted by the~~
24 ~~operation of Marcellus wells in accordance with an allocation~~
25 ~~plan and procedures adopted in a statute by the General~~
26 ~~Assembly.~~

27 ~~(b) Transfers from lease account. Notwithstanding any other~~
28 ~~provision of law, the following shall apply:~~

29 ~~(1) In fiscal year 2009-2010, the amount of \$60,000,000~~
30 ~~shall be transferred from the lease account to the General~~

1 Fund.

2 ~~(2) In fiscal year 2010-2011, the amount of \$180,000,000~~
3 ~~shall be transferred from the lease account to the General~~
4 ~~Fund.~~

5 Section 3.1. Article XVII A of the act is amended by adding
6 subarticles to read:

7 SUBARTICLE H

8 PENNSYLVANIA GAMING ECONOMIC DEVELOPMENT

9 AND TOURISM FUND

10 Section 1771 A. Definitions.

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

14 "Affiliated entity." Any of the following:

15 ~~(1) A subsidiary or holding company of a lobbying firm~~
16 ~~or other business entity owned in whole or in part by a~~
17 ~~lobbying firm.~~

18 ~~(2) An organization recognized by the Internal Revenue~~
19 ~~Service as a tax exempt organization under section 501(c) of~~
20 ~~the Internal Revenue Code of 1986 (Public Law 99-514, 26~~
21 ~~U.S.C. § 501(c)) established by a lobbyist or lobbying firm~~
22 ~~or an affiliated entity.~~

23 "Authority." The Commonwealth Financing Authority.

24 "Eligible applicant." As defined in the H2O PA Act.

25 "H2O PA Act." The act of July 9, 2008 (P.L.908, No.63),
26 known as the H2O PA Act.

27 "High hazard unsafe dam." As defined in the H2O PA Act.

28 "Lobbying." The term shall have the meaning given to it in
29 65 Pa.C.S. § 13A03 (relating to definitions). The term shall
30 also include an effort to influence the action of the authority

~~1 or the Department of Community and Economic Development relating
2 to the approval, award, receipt or denial of a grant under the
3 H2O PA Act.~~

~~4 "Project." As defined in the H2O PA Act.~~

~~5 Section 1772 A. Certification of funds.~~

~~6 On or before January 1 of each year, the Secretary of the
7 Budget shall certify to the authority and the State Treasurer
8 the amount of funds available for transfer from the Gaming
9 Economic Development and Tourism Fund under the provisions of
10 section 301 of the H2O PA Act, for the next fiscal year.~~

~~11 Section 1773 A. Request for appropriation.~~

~~12 If inadequate funds are available to the authority to pay all
13 the costs related to indebtedness incurred to fund projects
14 under the H2O PA Act after the transfer of funds from the Gaming
15 Economic Development and Tourism Fund under section 301 of the
16 H2O PA Act, the Secretary of the Budget on behalf of the
17 authority shall seek an appropriation from the General Fund to
18 fully pay the costs.~~

~~19 Section 1774 A. Amount of grants.~~

~~20 Notwithstanding the provisions of section 501(d) of the H2O
21 PA Act, grants shall be made as follows:~~

~~22 (1) A minimum of \$85,000,000 shall be awarded to flood
23 control projects.~~

~~24 (2) A minimum of \$50,000,000 shall be awarded to high
25 hazard unsafe dam projects. No more than \$20,000,000 may go
26 to an eligible applicant that is the Commonwealth or an
27 independent agency.~~

~~28 Section 1775 A. Eligible applicants.~~

~~29 Notwithstanding any other provision of the H2O PA Act to the
30 contrary, a not for profit organization that owns a high hazard~~

1 ~~unsafe dam and has filed with the authority an application for a~~
2 ~~grant under section 502(a)(3) of the H2O PA Act prior to the~~
3 ~~effective date of this section shall be an eligible applicant~~
4 ~~for a grant under section 502(a)(3) of the H2O PA Act.~~

5 ~~Section 1776 A. Prohibited activities.~~

6 ~~(a) Limitation on giving compensation. A person or its~~
7 ~~affiliated entity may not compensate or incur an obligation to~~
8 ~~compensate a person to engage in lobbying for compensation~~
9 ~~contingent in whole or in part upon the approval, award, receipt~~
10 ~~or denial of a grant under Chapters 1 through 7 of the H2O PA~~
11 ~~Act.~~

12 ~~(b) Limitation on receiving compensation. A person or its~~
13 ~~affiliated entity may not engage in or agree to engage in~~
14 ~~lobbying for compensation contingent in whole or in part upon~~
15 ~~the approval, award, receipt or denial of any grant under~~
16 ~~Chapters 1 through 7 of the H2O PA Act.~~

17 ~~(c) Inapplicability. The provisions of this section shall~~
18 ~~not apply to an eligible applicant that compensates a person to~~
19 ~~prepare or assist in the preparation of a grant application and~~
20 ~~related materials for submission to the authority under the H2O~~
21 ~~PA Act if the following requirements are met:~~

22 ~~(1) The person is not identified in the submitted~~
23 ~~application.~~

24 ~~(2) The person has no direct contact with the authority,~~
25 ~~unless the person is responding to requests for additional~~
26 ~~information or clarification.~~

27 ~~(3) The person is paid a fixed fee for the preparation~~
28 ~~or assistance or a percentage of the amount of any grant~~
29 ~~approved, awarded or received of up to .5%.~~

30 ~~(d) Violation. A violation of this section shall be~~

1 ~~considered an intentional violation of 65 Pa.C.S. § 13A09(e)~~
2 ~~(relating to penalties).~~

3 ~~SUBARTICLE I~~

4 ~~WATER AND SEWER SYSTEMS~~

5 ~~ASSISTANCE BOND FUND~~

6 ~~Section 1781 A. Definitions.~~

7 ~~The following words and phrases when used in this subarticle~~
8 ~~shall have the meanings given to them in this section unless the~~
9 ~~context clearly indicates otherwise:~~

10 ~~"Assistance Act." The act of July 9, 2008 (P.L.915, No.64),~~
11 ~~known as the Water and Sewer Systems Assistance Act.~~

12 ~~"Fund." The Water and Sewer Systems Assistance Bond Fund.~~

13 ~~"Issuing officials." The Governor, the Auditor General and~~
14 ~~the State Treasurer.~~

15 ~~"Nutrient credit." As defined in the Assistance Act.~~

16 ~~"Project." As defined in the Assistance Act.~~

17 ~~"Municipality." As defined in the Assistance Act.~~

18 ~~Section 1782 A. Water and Sewer Systems Assistance Bond Fund.~~

19 ~~(a) Establishment. The Water and Sewer Systems Assistance~~
20 ~~Bond Fund, which is created in the State Treasury, shall be the~~
21 ~~source from which all payments are authorized, with the approval~~
22 ~~of the Governor, to carry out the purposes of this section and~~
23 ~~as otherwise provided for in the Assistance Act.~~

24 ~~(b) Purpose of fund. The money in the fund shall only be~~
25 ~~utilized in accordance with the provisions of the Assistance Act~~
26 ~~for grants and loans to municipalities, public utilities and~~
27 ~~other entities implementing eligible projects and for the~~
28 ~~purchase or trading of nutrient credits.~~

29 ~~(c) Exemption. Money in the fund is exempt and not to be~~
30 ~~considered under the limitations of section 5(c)(2) of the act~~

1 ~~of March 1, 1988 (P.L.82, No.16), known as the Pennsylvania~~
2 ~~Infrastructure Investment Authority Act.~~

3 ~~Section 1783 A. Commonwealth indebtedness.~~

4 ~~(a) Borrowing authorized.~~

5 ~~(1) If the electorate approves a referendum question, in~~
6 ~~accordance with the provisions of the Assistance Act, for~~
7 ~~incurring indebtedness in the amount and for the purposes~~
8 ~~prescribed in the Assistance Act and this article, the~~
9 ~~issuing officials, pursuant to the provisions of section 7(a)~~
10 ~~(3) of Article VIII of the Constitution of Pennsylvania, are~~
11 ~~authorized and directed to borrow, on the credit of the~~
12 ~~Commonwealth, money not exceeding in the aggregate the sum of~~
13 ~~\$400,000,000, in increments of not more than \$150,000,000~~
14 ~~every year over a three year period after the effective date~~
15 ~~of this section, not including money borrowed to refund~~
16 ~~outstanding bonds, notes or replacement notes, as may be~~
17 ~~found necessary to carry out the purposes of the Assistance~~
18 ~~Act.~~

19 ~~(2) As evidence of the indebtedness, general obligation~~
20 ~~bonds of the Commonwealth shall be issued to provide money~~
21 ~~necessary to carry out the purposes of the Assistance Act for~~
22 ~~the total amounts, in the form, in the denominations and~~
23 ~~subject to the terms and conditions of issue, redemption and~~
24 ~~maturity, rate of interest and time of payment of interest,~~
25 ~~as the issuing officials direct, except that the latest~~
26 ~~stated maturity date shall not exceed 20 years from the date~~
27 ~~of the first obligation issued to evidence the debt.~~

28 ~~(3) All bonds and notes issued under the authority of~~
29 ~~the Assistance Act must bear facsimile signatures of the~~
30 ~~issuing officials and a facsimile of the Great Seal of the~~

1 ~~Commonwealth and must be countersigned by an authorized~~
2 ~~officer of an authorized loan and transfer agent of the~~
3 ~~Commonwealth.~~

4 ~~(4) All bonds and notes issued in accordance with the~~
5 ~~provisions of this section shall be direct obligations of the~~
6 ~~Commonwealth, and the full faith and credit of the~~
7 ~~Commonwealth is pledged for the payment of the interest on~~
8 ~~them, as it becomes due, and for the payment of the principal~~
9 ~~at maturity. The principal of and interest on the bonds and~~
10 ~~notes shall be payable in lawful money of the United States.~~

11 ~~(5) All bonds and notes issued under the provisions of~~
12 ~~this section shall be exempt from taxation for State and~~
13 ~~local purposes.~~

14 ~~(6) The bonds may be issued as coupon bonds or~~
15 ~~registered as to both principal and interest as the issuing~~
16 ~~officials determine. If interest coupons are attached, they~~
17 ~~shall contain the facsimile signature of the State Treasurer.~~

18 ~~(7) The issuing officials shall provide for amortization~~
19 ~~of the bonds in substantial and regular amounts over the term~~
20 ~~of the debt so that the bonds of each issue allocated to the~~
21 ~~project to be funded from the bond issue shall mature within~~
22 ~~a period not to exceed the appropriate amortization period~~
23 ~~for each project as specified by the issuing officials, but~~
24 ~~in no case in excess of 20 years. The first retirement of~~
25 ~~principal shall be stated to mature prior to the expiration~~
26 ~~of a period of time equal to one tenth of the time from the~~
27 ~~date of the first obligation issued to evidence the debt to~~
28 ~~the date of the expiration of the term of the debt.~~

29 ~~Retirements of principal shall be regular and substantial if~~
30 ~~made in annual or semiannual amounts, whether by stated~~

1 ~~serial maturities or by mandatory sinking fund retirements.~~

2 ~~(8) The issuing officials are authorized to provide by~~
3 ~~resolution for the issuance of refunding bonds for the~~
4 ~~purpose of refunding any debt issued under the provisions of~~
5 ~~the Assistance Act and this article and outstanding, either~~
6 ~~by voluntary exchange with the holders of the outstanding~~
7 ~~debt or by providing funds to redeem and retire the~~
8 ~~outstanding debt with accrued interest, any premium payable~~
9 ~~on the debt and the costs of issuance and retirement of the~~
10 ~~debt, at maturity or at any call date. The issuance of the~~
11 ~~refunding bonds, the maturities and other details of the~~
12 ~~refunding bonds, the rights of the holders of the refunding~~
13 ~~bonds and the duties of the issuing official in respect to~~
14 ~~the refunding bonds shall be governed by the applicable~~
15 ~~provisions of this section. Refunding bonds, which are not~~
16 ~~subject to the aggregate limitation of \$400,000,000 of debt~~
17 ~~to be issued under the Assistance Act, may be issued by the~~
18 ~~issuing officials to refund debt originally issued or to~~
19 ~~refund bonds previously issued for refunding purposes.~~

20 ~~(9) If action is to be taken or decision made by the~~
21 ~~issuing officials and the issuing officials are not able~~
22 ~~unanimously to agree, the action or decision of the Governor~~
23 ~~and either the Auditor General or the State Treasurer shall~~
24 ~~be binding and final.~~

25 ~~(b) Sale of bonds.~~

26 ~~(1) When bonds are issued, they shall be offered for~~
27 ~~sale at not less than 98% of the principal amount and accrued~~
28 ~~interest and shall be sold by the issuing officials to the~~
29 ~~highest and best bidder or bidders after due public~~
30 ~~advertisement on the terms and conditions and upon open~~

1 ~~competitive bidding as the issuing officials direct. The~~
2 ~~manner and character of the advertisement and the time of~~
3 ~~advertising shall be prescribed by the issuing officials. No~~
4 ~~commission shall be allowed or paid for the sale of any bonds~~
5 ~~issued under the authority of the Assistance Act and this~~
6 ~~article.~~

7 ~~(2) Any portion of any bond issue so offered and not~~
8 ~~sold or subscribed for at public sale may be disposed of by~~
9 ~~private sale by the issuing officials in the manner and at~~
10 ~~prices, not less than 98% of the principal amount and accrued~~
11 ~~interest, as the Governor directs. No commission shall be~~
12 ~~allowed or paid for the sale of any bonds issued under the~~
13 ~~authority of the Assistance Act.~~

14 ~~(3) When bonds are issued, the bonds of each issue shall~~
15 ~~constitute a separate series to be designated by the issuing~~
16 ~~officials or may be combined for sale as one series with~~
17 ~~other general obligation bonds of the Commonwealth.~~

18 ~~(4) Until permanent bonds can be prepared, the issuing~~
19 ~~officials may issue, in lieu of permanent bonds, temporary~~
20 ~~bonds in the form and with the privileges as to registration~~
21 ~~and exchange for permanent bonds as determined by the issuing~~
22 ~~officials.~~

23 ~~(5) The proceeds realized from the sale of bonds and~~
24 ~~notes, except refunding bonds and replacement notes, under~~
25 ~~the provisions of the Assistance Act and this article shall~~
26 ~~be paid into the fund. The proceeds shall be paid by the~~
27 ~~State Treasurer periodically to those Commonwealth officers~~
28 ~~and Commonwealth agencies authorized to expend them at the~~
29 ~~times and in the amounts necessary to satisfy the funding~~
30 ~~needs of those Commonwealth agencies. The proceeds of the~~

1 ~~sale of refunding bonds and replacement notes shall be paid-~~
2 ~~to the State Treasurer and applied to the payment of-~~
3 ~~principal, any accrued interest and premium and the cost of-~~
4 ~~redemption of the bonds and notes for which the obligations-~~
5 ~~shall have been issued.~~

6 ~~(6) Pending application for the purposes authorized,~~
7 ~~money held or deposited by the State Treasurer may be-~~
8 ~~invested or reinvested as are other funds in the custody of-~~
9 ~~the State Treasurer in the manner provided by law. All-~~
10 ~~earnings received from the investment or deposit of the funds-~~
11 ~~shall be paid into the State Treasury to the credit of the-~~
12 ~~fund. The earnings in excess of bond discounts allowed,~~
13 ~~expenses paid for the issuance of bonds and notes and-~~
14 ~~interest arbitrage rebates due to the Federal Government-~~
15 ~~shall be transferred annually to the fund. Any interest or-~~
16 ~~investment income shall be applied to assist in the payment-~~
17 ~~of the debt service incurred in connection with the-~~
18 ~~Assistance Act and this article.~~

19 ~~(7) The Auditor General shall prepare the necessary-~~
20 ~~registry book to be kept in the office of the authorized loan-~~
21 ~~and transfer agent of the Commonwealth for the registration-~~
22 ~~of any bonds, at the request of owners of the bonds,~~
23 ~~according to the terms and conditions of issue directed by-~~
24 ~~the issuing officials.~~

25 ~~(8) There is appropriated to the State Treasurer from-~~
26 ~~the fund as much money as may be necessary for all costs and-~~
27 ~~expenses in connection with the issue of and sale and-~~
28 ~~registration of the bonds and notes in connection with the-~~
29 ~~Assistance Act and this article and the payment of interest-~~
30 ~~arbitrage rebates or proceeds of the bonds and notes.~~

1 ~~(c) Temporary financing authorization.~~

2 ~~(1) Pending the authorized issuance of bonds of the~~
3 ~~Commonwealth, the issuing officials are authorized, in~~
4 ~~accordance with the provisions of the Assistance Act and this~~
5 ~~article and on the credit of the Commonwealth, to make~~
6 ~~temporary borrowings not to exceed three years in~~
7 ~~anticipation of the issue of bonds in order to provide funds~~
8 ~~in the amounts deemed advisable prior to the issue of bonds.~~
9 ~~In order to provide for and in connection with the temporary~~
10 ~~borrowings, the issuing officials are authorized in the name~~
11 ~~and on behalf of the Commonwealth to enter into any purchase,~~
12 ~~loan or credit agreement or other agreement with any bank,~~
13 ~~trust company or other lending institution, investment~~
14 ~~banking firm or person, in the United States having power to~~
15 ~~enter into the agreement. The agreement may contain~~
16 ~~provisions which are not inconsistent with the provisions of~~
17 ~~the Assistance Act or this article and authorized by the~~
18 ~~issuing officials.~~

19 ~~(2) All temporary borrowings made under this section~~
20 ~~shall be evidenced by notes of the Commonwealth, which shall~~
21 ~~be issued for amounts not exceeding in the aggregate the~~
22 ~~applicable statutory and constitutional debt limitation in~~
23 ~~the form and denominations and subject to terms and~~
24 ~~conditions of sale and issue, prepayment or redemption and~~
25 ~~maturity, rate of interest and time of payment of interest as~~
26 ~~the issuing officials authorize and direct in accordance with~~
27 ~~the Assistance Act and this article. The authorization and~~
28 ~~direction may provide for the subsequent issuance of~~
29 ~~replacement notes to refund outstanding notes or replacement~~
30 ~~notes. The replacement notes shall, upon issuance, evidence~~

1 ~~the borrowing and may specify other terms and conditions with~~
2 ~~respect to the notes and replacement notes as the issuing~~
3 ~~officials determine and direct.~~

4 ~~(3) If the authorization and direction of the issuing~~
5 ~~officials provide for the issuance of replacement notes, the~~
6 ~~following shall apply:~~

7 ~~(i) The issuing officials may, on behalf of the~~
8 ~~Commonwealth, issue, enter into or authorize and direct~~
9 ~~the State Treasurer to enter into an agreement with any~~
10 ~~bank, trust company, investment banking firm or other~~
11 ~~institution or person, in the United States having the~~
12 ~~power to enter the agreement:~~

13 ~~(A) To purchase or underwrite an issue or series~~
14 ~~of issues or notes.~~

15 ~~(B) To credit, enter into a purchase, loan or~~
16 ~~credit agreement, draw money pursuant to the~~
17 ~~agreement on the terms and conditions set forth in~~
18 ~~the agreement and issue notes as evidence of~~
19 ~~borrowings made under the agreements.~~

20 ~~(C) To appoint an issuing and payment agent or~~
21 ~~agents with respect to the notes.~~

22 ~~(D) To do other acts necessary or appropriate to~~
23 ~~provide for the payment, when due, of the interest on~~
24 ~~and the principal of the notes.~~

25 ~~(ii) The agreements may provide for the compensation~~
26 ~~of purchasers or underwriters of notes or replacement~~
27 ~~notes by discounting the purchase price of the notes or~~
28 ~~by payment of a fixed fee or commission at the time of~~
29 ~~issuance. All other costs and expenses, including fees~~
30 ~~for agreements related to the notes, issuing and paying~~

~~agent costs and costs and expenses of issuance, may be paid from the proceeds of the notes.~~

~~(4) If the issuing officials provide for the issuance of replacement notes all subject to the authorization and direction of the issuing officials, the following apply:~~

~~(i) At or prior to the time of delivery of the notes or replacement notes, the State Treasurer shall determine the principal amount, date of issue, interest rate or procedure for establishing interest rate, rate of discount, denominations and all other terms and conditions relating to the issuance.~~

~~(ii) The State Treasurer shall perform all acts necessary to pay or cause to be paid, when due, all principal of and interest on the notes being refunded by replacement notes and to assure that the replacement notes may draw upon any money available for that purpose pursuant to any purchase, loan or credit agreement established with respect to the replacement notes.~~

~~(5) Outstanding notes evidencing the borrowings may be funded and retired by the issuance and sale of the bonds of the Commonwealth as authorized in this subarticle. The refunding bonds shall be issued and sold no later than a date three years after the date of issuance of the first notes evidencing the borrowings to the extent that payment of the notes has not otherwise been made or provided for by sources other than proceeds of replacement notes.~~

~~(6) The proceeds of all the temporary borrowing shall be paid to the State Treasurer to be held and disposed of in accordance with the provisions of the Assistance Act and this article.~~

1 ~~(d) Debt retirement.~~

2 ~~(1) All bonds issued under the Assistance Act and this~~
3 ~~article shall be redeemed at maturity, together with all~~
4 ~~interest due on the bonds; and these principal and interest~~
5 ~~payments shall be paid from the Water and Sewer Systems~~
6 ~~Assistance Bond Sinking Fund, which is created. For the~~
7 ~~specific purpose of redeeming the bonds at maturity and~~
8 ~~paying all interest on the bonds in accordance with the~~
9 ~~information received from the Governor, the General Assembly~~
10 ~~shall appropriate money to the Water and Sewer Systems~~
11 ~~Assistance Bond Sinking Fund for the payment of interest on~~
12 ~~the bonds and notes and their principal at maturity. All~~
13 ~~money paid into the Water and Sewer Systems Assistance Bond~~
14 ~~Sinking Fund and all of the money not necessary to pay~~
15 ~~accruing interest shall be invested by the State Treasurer in~~
16 ~~the securities as are provided by law for the investment of~~
17 ~~the sinking funds of the Commonwealth.~~

18 ~~(2) The State Treasurer, with the approval of the~~
19 ~~Governor, may use any of the money in the fund not necessary~~
20 ~~to conduct the referendum authorizing the indebtedness~~
21 ~~necessary to carry out the Assistance Act and this article to~~
22 ~~purchase and retire of all or part of the bonds and notes~~
23 ~~issued pursuant to the Assistance Act and this article. If~~
24 ~~all or part of the bonds and notes are purchased, they shall~~
25 ~~be canceled and returned to the loan and transfer agent as~~
26 ~~canceled and paid bonds and notes. Following the purchase,~~
27 ~~all payments of interest on the bonds and notes shall cease.~~
28 ~~The canceled bonds, notes and coupons, together with any~~
29 ~~other canceled bonds, notes and coupons, shall be destroyed~~
30 ~~as promptly as possible, but no later than two years after~~

~~1 cancellation. A certification evidencing the destruction of
2 the canceled bonds, notes and coupons shall be provided by
3 the loan and transfer agent to the issuing officials. All
4 canceled bonds, notes and coupons shall be marked to make the
5 canceled bonds, notes and coupons nonnegotiable.~~

~~6 (3) The State Treasurer shall determine and report to
7 the Secretary of the Budget by November 1 of each year the
8 amount of money necessary for the payment of interest on
9 outstanding obligations and the principal of the obligations,
10 if any, for the following fiscal year and the times and
11 amounts of the payments. The Governor shall include in every
12 budget submitted to the General Assembly full information
13 relating to the issuance of bonds and notes under the
14 Assistance Act and this article and the status of the Water
15 and Sewer Systems Assistance Bond Sinking Fund for the
16 payment of interest on the bonds and notes and their
17 principal at maturity.~~

~~18 (4) The General Assembly shall appropriate an amount
19 equal to the sums necessary to meet repayment obligations for
20 principal and interest for deposit into the Water and Sewer
21 Systems Assistance Bond Sinking Fund.~~

~~22 (c) Expiration. Authorization to issue bonds and notes, not
23 including refunding bonds and replacement notes, for the purpose
24 of the Assistance Act and this article shall expire ten years
25 from the effective date of this section.~~

~~26 Section 4. Sections 1721 E, 1722 E, 1723 E, 1733 E and 1735
27 E of the act, added July 17, 2007 (P.L.141, No.42), are amended
28 to read:~~

~~29 Section 1721 E. Department of Corrections [(Reserved)].~~

~~30 The following shall apply to appropriations for the~~

1 ~~Department of Corrections:~~

2 ~~(1) When making expenditures from appropriations for the~~
3 ~~operation of State correctional institutions, the Department~~
4 ~~of Corrections shall give consideration to minimum relief-~~
5 ~~factor values calculated when determining staffing levels for~~
6 ~~corrections officers and food service instructors at each~~
7 ~~State correctional institution.~~

8 ~~(2) (Reserved).~~

9 Section 1722 E. Department of Education [(Reserved)].

10 ~~(a) General rule. For the 2010 2011 school year and every~~
11 ~~school year thereafter, payments under section 1376.1(b.2) of~~
12 ~~the act of March 10, 1949 (P.L.30, No.14), known as the Public~~
13 ~~School Code of 1949, for a chartered school that establishes a~~
14 ~~satellite campus with the approval of the department for the~~
15 ~~purpose of enrolling students previously enrolled in a school~~
16 ~~for the deaf formerly operated by the Commonwealth shall, in~~
17 ~~addition to any amount otherwise calculated under section~~
18 ~~1376.1(b.2), include the amount provided in fiscal year~~
19 ~~2009 2010 pursuant to section 1722 J(10)(ii). The total shall be~~
20 ~~subject to the annual adjustment under section 1376.1(b.2)(1) of~~
21 ~~the Public School Code of 1949.~~

22 ~~(b) Additional funding. For the 2010 2011 and 2011 2012~~
23 ~~school years, in addition to any other funds provided to it, the~~
24 ~~department shall provide to a chartered school that establishes~~
25 ~~a satellite campus with approval of the department for the~~
26 ~~purpose of enrolling students previously enrolled in a school~~
27 ~~for the deaf formerly operated by the Commonwealth, out of funds~~
28 ~~appropriated to the department, an amount equal to \$500,000~~
29 ~~annually to the extent appropriated by the General Assembly.~~

30 Section 1723 E. Department of Environmental Protection

1 ~~[(Reserved)].~~

2 ~~The Department of Environmental Protection may assess a fee~~
3 ~~to applicants who apply for funds under section 306 of the act~~
4 ~~of July 9, 2008 (1st Sp.Sess., P.L.1873, No.1), known as the~~
5 ~~Alternative Energy Investment Act. The department shall publish~~
6 ~~the fee on its publicly accessible Internet website. Proceeds~~
7 ~~from the fee shall be used to administer the provision of loans,~~
8 ~~grants, reimbursements or rebates under section 306 of the~~
9 ~~Alternative Energy Investment Act. No fee authorized under this~~
10 ~~section may exceed \$150 for commercial applicants and \$100 for~~
11 ~~residential applicants.~~

12 Section 1733 E. ~~Pennsylvania State Police [(Reserved)].~~

13 ~~The following shall apply to appropriations for the~~
14 ~~Pennsylvania State Police:~~

15 ~~(1) The Pennsylvania State Police may not close a~~
16 ~~barracks until the Pennsylvania State Police conducts a~~
17 ~~public hearing and provides 30 days' notice, which shall be~~
18 ~~published in the Pennsylvania Bulletin and in at least two~~
19 ~~local newspapers.~~

20 ~~(2) (Reserved).~~

21 Section 1735 E. ~~Pennsylvania Emergency Management Agency~~

22 ~~[(Reserved)].~~

23 ~~The Pennsylvania Emergency Management Agency shall provide~~
24 ~~semiannual reports of all grants awarded by the Pennsylvania~~
25 ~~Emergency Management Agency from Federal disaster assistance or~~
26 ~~relief funds, homeland security and defense funds, avian~~
27 ~~flu/pandemic preparedness or other public health emergency funds~~
28 ~~to the chairman and minority chairman of the Appropriations~~
29 ~~Committee of the Senate and the chairman and minority chairman~~
30 ~~of the Appropriations Committee of the House of Representatives.~~

~~1 The reports shall include information relating to the entity
2 receiving grant money from the agency, including the name and
3 address of the entity, the amount of the grant, the date of
4 issuance and the purpose of the grant. Reports shall be
5 submitted by August 15 for grants awarded during the period from
6 January 1 through June 30 and by February 15 for grants awarded
7 during the period from July 1 through December 31.~~

8 Section 5. The act is amended by adding articles to read:

9 ~~ARTICLE XVII J~~

10 ~~2009-2010 BUDGET IMPLEMENTATION~~

11 ~~SUBARTICLE A~~

12 ~~PRELIMINARY PROVISIONS~~

13 ~~Section 1701 J. Applicability.~~

14 ~~Except as specifically provided in this article, this article
15 applies to the General Appropriation Act of 2009, the
16 Supplemental Appropriation Act of 2009 and, as appropriate, all
17 other appropriation acts of 2009.~~

18 ~~Section 1702 J. Definitions and abbreviations.~~

19 ~~(a) Definitions. The following words and phrases when used
20 in this article shall have the meanings given to them in this
21 section unless the context clearly indicates otherwise:~~

22 ~~"General Appropriation Act." The act of August 5, 2009 (P.L.
23 , No.1A), known as the General Appropriation Act of 2009, and
24 the act of _____, 2009 (P.L. _____, No. _____), known as the
25 Supplemental Appropriation Act of 2009.~~

26 ~~"Secretary." The Secretary of the Budget of the
27 Commonwealth.~~

28 ~~(b) Abbreviations. The following abbreviations when used in
29 this article shall have the meanings given to them in this
30 section:~~

1 ~~"AIDS." Acquired Immune Deficiency Syndrome.~~
2 ~~"ARC." Appalachian Regional Commission.~~
3 ~~"ARRA." The American Recovery and Reinvestment Act of 2009~~
4 ~~(Public Law 111-5, 123 Stat. 115).~~
5 ~~"BG." Block Grant.~~
6 ~~"CCDFBG." Child Care and Development Fund Block Grant.~~
7 ~~"Chartered school." A school chartered by the Commonwealth.~~
8 ~~"CSBG." Community Services Block Grant.~~
9 ~~"DCSI." Drug Control and Systems Improvement Formula Grant~~
10 ~~Program.~~
11 ~~"DFSC." The Safe and Drug Free Schools and Communities Act~~
12 ~~(Public Law 107-110, 20 U.S.C. § 7101 et seq.).~~
13 ~~"DOE." Department of Energy.~~
14 ~~"EEOC." Equal Employment Opportunity Commission.~~
15 ~~"EPA." Environmental Protection Agency.~~
16 ~~"ESEA." The Elementary and Secondary Education Act of 1965~~
17 ~~(Public Law 89-10, 20 U.S.C. § 6301 et seq.).~~
18 ~~"FEMA." Federal Emergency Management Agency.~~
19 ~~"FTA." Federal Transit Administration.~~
20 ~~"HUD." Department of Housing and Urban Development.~~
21 ~~"LIHEABG." Low Income Home Energy Assistance Block Grant.~~
22 ~~"LSTA." The Library Services and Technology Act (Public Law~~
23 ~~104-208, 20 U.S.C. § 9101 et seq.).~~
24 ~~"MCHSBG." Maternal and Child Health Services Block Grant.~~
25 ~~"MHSBG." Mental Health Services Block Grant.~~
26 ~~"MR." Mental Retardation.~~
27 ~~"PAFE." Pennsylvania Agricultural Food Exposition.~~
28 ~~"PHHSBG." Preventive Health and Health Services Block Grant.~~
29 ~~"RSAT." Residential Substance Abuse Treatment.~~
30 ~~"SABG." Substance Abuse Block Grant.~~

1 ~~"SCDBG." Small Communities Development Block Grant.~~
2 ~~"SDA." Service Delivery Area.~~
3 ~~"SSBG." Social Services Block Grant.~~
4 ~~"TANF." Temporary Assistance for Needy Families.~~
5 ~~"TANFBG." Temporary Assistance for Needy Families Block~~
6 ~~Grant.~~
7 ~~"TEFAP." Temporary Emergency Food Assistance Program.~~
8 ~~"WIA." The Workforce Investment Act of 1998 (Public Law~~
9 ~~105 220, 112 Stat. 936).~~
10 ~~"WIC." Women, Infants and Children Program.~~

11 ~~Section 1703 J. Warrants (Reserved).~~

12 ~~SUBARTICLE B~~

13 ~~EXECUTIVE DEPARTMENT~~

14 ~~Section 1711 J. Governor (Reserved).~~

15 ~~Section 1712 J. Executive Offices.~~

16 ~~The following shall apply to appropriations for the Executive~~
17 ~~Offices:~~

18 ~~(1) Funds appropriated for public television station~~
19 ~~grants shall be paid in an amount equal to the formula award~~
20 ~~amount determined by the Pennsylvania Public Television~~
21 ~~Commission for fiscal year 2008 2009. If insufficient funds~~
22 ~~are appropriated, such payments shall be paid on a pro rata~~
23 ~~basis.~~

24 ~~(2) (Reserved).~~

25 ~~Section 1713 J. Lieutenant Governor (Reserved).~~

26 ~~Section 1714 J. Attorney General (Reserved).~~

27 ~~Section 1715 J. Auditor General (Reserved).~~

28 ~~Section 1716 J. Treasury Department (Reserved).~~

29 ~~Section 1717 J. Department of Aging (Reserved).~~

30 ~~Section 1718 J. Department of Agriculture (Reserved).~~

1 ~~Section 1719 J. Department of Community and Economic~~
2 ~~Development.~~

3 ~~The sum of \$12,000,000 shall be transferred from the Small~~
4 ~~Business First Fund to the Machinery and Equipment Loan Fund to~~
5 ~~be used in accordance with 12 Pa.C.S. § 2905 (relating to~~
6 ~~eligibility for loans; terms and conditions).~~

7 ~~Section 1720 J. Department of Conservation and Natural~~
8 ~~Resources (Reserved).~~

9 ~~Section 1721 J. Department of Corrections (Reserved).~~

10 ~~Section 1722 J. Department of Education.~~

11 ~~The following shall apply to appropriations for the~~
12 ~~Department of Education from the General Appropriation Act:~~

13 ~~(1) Notwithstanding any other provision of law, funds~~
14 ~~received under the ARRA shall be spent in accordance with the~~
15 ~~ARRA and applicable rules and guidelines developed by the~~
16 ~~Federal Government.~~

17 ~~(2) Notwithstanding any other provision of law, a board~~
18 ~~of school directors of a school district may reopen its~~
19 ~~2009-2010 budget to reflect Federal and State allocations for~~
20 ~~fiscal year 2009-2010 provided by the General Appropriation~~
21 ~~Act.~~

22 ~~(3) Annual payments from the appropriation to~~
23 ~~institutions of higher learning for defraying the expenses of~~
24 ~~hearing impaired or sight impaired students shall not exceed~~
25 ~~\$500 per student.~~

26 ~~(4) Notwithstanding any other provision of law, Federal~~
27 ~~and State funds shall be distributed to each community~~
28 ~~college in an amount equal to the amount paid under section~~
29 ~~1913 A(b) (1.6) of the act of March 10, 1949 (P.L.30, No.14),~~
30 ~~known as the Public School Code of 1949, during the 2008-2009~~

1 ~~fiscal year. If insufficient funds are appropriated, the~~
2 ~~payments shall be made on a pro rata basis.~~

3 ~~(5) Funds appropriated for special education payments to~~
4 ~~school districts shall be distributed to each school district~~
5 ~~in an amount equal to the amount paid during the 2008 2009~~
6 ~~school year under section 2509.5(zz) of the Public School~~
7 ~~Code of 1949. If insufficient funds are appropriated, the~~
8 ~~payments shall be made on a pro rata basis.~~

9 ~~(6) (i) Funds appropriated for the Educational~~
10 ~~Assistance Program shall be distributed to each school~~
11 ~~entity in an amount equal to the amount paid during the~~
12 ~~2008 2009 school year. If insufficient funds are~~
13 ~~appropriated, the payments shall be made on a pro rata~~
14 ~~basis.~~

15 ~~(ii) For purposes of the Educational Assistance~~
16 ~~Program established in section 1502 C of the Public~~
17 ~~School Code of 1949 and this paragraph, "school entity"~~
18 ~~shall mean any of the following located in this~~
19 ~~Commonwealth: a school district, joint school district,~~
20 ~~area vocational technical school or independent school.~~

21 ~~(7) Funds appropriated for Pennsylvania accountability~~
22 ~~grants shall be distributed to each school district in an~~
23 ~~amount equal to the amount paid during the 2008 2009 school~~
24 ~~year. If insufficient funds are appropriated, the payments~~
25 ~~shall be made on a pro rata basis.~~

26 ~~(8) The following shall apply to professional and~~
27 ~~temporary professional employees of a school formerly~~
28 ~~operated by the Commonwealth:~~

29 ~~(i) The Commonwealth shall create a pool for each~~
30 ~~school comprised of the professional and temporary~~

1 ~~professional employees who have received formal notice of~~
2 ~~suspension from the Commonwealth as a result of the~~
3 ~~Commonwealth's decision to cease Commonwealth operation~~
4 ~~of the school.~~

5 ~~(ii) For the three school years immediately~~
6 ~~following the formal notice of suspension from the~~
7 ~~Commonwealth, employees in a pool created under~~
8 ~~subparagraph (i) shall be offered employment by each~~
9 ~~eligible school entity as determined under subparagraph~~
10 ~~(iv) associated with the applicable pool created under~~
11 ~~subparagraph (i), when that eligible school entity has a~~
12 ~~vacancy for a position that an employee in the applicable~~
13 ~~pool is properly certified to fill, provided that no~~
14 ~~employee of the eligible school entity in which the~~
15 ~~vacancy exists, including a suspended or demoted~~
16 ~~employee, has a right to the vacancy under the Public~~
17 ~~School Code of 1949 or the collective bargaining~~
18 ~~agreement of the respective eligible school entity.~~

19 ~~(iii) For the three school years immediately~~
20 ~~following the formal notice of suspension from the~~
21 ~~Commonwealth, no new employee shall be hired by an~~
22 ~~eligible school entity as determined under subparagraph~~
23 ~~(iv) associated with the applicable pool created under~~
24 ~~subparagraph (i), until the position has been offered, in~~
25 ~~order of seniority, to all properly certified members of~~
26 ~~the applicable pool created under subparagraph (i).~~

27 ~~(iv) For the purpose of subparagraphs (ii) and~~
28 ~~(iii), an "eligible school entity" shall be determined as~~
29 ~~follows:~~

30 ~~(A) a school district, vocational technical~~

1 ~~school or intermediate unit, the administration~~
2 ~~building of which is 17 miles or less from the~~
3 ~~administration building of a school formerly operated~~
4 ~~by the Commonwealth or which is adjacent to the~~
5 ~~school district in which a school formerly operated~~
6 ~~by the Commonwealth was situate; or~~

7 ~~(B) a school district with average daily~~
8 ~~membership greater than or equal to 8,000, the~~
9 ~~administration building of which is 45 miles or less~~
10 ~~from the administration building of a school formerly~~
11 ~~operated by the Commonwealth, and which relies on~~
12 ~~State revenue for no less than 50% of the school~~
13 ~~district's total budget in the most recent year for~~
14 ~~which data has been published on the Department of~~
15 ~~Education's public Internet website.~~

16 ~~(9) (i) Employees hired from a pool under paragraph (8)~~
17 ~~and former employees of a school formerly operated by the~~
18 ~~Commonwealth who resigned from a school formerly operated~~
19 ~~by the Commonwealth within the six months prior to the~~
20 ~~effective date of an act of the General Assembly~~
21 ~~declining to fund the school and who accepted employment~~
22 ~~at a school district, intermediate unit or vocational~~
23 ~~technical school shall be credited by the hiring school~~
24 ~~district, intermediate unit or vocational technical~~
25 ~~school for all sick leave accumulated in the school and~~
26 ~~shall be credited for years of service in the school for~~
27 ~~purposes of salary schedule placement. Employees shall~~
28 ~~further be credited for their years of service in the~~
29 ~~school for purposes of sabbatical leave eligibility,~~
30 ~~suspension and realignment rights and eligibility for any~~

~~retirement incentives or severance payments in a hiring school district, intermediate unit or vocational technical school.~~

~~(ii) Nothing in this paragraph shall be construed to supersede or preempt any provision of an individual employment agreement between a school district, intermediate unit or vocational technical school and an employee entered into prior to the effective date of this paragraph, or any provision of a collective bargaining agreement in effect as of the effective date of this paragraph and negotiated by a school entity and an exclusive representative of the employees in accordance with the act of July 23, 1970 (P.L.563, No.195), known as the Public Employe Relations Act.~~

~~(10) The appropriation for the Scranton State School for the Deaf Transition funding shall be distributed as follows:~~

~~(i) In addition to any other funding provided pursuant to section 1376.1(b.2) of the Public School Code of 1949, the Department of Education shall provide to each chartered school in the 2009-2010 school year for enrollment during the 2009-2010 school year for one or more students who were enrolled as of May 1, 2009, in a school for the deaf formerly operated by the Commonwealth, an amount equal to the product of the following:~~

~~(A) The number of students enrolled in the chartered school as of October 1, 2009, who were enrolled as of May 1, 2009, in a school for the deaf formerly operated by the Commonwealth, divided by the~~

1 ~~total number of such students enrolled in all~~
2 ~~chartered schools as of October 1, 2009, who were~~
3 ~~enrolled as of May 1, 2009, in a school for the deaf~~
4 ~~formerly operated by the Commonwealth.~~

5 ~~(B) Three million three hundred thousand~~
6 ~~dollars.~~

7 ~~(ii) In addition to any other funds provided to a~~
8 ~~chartered school under subparagraph (i), the department~~
9 ~~shall provide to each chartered school that establishes a~~
10 ~~satellite campus with approval of the department for the~~
11 ~~purpose of enrolling students previously enrolled in a~~
12 ~~school for the deaf formerly operated by the~~
13 ~~Commonwealth, the amount of \$27,273 multiplied by the~~
14 ~~number of students enrolled in the chartered school as of~~
15 ~~October 1, 2009, who were enrolled as of May 1, 2009, in~~
16 ~~a school for the deaf formerly operated by the~~
17 ~~Commonwealth, provided that the total amount under this~~
18 ~~subparagraph shall not exceed \$2,100,000.~~

19 ~~(11) The Department of Education, with assistance from~~
20 ~~the Department of Public Welfare and the Juvenile Court~~
21 ~~Judges Commission, shall submit a report to the General~~
22 ~~Assembly by June 1, 2010, detailing the costs to school~~
23 ~~districts and the Commonwealth to provide educational~~
24 ~~services to children who are adjudicated delinquent and~~
25 ~~committed to nonpublic residential facilities pursuant to 42~~
26 ~~Pa.C.S. § 6352 (relating to disposition of delinquent child)~~
27 ~~for the 2008-2009 school year. The report shall identify the~~
28 ~~following information relating to each facility:~~

29 ~~(i) Facility location.~~

30 ~~(ii) School district where each facility is located.~~

1 ~~(iii) Provider of educational services at each~~
2 ~~facility, including whether those services are under~~
3 ~~contract or provided by an entity other than the~~
4 ~~facility.~~

5 ~~(iv) Department of Education's classification of the~~
6 ~~education program at each facility.~~

7 ~~(v) Number of students committed by the court~~
8 ~~receiving educational services at each facility.~~

9 ~~(vi) School district of residence for each student~~
10 ~~committed by the court at each facility.~~

11 ~~(vii) Tuition fee charged by the educational~~
12 ~~services provider per student committed by the court at~~
13 ~~each facility.~~

14 ~~(viii) Entity responsible for each tuition payment~~
15 ~~for each student committed by the court at each facility.~~

16 ~~The term "facility" shall mean any nonpublic program~~
17 ~~supervised or licensed pursuant to the act of June 13, 1967-~~
18 ~~(P.L.31, No.21), known as the Public Welfare Code, that~~
19 ~~provides out of home, residential services to a child who is~~
20 ~~adjudicated delinquent.~~

21 ~~(12) (i) Each school district shall take such steps as~~
22 ~~necessary during fiscal year 2009 2010 in order to have~~
23 ~~or maintain a certified safety committee by December 31,~~
24 ~~2010, for the purposes of section 1002(b) of the act of~~
25 ~~June 2, 1915 (P.L.736, No.338), known as the Workers'~~
26 ~~Compensation Act. The Department of Labor and Industry~~
27 ~~shall provide the Department of Education with the list~~
28 ~~of school districts who have a certified safety~~
29 ~~committee. In the case of a school district that does not~~
30 ~~submit evidence to the Department of Education that~~

~~complies with this paragraph, the Department of Education shall deduct from any allocation from the Commonwealth to which the school district is entitled the amount of the discount the school district would otherwise receive under section 1002(b) of the Workers' Compensation Act.~~

~~(ii) Subparagraph (i) shall not apply to a school district that cannot receive a premium discount under section 1002(b) of the Workers' Compensation Act, or an equivalent reduction in contribution rates, by establishing and maintaining a certified safety committee because it is authorized to self insure its liabilities under section 305 of the Workers' Compensation Act or pool its liabilities under section 802 of the Workers' Compensation Act.~~

~~(13) Notwithstanding the provisions of 24 Pa.C.S. § 8329(a) (relating to payments on account of social security deductions from appropriations) when calculating payments by the Commonwealth under 24 Pa.C.S. § 8329, the Department of Education shall treat wages paid out of the ARRA State Stabilization Fund or out of ARRA funds appropriated for Individual with Disabilities Education (Part B - Preschool Age 3-5) as covered wages which are not federally funded.~~

~~(14) The following apply to libraries:~~

~~(i) Funds appropriated for libraries shall be distributed to each library under the following formula:~~

~~(A) Divide the sum of the amount of funding that the library received in fiscal year 2007-2008 under section 2316 of the Public School Code of 1949 by the total State aid subsidy for fiscal year 2007-2008.~~

~~(B) Multiply the quotient under clause (A) by~~

1 ~~the total State aid subsidy for 2009-2010.~~

2 ~~(ii) Following distribution of funds appropriated~~
3 ~~for State aid to libraries, any remaining funds may be~~
4 ~~distributed at the discretion of the State Librarian.~~

5 ~~(iii) If funds appropriated for State aid to~~
6 ~~libraries in fiscal year 2009-2010 are less than funds~~
7 ~~appropriated in fiscal year 2002-2003, the State~~
8 ~~Librarian may waive standards as prescribed in section~~
9 ~~103 of the act of June 14, 1961 (P.L.324, No.188), known~~
10 ~~as The Library Code, relating to hours of operation,~~
11 ~~continuing professional development, collections,~~
12 ~~expenditures and other aspects of library operation.~~

13 ~~(iv) (A) Each library system receiving State aid~~
14 ~~under this subsection may distribute the local~~
15 ~~library share of that aid in a manner as determined~~
16 ~~by the board of directors of the library system.~~

17 ~~(B) This subparagraph shall not apply to a~~
18 ~~library system operating in a county of the second~~
19 ~~class.~~

20 ~~(15) (i) The Department of Education may utilize up to~~
21 ~~\$4,500,000 of undistributed funds not expended,~~
22 ~~encumbered or committed from appropriations for grants~~
23 ~~and subsidies made to the department to assist school~~
24 ~~districts certified as an education empowerment district~~
25 ~~under section 1705-B(h)(3) of the Public School Code of~~
26 ~~1949.~~

27 ~~(ii) There is hereby established a restricted~~
28 ~~account in the State Treasury from which payments under~~
29 ~~this paragraph shall be paid. Funds shall be transferred~~
30 ~~by the Secretary of the Budget to the restricted account~~

1 ~~to the extent necessary to make payments under this~~
2 ~~paragraph. Funds in the restricted account are hereby~~
3 ~~appropriated to carry out the purposes of this paragraph.~~
4 ~~The subsidy payment from this restricted account shall be~~
5 ~~utilized to supplement the operational budget of the~~
6 ~~eligible school districts.~~

7 ~~(16) Notwithstanding section 2510.1 of the Public School~~
8 ~~Code of 1949, payments made to school districts for the~~
9 ~~instruction of homebound children shall only be made to the~~
10 ~~extent funds are appropriated for this purpose.~~

11 ~~(17) The appropriation for basic education funding shall~~
12 ~~be distributed as follows:~~

13 ~~(i) The Commonwealth shall pay to each school~~
14 ~~district a basic education funding allocation for the~~
15 ~~2008 2009 school year which shall consist of the sum of~~
16 ~~the following:~~

17 ~~(A) An amount equal to the allocations received~~
18 ~~by the school district for the 2007 2008 school year~~
19 ~~under section 2502.48(d)(1) and (2) and (e) of the~~
20 ~~Public School Code of 1949.~~

21 ~~(B) If a school district has been declared a~~
22 ~~Commonwealth partnership school district under~~
23 ~~Article XVII B of the Public School Code of 1949, an~~
24 ~~amount equal to \$2,000,000.~~

25 ~~(C) (I) For a school district subject to~~
26 ~~section 2502.48(d)(3)(i) of the Public School~~
27 ~~Code of 1949, 27.82% of the amount determined~~
28 ~~under section 2502.48(c)(1) of the Public School~~
29 ~~Code of 1949.~~

30 ~~(II) For a school district subject to~~

1 ~~section 2502.48 (d) (3) (ii) of the Public School~~
2 ~~Code of 1949, 21.4% of the amount determined~~
3 ~~under section 2502.48 (c) (1) of the Public School~~
4 ~~Code of 1949.~~

5 ~~(III) Any additional amount required so that~~
6 ~~the total amount provided under clause (A) and~~
7 ~~this clause equals 2% greater than the amount~~
8 ~~provided under section 2502.48 (d) and (e) of the~~
9 ~~Public School Code of 1949.~~

10 ~~(ii) For the purpose of the calculation under~~
11 ~~section 2502.48 (c) (1) of the Public School Code of 1949,~~
12 ~~for payments made under this subsection:~~

13 ~~(A) The amount per student under section~~
14 ~~2502.48 (a) of the Public School Code of 1949 shall be~~
15 ~~increased by the index for the school year in which~~
16 ~~funding will be paid. The term "index" shall have the~~
17 ~~meaning given to it under section 2501 of the Public~~
18 ~~School Code of 1949.~~

19 ~~(B) The number used for the purpose of each~~
20 ~~school district's calculation under section~~
21 ~~2502.48 (b) (5) (ii) (B) of the Public School Code of~~
22 ~~1949 shall not be less than one.~~

23 ~~(iii) Any increase in basic education funding under~~
24 ~~this subsection shall qualify as an increase in basic~~
25 ~~education funding for the purpose of section 2502.49 of~~
26 ~~the Public School Code of 1949. The Department of~~
27 ~~Education may grant a waiver for the use of up to 25% of~~
28 ~~the funds subject to section 2502.49 (a) (1) of the Public~~
29 ~~School Code of 1949 if all of the following apply:~~

30 ~~(A) The school district would otherwise be~~

1 ~~required to reduce or eliminate one or more of the~~
2 ~~programs listed under section 2502.49(a)(1) of the~~
3 ~~Public School Code of 1949 due to a projected budget~~
4 ~~shortfall.~~

5 ~~(B) The funds subject to the waiver will be used~~
6 ~~to maintain one or more existing programs listed~~
7 ~~under section 2502.49(a)(1) of the Public School Code~~
8 ~~of 1949.~~

9 ~~(C) The school district has, in the~~
10 ~~determination of the Department of Education, pursued~~
11 ~~alternative opportunities for greater efficiency and~~
12 ~~internal savings in order to fund the program or~~
13 ~~programs without need for a waiver.~~

14 ~~(D) The program to be maintained addresses a~~
15 ~~significant need of the school district's students~~
16 ~~and has demonstrated effectiveness at increasing~~
17 ~~student achievement in the school district, in the~~
18 ~~determination of the Department of Education.~~

19 ~~(iv) The decision to grant a waiver shall be at the~~
20 ~~sole discretion of the Department of Education and shall~~
21 ~~not be subject to appeal.~~

22 ~~(18) Community colleges shall comply with the~~
23 ~~provisions of section 1737 J.~~

24 ~~(b) Definitions. The words and phrases used in this section~~
25 ~~shall have the meanings given to them in the Public School Code~~
26 ~~of 1949.~~

27 ~~Section 1723 J. Department of Environmental Protection.~~

28 ~~The following shall apply to appropriations for the~~
29 ~~Department of Environmental Protection in the General~~
30 ~~Appropriation Act:~~

1 ~~(1) Appropriations include funds for the Water Resources~~
2 ~~Technical Assistance Center in an amount to be determined by~~
3 ~~the department in cooperation with the Water Conservation~~
4 ~~Subcommittee of the Statewide Water Resources Committee.~~

5 ~~(2) Notwithstanding the provisions of section 502 of the~~
6 ~~act of July 9, 2008 (1st Sp.Sess., P.L.1873, No.1), known as~~
7 ~~the Alternative Energy Investment Act, in fiscal year~~
8 ~~2009-2010, no funds shall be appropriated from the General~~
9 ~~Fund to the department for the Consumer Energy Program. The~~
10 ~~appropriation for fiscal year 2009-2010 is revoked.~~

11 ~~Section 1724 J. Department of General Services (Reserved).~~

12 ~~Section 1725 J. Department of Health.~~

13 ~~The following shall apply to appropriations for the~~
14 ~~Department of Health in the General Appropriation Act:~~

15 ~~(1) Funds appropriated for lupus programs shall be~~
16 ~~distributed in the same proportion as distributed in fiscal~~
17 ~~year 2007-2008.~~

18 ~~(2) Funds appropriated for arthritis outreach and~~
19 ~~education shall be equitably distributed among the central,~~
20 ~~western and eastern regions of this Commonwealth based on the~~
21 ~~ratio of population served in each region to the total~~
22 ~~population served in this Commonwealth.~~

23 ~~(3) Funds appropriated for biotechnology research~~
24 ~~include \$1,100,000 for a regenerative medicine center located~~
25 ~~in a county of the second class and \$1,500,000 for an~~
26 ~~institution for hepatitis and virus research located in~~
27 ~~county of the second class A, which conducts research related~~
28 ~~to developing new therapies for viral hepatitis and liver~~
29 ~~cancer.~~

30 ~~Section 1726 J. Insurance Department (Reserved).~~

1 ~~Section 1727 J. Department of Labor and Industry.~~

2 ~~The following shall apply to appropriations for the~~
3 ~~Department of Labor and Industry in the General Appropriation~~
4 ~~Act:~~

5 ~~(1) The appropriation for payment to the Vocational~~
6 ~~Rehabilitation Fund for work of the State Board of Vocational~~
7 ~~Rehabilitation includes \$2,153,000 for a Statewide~~
8 ~~professional service provider association for the blind to~~
9 ~~provide specialized services and prevention of blindness~~
10 ~~services and \$431,000 to provide specialized services and~~
11 ~~prevention of blindness services in cities of the first~~
12 ~~class.~~

13 ~~(2) For the "Reed Act Unemployment Insurance" and "Reed~~
14 ~~Act Employment Services and Unemployment Insurance"~~
15 ~~appropriations, the total amount which may be obligated shall~~
16 ~~not exceed the limitations under section 903 of the Social~~
17 ~~Security Act (49 Stat. 620, 42 U.S.C. § 1103).~~

18 ~~Section 1728 J. Department of Military and Veterans Affairs~~

19 ~~(Reserved).~~

20 ~~Section 1729 J. Department of Public Welfare.~~

21 ~~The following shall apply to appropriations for the~~
22 ~~Department of Public Welfare from the General Appropriation Act:~~

23 ~~(1) Authorized transfers for child care services. The~~
24 ~~following shall apply:~~

25 ~~(i) The department, upon approval of the secretary,~~
26 ~~may transfer Federal funds appropriated for TANFDBG Child~~
27 ~~Care Assistance to the CCDFBG Child Care Services~~
28 ~~appropriation to provide child care services to~~
29 ~~additional low income families if the transfer of funds~~
30 ~~will not result in a deficit in the appropriation. The~~

1 ~~secretary shall provide notice ten days prior to a~~
2 ~~transfer under this subparagraph to the chairman and~~
3 ~~minority chairman of the Appropriations Committee of the~~
4 ~~Senate and the chairman and minority chairman of the~~
5 ~~Appropriations Committee of the House of Representatives.~~

6 ~~(ii) The department, upon approval of the secretary,~~
7 ~~may transfer Federal funds appropriated for CCDFBG Child~~
8 ~~Care Assistance to the CCDFBG Child Care Services~~
9 ~~appropriation to provide child care services to~~
10 ~~additional low income families provided that the transfer~~
11 ~~of funds will not result in a deficit in the~~
12 ~~appropriation. The secretary shall provide notice ten~~
13 ~~days prior to a transfer under this subparagraph to the~~
14 ~~chairman and minority chairman of the Appropriations~~
15 ~~Committee of the Senate and the chairman and minority~~
16 ~~chairman of the Appropriations Committee of the House of~~
17 ~~Representatives.~~

18 ~~(2) Federal and State medical assistance payments. The~~
19 ~~following shall apply:~~

20 ~~(i) When making payments for medical assistance~~
21 ~~outpatient or capitation services, the department shall~~
22 ~~not require a recipient to obtain a physician referral in~~
23 ~~order to receive chiropractic services.~~

24 ~~(ii) No funds appropriated for approved capitation~~
25 ~~plans shall be used to pay a provider who fails to supply~~
26 ~~information in a form required by the department in order~~
27 ~~to facilitate claims for Federal financial participation~~
28 ~~for services rendered to general assistance clients.~~

29 ~~(iii) For fiscal year 2009 2010, additional Federal~~
30 ~~and State inpatient funding is included to provide for~~

1 ~~Community Access Fund payments. Payments to hospitals for~~
2 ~~Community Access Fund grants shall be distributed under~~
3 ~~the formulas utilized for these grants in fiscal year~~
4 ~~2008 2009. If the total funding available for Community~~
5 ~~Access Fund payments in fiscal year 2009 2010 is less~~
6 ~~than that available in fiscal year 2008 2009, payments~~
7 ~~shall be made on a pro rata basis.~~

8 ~~(iv) Qualifying State related academic medical~~
9 ~~centers shall not receive any less funding than received~~
10 ~~for the fiscal year 2004 2005 State appropriation level~~
11 ~~if Federal funding for academic medical centers is not~~
12 ~~made available to those academic medical centers during~~
13 ~~fiscal year 2009 2010.~~

14 ~~(v) If supplemental Federal funding for physician~~
15 ~~practice plans is not made available during fiscal year~~
16 ~~2009 2010, qualifying universities and affiliated~~
17 ~~physician practice plans shall not receive any less~~
18 ~~funding than the amount received for the fiscal year~~
19 ~~2007 2008 State appropriation level.~~

20 ~~(vi) Funds appropriated for medical assistance~~
21 ~~transportation shall only be utilized as a payment of~~
22 ~~last resort for transportation for eligible medical~~
23 ~~assistance recipients.~~

24 ~~(vii) The department shall consider pharmaceutical~~
25 ~~services a covered benefit for recipients who are~~
26 ~~eligible for such services and whose care is managed~~
27 ~~through contracts between the department and managed care~~
28 ~~contractors. Pharmaceutical benefits shall remain a~~
29 ~~covered benefit in the contracts between the department~~
30 ~~and managed care contractors for fiscal years 2008 2009~~

1 ~~and 2009-2010. If the department elects to bid a contract~~
2 ~~for fiscal year 2010-2011 that does not include~~
3 ~~pharmaceutical services as a covered benefit for~~
4 ~~recipients whose care is managed through contracts~~
5 ~~between the department and managed care contractors, the~~
6 ~~Secretary of Public Welfare shall do all of the~~
7 ~~following:~~

8 ~~(A) By March 30, notify in writing the chair and~~
9 ~~minority chair of the Appropriations Committee of the~~
10 ~~Senate, the chair and minority chair of the~~
11 ~~Appropriations Committee of the House of~~
12 ~~Representatives, the chair and minority chair of the~~
13 ~~Public Health and Welfare Committee of the Senate and~~
14 ~~the chair and minority chair of the Health and Human~~
15 ~~Services Committee of the House of Representatives.~~

16 ~~(B) Additionally bid a contract for fiscal year~~
17 ~~2010-2011 that does include pharmaceutical services~~
18 ~~as a covered benefit for recipients who are eligible~~
19 ~~for such services and whose care is managed through~~
20 ~~contracts between the department and managed care~~
21 ~~contractors.~~

22 ~~(C) Conduct any procurement for existing or new~~
23 ~~zones in a public manner, including publication of~~
24 ~~any request for proposal on the Department of Public~~
25 ~~Welfare's publicly accessible Internet website.~~

26 ~~(viii) Amounts allocated from funds appropriated for~~
27 ~~medical assistance outpatient services for the Select~~
28 ~~Plan for Women Preventative Health Services shall be used~~
29 ~~for women's medical services, including noninvasive~~
30 ~~contraception supplies.~~

1 ~~(ix) Federal or State funds appropriated under the~~
2 ~~General Appropriation Act in accordance with the act of~~
3 ~~March 24, 2004 (P.L.148, No.15), known as the~~
4 ~~Pennsylvania Trauma Systems Stabilization Act, not used~~
5 ~~to make payments to hospitals qualifying as Level III~~
6 ~~trauma centers shall be used to make payments to~~
7 ~~hospitals qualifying as Level I and II trauma centers.~~

8 ~~(3) Breast cancer screening. The following shall apply:~~

9 ~~(i) Funds appropriated for breast cancer screening~~
10 ~~may be used for women's medical services, including~~
11 ~~noninvasive contraception supplies.~~

12 ~~(ii) (Reserved).~~

13 ~~(4) Women's service programs. The following shall apply:~~

14 ~~(i) Funds appropriated for women's service programs~~
15 ~~grants to nonprofit agencies whose primary function is to~~
16 ~~provide alternatives to abortion shall be expended to~~
17 ~~provide services to women until childbirth and for up to~~
18 ~~12 months thereafter, including food, shelter, clothing,~~
19 ~~health care, counseling, adoption services, parenting~~
20 ~~classes, assistance for postdelivery stress and other~~
21 ~~supportive programs and services and for related outreach~~
22 ~~programs. Agencies may subcontract with other nonprofit~~
23 ~~entities which operate projects designed specifically to~~
24 ~~provide all or a portion of these services. Projects~~
25 ~~receiving funds referred to in this subparagraph shall~~
26 ~~not promote, refer or perform abortions or engage in any~~
27 ~~counseling which is inconsistent with the appropriation~~
28 ~~referred to in this subparagraph and shall be physically~~
29 ~~and financially separate from any component of any legal~~
30 ~~entity engaging in such activities.~~

1 ~~(ii) Funds appropriated for women's service programs~~
2 ~~shall be used for women's medical services, including~~
3 ~~noninvasive contraception supplies.~~

4 ~~(iii) Federal funds appropriated for TANFBG~~
5 ~~Alternatives to Abortion shall be utilized solely for~~
6 ~~services to women whose gross family income is below 185%~~
7 ~~of the Federal poverty guidelines.~~

8 ~~(5) County children and youth programs. The following~~
9 ~~shall apply:~~

10 ~~(i) No more than 50% of funds allocated from the~~
11 ~~State appropriation for county children and youth~~
12 ~~programs to each county shall be expended until each~~
13 ~~county submits to the department data for the prior State~~
14 ~~fiscal year, and updated quarterly, on the unduplicated~~
15 ~~caseloads, unduplicated services and number of~~
16 ~~caseworkers by county program. Data shall be submitted in~~
17 ~~a form acceptable to the department. A copy of the data~~
18 ~~shall be sent to the chairman and minority chairman of~~
19 ~~the Appropriations Committee of the Senate and to the~~
20 ~~chairman and the minority chairman of the Appropriations~~
21 ~~Committee of the House of Representatives.~~

22 ~~(ii) Reimbursement for children and youth services~~
23 ~~made pursuant to section 704.1 of the act of June 13,~~
24 ~~1967 (P.L.31, No.21), known as the Public Welfare Code,~~
25 ~~shall not exceed the amount of State funds appropriated.~~
26 ~~It is the intent of the General Assembly that counties do~~
27 ~~not experience any adverse fiscal impact due to the~~
28 ~~department's maximization efforts.~~

29 ~~(6) Community based family centers. No funds~~
30 ~~appropriated for community based family centers may be~~

1 ~~considered as part of the base for calculation of the county~~
2 ~~child welfare needs based budget for a fiscal year.~~

3 ~~Section 1730 J. Department of Revenue (Reserved).~~

4 ~~Section 1731 J. Department of State (Reserved).~~

5 ~~Section 1732 J. Department of Transportation (Reserved).~~

6 ~~Section 1733 J. Pennsylvania State Police.~~

7 ~~The following shall apply to appropriations for the~~
8 ~~Pennsylvania State Police from the General Appropriation Act:~~

9 ~~(1) Payments made to municipalities under 53 Pa.C.S. §~~
10 ~~2170 (relating to reimbursement of expenses) shall be limited~~
11 ~~to funds available. If funds are not available to make full~~
12 ~~payments, the Municipal Police Officers' Education and~~
13 ~~Training Commission shall make payments on a pro rata basis.~~

14 ~~(2) (Reserved).~~

15 ~~Section 1734 J. State Civil Service Commission (Reserved).~~

16 ~~Section 1735 J. Pennsylvania Emergency Management Agency~~
17 ~~(Reserved).~~

18 ~~Section 1736 J. Pennsylvania Fish and Boat Commission~~
19 ~~(Reserved).~~

20 ~~Section 1737 J. State System of Higher Education.~~

21 ~~The following shall apply to appropriations for the State~~
22 ~~System of Higher Education from the General Appropriation Act:~~

23 ~~(1) Each public institution of higher education as~~
24 ~~defined in Article XX C of the Public School Code of 1949~~
25 ~~shall do all of the following:~~

26 ~~(i) Agree to accept with full junior standing the~~
27 ~~Associate of Arts or Associate of Science degree into a~~
28 ~~parallel baccalaureate program as outlined in~~
29 ~~subparagraph (iii) by the timelines established by the~~
30 ~~Transfer and Articulation Oversight Committee but no~~

1 ~~later than December 31, 2011. For purposes of this~~
2 ~~paragraph, an Associate of Arts or Associate of Science~~
3 ~~degree is a degree designed primarily for transfer to a~~
4 ~~baccalaureate institution and must contain a minimum of~~
5 ~~60 credits.~~

6 ~~(ii) Submit to the Department of Education interim~~
7 ~~reports outlining the actions that the public institution~~
8 ~~of higher education has undertaken or intends to~~
9 ~~undertake to comply with subparagraph (i), which shall be~~
10 ~~filed by December 31, 2009, June 30, 2010, and December~~
11 ~~31, 2010.~~

12 ~~(iii) As a member of the Transfer and Articulation~~
13 ~~Oversight Committee established in section 2004 C of the~~
14 ~~Public School Code of 1949:~~

15 ~~(A) By December 1, 2009, consult with the~~
16 ~~Department of Education on a process and timeline,~~
17 ~~subject to approval by the department, to identify~~
18 ~~the Associate of Arts or Associate of Science degree~~
19 ~~aligned with the graduation requirements of the~~
20 ~~parallel baccalaureate degree in all public~~
21 ~~institutions of higher education in consultation with~~
22 ~~faculty and personnel.~~

23 ~~(B) Identify Associate of Arts or Associate of~~
24 ~~Science degree programs for transfer with full junior~~
25 ~~standing into a parallel baccalaureate degree in~~
26 ~~consultation with faculty and personnel in those~~
27 ~~degree programs by December 31, 2011.~~

28 ~~(C) Identify modifications that may be required~~
29 ~~in existing associate or baccalaureate degrees to~~
30 ~~satisfy external accreditation or licensure~~

1 ~~requirements in consultation with faculty and~~
2 ~~personnel. Approved modifications shall recognize all~~
3 ~~competencies attained within either the associate or~~
4 ~~baccalaureate programs.~~

5 ~~(D) Define requirements, in consultation with~~
6 ~~faculty and personnel, for education degrees,~~
7 ~~including Early Childhood Education degrees, leading~~
8 ~~to certification to be included in an associate~~
9 ~~degree and to be accepted for transfer with full~~
10 ~~junior standing into a parallel baccalaureate degree~~
11 ~~program.~~

12 ~~(2) (Reserved).~~

13 ~~Section 1737.1 J. State related institutions.~~

14 ~~The following shall apply to State related institutions:~~

15 ~~(1) (i) No later than June 15, 2010, each State related~~
16 ~~institution shall identify 30 credit hours of course~~
17 ~~content from equivalent courses identified under Article~~
18 ~~XX C of the Public School Code of 1949 that it will~~
19 ~~accept from a student accepted for transfer from an~~
20 ~~institution of higher education participating in Article~~
21 ~~XX C of the Public School Code of 1949. A State related~~
22 ~~institution shall count a course in the same manner that~~
23 ~~it would count the same or equivalent course if taken by~~
24 ~~a student at the State related institution.~~

25 ~~(ii) Each State related institution shall make the~~
26 ~~information identified in subparagraph (i) available to~~
27 ~~the Department of Education for posting on the~~
28 ~~department's publicly accessible Internet website.~~

29 ~~(iii) Nothing in this paragraph shall be construed~~
30 ~~to:~~

1 ~~(A) Require a State related institution to apply~~
2 ~~a course to graduation or degree requirements if that~~
3 ~~course or its equivalent course would not be applied~~
4 ~~to graduation or degree requirements if taken at the~~
5 ~~State related institution.~~

6 ~~(B) Infringe on a State related institution's~~
7 ~~sole authority to accept a student for transfer, to~~
8 ~~determine acceptance into a major, to determine the~~
9 ~~campus assignment of such student or to determine how~~
10 ~~many and which credit hours shall apply for the~~
11 ~~transfer student toward the completion of a degree.~~
12 ~~The manner in which accepted courses apply toward~~
13 ~~completion of a degree and whether they are counted~~
14 ~~for general education, major or free elective credit~~
15 ~~shall be subject to the requirements established by~~
16 ~~the accepting State related institution for each~~
17 ~~individual major or program of study.~~

18 ~~(C) Prohibit a State related institution's~~
19 ~~ability to enter into discussions with the Department~~
20 ~~of Education to increase the number of credits~~
21 ~~pursuant to subparagraph (i).~~

22 ~~(iv) For the purpose of this paragraph, "State~~
23 ~~related institution" shall have the meaning given to it~~
24 ~~in Article XX C of the Public School Code of 1949.~~

25 ~~(2) (Reserved).~~

26 ~~Section 1738 J. Pennsylvania Higher Education Assistance~~
27 ~~Agency.~~

28 ~~The following shall apply to appropriations for the~~
29 ~~Pennsylvania Higher Education Assistance Agency from the General~~
30 ~~Appropriation Act:~~

1 ~~(1) Maximization of funds. The Pennsylvania Higher~~
2 ~~Education Assistance Agency shall use funds appropriated for~~
3 ~~matching payments for student aid funds to maximize the~~
4 ~~receipt of Federal funds to the fullest extent possible.~~

5 ~~(2) Limitation. No college, university or institution~~
6 ~~receiving a direct appropriation from the Commonwealth shall~~
7 ~~be eligible to participate in the institutional assistance~~
8 ~~grants program.~~

9 ~~(3) Agricultural loan forgiveness. In distributing funds~~
10 ~~appropriated for agricultural loan forgiveness, the agency~~
11 ~~shall give preference to renewal applicants.~~

12 ~~Section 1739 J. Pennsylvania Historical and Museum Commission~~

13 ~~(Reserved).~~

14 ~~Section 1740 J. Pennsylvania Infrastructure Investment~~

15 ~~Authority (Reserved).~~

16 ~~Section 1741 J. Environmental Hearing Board (Reserved).~~

17 ~~Section 1742 J. Pennsylvania Board of Probation and Parole~~

18 ~~(Reserved).~~

19 ~~Section 1743 J. Pennsylvania Public Television Network~~

20 ~~Commission (Reserved).~~

21 ~~Section 1744 J. Pennsylvania Securities Commission (Reserved).~~

22 ~~Section 1745 J. State Tax Equalization Board (Reserved).~~

23 ~~Section 1746 J. Health Care Cost Containment Council.~~

24 ~~(1) The Health Care Cost Containment Council shall~~
25 ~~submit a report to the chairman and minority chairman of the~~
26 ~~Appropriations Committee of the Senate and the chairman and~~
27 ~~minority chairman of the Appropriations Committee of the~~
28 ~~House of Representatives specifying the amount and source of~~
29 ~~proceeds received from the sale of data by the council. The~~
30 ~~report shall supplement the annual report of financial~~

~~expenditures required under section 17.1 of the act of July 8, 1986 (P.L.408, No.89), known as the Health Care Cost Containment Act. Twenty five percent of the proceeds received from the sale of data may be used for the operations of the council. The remainder of the proceeds shall be deposited in the General Fund and shall not be expended unless appropriated by the General Assembly.~~

~~(2) The sum of \$2,300,000 is transferred from the Health Care Cost Containment Council to the General Fund, to include money appropriated to or received by the council prior to 2008-2009 that is unspent or uncommitted.~~

~~Section 1747 J. State Ethics Commission (Reserved).~~

~~Section 1748 J. State Employees' Retirement System (Reserved).~~

~~Section 1749 J. Thaddeus Stevens College of Technology~~

~~(Reserved).~~

~~Section 1750 J. Pennsylvania Housing Finance Agency (Reserved).~~

~~Section 1751 J. LIHEAPG (Reserved).~~

~~Section 1752 J. Budget Stabilization Reserve Fund (Reserved).~~

~~SUBARTICLE C~~

~~LEGISLATIVE DEPARTMENT~~

~~(Reserved)~~

~~SUBARTICLE D~~

~~JUDICIAL DEPARTMENT~~

~~Section 1781 J. Supreme Court (Reserved).~~

~~Section 1782 J. Superior Court (Reserved).~~

~~Section 1783 J. Commonwealth Court (Reserved).~~

~~Section 1784 J. Courts of common pleas (Reserved).~~

~~Section 1785 J. Community courts; magisterial district judges~~

~~(Reserved).~~

~~Section 1786 J. Philadelphia Traffic Court (Reserved).~~

~~1 Section 1787 J. Philadelphia Municipal Court (Reserved).~~
~~2 Section 1788 J. Judicial Conduct Board (Reserved).~~
~~3 Section 1789 J. Court of Judicial Discipline (Reserved).~~
~~4 Section 1790 J. Juror cost reimbursement (Reserved).~~
~~5 Section 1791 J. County court reimbursement (Reserved).~~
~~6 Section 1792 J. Senior judges (Reserved).~~
~~7 Section 1793 J. Transfer of funds by Supreme Court (Reserved).~~

~~8 ARTICLE XVII K~~

~~9 2009-2010 RESTRICTIONS ON APPROPRIATIONS~~

~~10 FOR FUNDS AND ACCOUNTS~~

~~11 Section 1701 K. Applicability.~~

~~12 Except as specifically provided in this article, this article~~
~~13 applies to the act of August 5, 2009 (P.L. _____, No.1A), known as~~
~~14 the General Appropriation Act of 2009, the act of _____, 2009~~
~~15 (P.L. _____, No. _____), known as the Supplemental Appropriation Act~~
~~16 of 2009, and as appropriate, all other appropriation acts of~~
~~17 2009.~~

~~18 Section 1702 K. State Lottery Fund.~~

~~19 (1) Funds appropriated for PENNCARE shall not be~~
~~20 utilized for administrative costs by the Department of Aging.~~

~~21 (2) (Reserved).~~

~~22 Section 1703 K. Energy Conservation and Assistance Fund~~

~~23 (Reserved).~~

~~24 Section 1704 K. Judicial Computer System Augmentation Account.~~

~~25 The Supreme Court and the Court Administrator of Pennsylvania~~
~~26 are prohibited from augmenting the amount appropriated to the~~
~~27 Judicial Computer System Augmentation Account by billings to~~
~~28 other appropriations to the judicial branch for the Statewide~~
~~29 Judicial Computer System or for any other purpose.~~

~~30 Section 1705 K. Emergency Medical Services Operating Fund~~

1 ~~(Reserved).~~

2 ~~Section 1706 K. State Stores Fund (Reserved).~~

3 ~~Section 1707 K. Motor License Fund (Reserved).~~

4 ~~Section 1708 K. Hazardous Material Response Fund (Reserved).~~

5 ~~Section 1709 K. Milk Marketing Fund (Reserved).~~

6 ~~Section 1710 K. Home Investment Trust Fund (Reserved).~~

7 ~~Section 1711 K. Tuition Payment Fund (Reserved).~~

8 ~~Section 1712 K. Banking Department Fund (Reserved).~~

9 ~~Section 1713 K. Firearm Records Check Fund (Reserved).~~

10 ~~Section 1714 K. Ben Franklin Technology Development Authority~~

11 ~~Fund (Reserved).~~

12 ~~Section 1715 K. Tobacco Settlement Fund.~~

13 ~~(a) Deposits.~~

14 ~~(1) Notwithstanding sections 303(b)(2), (3) and (4) and~~

15 ~~306 of the act of June 26, 2001 (P.L.755, No.77), known as~~

16 ~~the Tobacco Settlement Act, the following shall apply:~~

17 ~~(i) For fiscal year 2009-2010, the strategic~~

18 ~~contribution payments received in fiscal year 2008-2009~~

19 ~~pursuant to the Master Settlement Agreement shall be~~

20 ~~deposited in the Tobacco Settlement Fund.~~

21 ~~(ii) For fiscal year 2009-2010, \$15,000,000 of the~~

22 ~~funds derived under section 303(b)(3) of the Tobacco~~

23 ~~Settlement Act shall be deposited into the Tobacco~~

24 ~~Settlement Fund.~~

25 ~~(iii) For fiscal year 2009-2010, \$10,000,000 of the~~

26 ~~funds derived under section 303(b)(4) of the Tobacco~~

27 ~~Settlement Act shall be deposited into the Tobacco~~

28 ~~Settlement Fund.~~

29 ~~(iv) For fiscal year 2009-2010, 25% of the money~~

30 ~~appropriated under section 306(b)(1)(iii) of the Tobacco~~

1 ~~Settlement Act may not be expended, transferred or lapsed~~
2 ~~but shall remain in the Tobacco Settlement Fund.~~

3 ~~(v) For fiscal year 2009 2010, 33.3% of the money~~
4 ~~appropriated under section 306(b)(1)(vi) of the Tobacco~~
5 ~~Settlement Act may not be expended, transferred or lapsed~~
6 ~~but shall remain in the Tobacco Settlement Fund.~~

7 ~~(2) Money deposited into the fund under paragraph (1)~~
8 ~~shall be appropriated for health related purposes. If~~
9 ~~applicable, the amount appropriated in accordance with this~~
10 ~~paragraph shall be matched by appropriated Federal augmenting~~
11 ~~funds.~~

12 ~~(b) Transfers.~~

13 ~~(1) Notwithstanding sections 306 and 307 of the Tobacco~~
14 ~~Settlement Act, the following shall apply.~~

15 ~~(i) For fiscal year 2009 2010, 37.5% of the money~~
16 ~~appropriated under section 306(b)(1)(iii) of the Tobacco~~
17 ~~Settlement Act is transferred from the Tobacco Settlement~~
18 ~~Fund to the General Fund.~~

19 ~~(ii) For fiscal year 2010 2011, 37.5% of the money~~
20 ~~appropriated under section 306(b)(1)(iii) of the Tobacco~~
21 ~~Settlement Act is transferred from the Tobacco Settlement~~
22 ~~Fund to the General Fund.~~

23 ~~(iii) For fiscal year 2009 2010, 100% of the money~~
24 ~~received in fiscal year 2008 2009 appropriated under~~
25 ~~section 306(b)(1)(i) of the Tobacco Settlement Act shall~~
26 ~~be transferred from the Tobacco Endowment Account for~~
27 ~~Long Term Hope to the Tobacco Settlement Fund.~~

28 ~~(iv) For fiscal year 2009 2010, \$150,000,000 is~~
29 ~~transferred from the Tobacco Endowment Account for Long~~
30 ~~Term Hope to the General Fund.~~

1 ~~(v) For fiscal year 2010-2011, \$250,000,000 is~~
2 ~~transferred from the Tobacco Endowment Account for Long~~
3 ~~Term Hope to the General Fund.~~

4 ~~(2) Money transferred under paragraph (1)(iii) shall be~~
5 ~~appropriated for health related purposes. If applicable, the~~
6 ~~amount appropriated in accordance with this paragraph shall~~
7 ~~be matched by appropriated Federal augmenting funds.~~

8 ~~(c) Allocation. Funding for local programs under section~~
9 ~~708(b) of the Tobacco Settlement Act shall be allocated as~~
10 ~~follows:~~

11 ~~(1) Thirty percent of grant funding to primary~~
12 ~~contractors for local programs shall be allocated equally~~
13 ~~among each of the 67 counties.~~

14 ~~(2) The remaining 70% of grant funding to primary~~
15 ~~contractors for local programs shall be allocated on a per~~
16 ~~capita basis of each county with a population greater than~~
17 ~~60,000. The per capita formula shall be applied only to that~~
18 ~~portion of the population that is greater than 60,000 for~~
19 ~~each county.~~

20 ~~(3) Budgets shall be developed by each primary~~
21 ~~contractor to reflect service planning and expenditures in~~
22 ~~each county. Each primary contractor will ensure that~~
23 ~~services are available to residents of each county and must~~
24 ~~expend the allocated funds on a per county basis pursuant to~~
25 ~~paragraphs (1) and (2).~~

26 ~~(4) The Department of Health shall compile a detailed~~
27 ~~annual report of expenditures per county and the specific~~
28 ~~programs offered in each region. This report shall be made~~
29 ~~available on the Department of Health's publicly available~~
30 ~~Internet website 60 days following the close of each fiscal~~

1 ~~year.~~

2 ~~(5) During the third quarter of the fiscal year, funds~~
3 ~~which have not been spent within a service area may be~~
4 ~~reallocated to support programming in the same region.~~

5 ~~(d) Use of money for lobbying prohibited. No money derived~~
6 ~~from an appropriation by the General Assembly from the Tobacco~~
7 ~~Settlement Fund may be used for the lobbying of any State public~~
8 ~~official.~~

9 ~~Section 1716 K. Community Health Reinvestment Restricted~~
10 ~~Account.~~

11 ~~(a) Establishment. There is established in the State~~
12 ~~Treasury a restricted receipts account in the Tobacco Settlement~~
13 ~~Fund to be known as the Community Health Reinvestment Restricted~~
14 ~~Account. Interest earned on money in the account shall remain in~~
15 ~~the account.~~

16 ~~(b) Agreement on community health reinvestment. Each~~
17 ~~calendar year, a corporation under 40 Pa.C.S. Ch. 61 (relating~~
18 ~~to hospital plan corporations) or 63 (relating to professional~~
19 ~~health services plan corporations) that is a party to the~~
20 ~~Agreement on Community Health Reinvestment entered into February~~
21 ~~2, 2005, by the Insurance Department and the Capital Blue Cross,~~
22 ~~Highmark, Inc., Hospital Service Association of Northeastern~~
23 ~~Pennsylvania and Independence Blue Cross, and published in the~~
24 ~~Pennsylvania Bulletin at 35 Pa.B. 4155 (July 23, 2005), shall~~
25 ~~pay to the account the amount calculated for such calendar year~~
26 ~~in section 5 of the agreement, published at 35 Pa.B. 4156.~~

27 ~~(c) Appropriation. The money in the account, including all~~
28 ~~interest earned, is appropriated to the Insurance Department to~~
29 ~~be used in accordance with the agreement on community health~~
30 ~~reinvestment described in subsection (b).~~

1 ~~Section 1717 K. Health Care Provider Retention Account.~~

2 ~~The sum of \$708,000,000 is transferred from the Health Care~~
3 ~~Provider Retention Account established under section 1112(a) of~~
4 ~~the act of March 20, 2002 (P.L.154, No.13), known as the Medical~~
5 ~~Care Availability and Reduction of Error (Mcare) Act, to the~~
6 ~~General Fund.~~

7 ~~Section 1717.1 K. Medical Care Availability and Reduction of~~
8 ~~Error Fund.~~

9 ~~The sum of \$100,000,000 is transferred from the Medical Care~~
10 ~~Availability and Reduction of Error Fund established under~~
11 ~~section 712 of the act of March 20, 2002 (P.L.154, No.13), known~~
12 ~~as the Medical Care Availability and Reduction of Error (Mcare)~~
13 ~~Act, to the General Fund.~~

14 ~~Section 1717.2 K. Catastrophic Loss Benefits Continuation Fund.~~

15 ~~Notwithstanding any other law to the contrary, for fiscal~~
16 ~~years 2009-2010 and 2010-2011, all surcharges deposited in the~~
17 ~~Catastrophic Loss Benefits Continuation Fund under 75 Pa.C.S. §~~
18 ~~6506 (relating to surcharge) shall be transferred to the General~~
19 ~~Fund.~~

20 ~~Section 1718 K. Budget Stabilization Reserve Fund.~~

21 ~~(a) General provisions. Notwithstanding section 1703 A(b),~~
22 ~~the sum of \$755,000,000 is transferred from the Budget~~
23 ~~Stabilization Reserve Fund to the General Fund.~~

24 ~~(b) Surplus. No amount of the surplus in the General Fund~~
25 ~~in fiscal year 2009-2010 shall be deposited into the Budget~~
26 ~~Stabilization Reserve Fund.~~

27 ~~Section 1718.1 K. Gaming Economic Development and Tourism Fund.~~

28 ~~Notwithstanding the provisions of 4 Pa.C.S. Part II (relating~~
29 ~~to gaming) and the act of July 9, 2008 (P.L.908, No.63), known~~
30 ~~as the H2O PA Act, \$5,080,000 is hereby appropriated from the~~

~~1 Gaming Economic Development and Tourism Fund to the Department
2 of General Services to meet additional payment obligations for
3 the project itemized in section 3(2)(i)(D) of the act of July
4 25, 2007 (P.L.342, No.53), known as the Pennsylvania Gaming
5 Economic Development and Tourism Fund Capital Budget Itemization
6 Act of 2007.~~

~~7 Section 1719 K. Restricted Receipt Accounts.~~

~~8 (a) General provisions. The secretary may create restricted
9 receipt accounts for the purpose of administering Federal grants
10 only for the purposes designated in this section.~~

~~11 (b) Department of Community and Economic Development. The
12 following restricted receipt accounts may be established for the
13 Department of Community and Economic Development:~~

~~14 (1) ARC Housing Revolving Loan Program.~~

~~15 (2) (Reserved).~~

~~16 (c) Department of Conservation and Natural Resources. The
17 following restricted receipt accounts may be established for the
18 Department of Conservation and Natural Resources:~~

~~19 (1) Federal Aid to Volunteer Fire Companies.~~

~~20 (2) Federal Land and Water Conservation Fund Act.~~

~~21 (3) National Forest Reserve Allotment.~~

~~22 (4) Federal Land and Water Conservation Fund Act~~

~~23 Conservation and Natural Resources.~~

~~24 (d) Department of Education. The following restricted
25 receipt accounts may be established for the Department of
26 Education:~~

~~27 (1) Education of the Disabled Part C.~~

~~28 (2) LSTA Library Grants.~~

~~29 (3) The Pennsylvania State University Federal Aid.~~

~~30 (4) Emergency Immigration Education Assistance.~~

1 ~~(5) Education of the Disabled Part D.~~

2 ~~(6) Homeless Adult Assistance Program.~~

3 ~~(7) Severely Handicapped.~~

4 ~~(8) Medical Assistance Reimbursements to Local Education~~
5 ~~Agencies.~~

6 ~~(c) Department of Environmental Protection. The following~~
7 ~~restricted receipt accounts may be established for the~~
8 ~~Department of Environmental Protection:~~

9 ~~(1) Federal Water Resources Planning Act.~~

10 ~~(2) Flood Control Payments.~~

11 ~~(3) Soil and Water Conservation Act Inventory of~~
12 ~~Programs.~~

13 ~~(f) Department of Health. The following restricted receipt~~
14 ~~accounts may be established for the Department of Health:~~

15 ~~(1) Share Loan Program.~~

16 ~~(2) (Reserved).~~

17 ~~(g) Department of Transportation. The following restricted~~
18 ~~receipt accounts may be established for the Department of~~
19 ~~Transportation:~~

20 ~~(1) Capital Assistance Elderly and Handicapped Programs.~~

21 ~~(2) Railroad Rehabilitation and Improvement Assistance.~~

22 ~~(3) Ridesharing/Van Pool Program Acquisition.~~

23 ~~(h) Pennsylvania Emergency Management Agency. The following~~
24 ~~restricted receipt accounts may be established for the~~
25 ~~Pennsylvania Emergency Management Agency:~~

26 ~~(1) Receipts from Federal Government Disaster Relief~~
27 ~~Disaster Relief Assistance to State and Political~~
28 ~~Subdivisions.~~

29 ~~(2) (Reserved).~~

30 ~~(i) Pennsylvania Historical and Museum Commission. The~~

1 ~~following restricted receipt accounts may be established for the~~
2 ~~Pennsylvania Historical and Museum Commission:~~

3 ~~(1) Federal Grant National Historic Preservation Act.~~

4 ~~(2) (Reserved).~~

5 ~~(j) Executive Offices. The following restricted receipt~~
6 ~~accounts may be established for the Executive Offices:~~

7 ~~(1) Retired Employees Medicare Part D.~~

8 ~~(2) Justice Assistance.~~

9 ~~(3) Juvenile Accountability Incentive.~~

10 ~~Section 1720 K. State Gaming Fund.~~

11 ~~(a) Deduction of certain appropriations. Notwithstanding~~
12 ~~the provisions of section 504(c)(1) of the act of June 27, 2006~~
13 ~~(1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief~~
14 ~~Act, funds appropriated to the Pennsylvania Gaming Control Board~~
15 ~~from the State Gaming Fund shall be deducted from the amount~~
16 ~~transferred to the Property Tax Relief Reserve Fund under~~
17 ~~section 504(b) of the Taxpayer Relief Act and loaned to the~~
18 ~~Pennsylvania Gaming Control Board for payment of the board's~~
19 ~~administrative and operating expenses for the fiscal year~~
20 ~~commencing July 1, 2009. Funds loaned to the board under this~~
21 ~~section and sections 1720 G and 1720 I shall be repaid from the~~
22 ~~accounts established under 4 Pa.C.S. § 1401 (relating to slot~~
23 ~~machine licensee deposits) in accordance with subsection (b).~~

24 ~~(b) Assessment for repayment. Notwithstanding the~~
25 ~~provisions of 4 Pa.C.S. § 1901.1 (relating to repayments to~~
26 ~~State Gaming Fund), the Pennsylvania Gaming Control Board shall~~
27 ~~assess slot machine licensees for repayment of funds transferred~~
28 ~~and loaned to the board under subsection (a) from the State~~
29 ~~Gaming Fund in accordance with 4 Pa.C.S. § 1402 (relating to~~
30 ~~gross terminal revenue deductions) for repayment to the Property~~

1 ~~Tax Relief Reserve Fund at such time as at least 11 slot machine~~
2 ~~licenses have been issued and 11 licensed gaming entities have~~
3 ~~commenced the operation of slot machines. The board shall adopt~~
4 ~~a repayment schedule that assesses to each slot machine licensee~~
5 ~~costs for the repayment of amounts appropriated under this~~
6 ~~section in an amount that is proportional to each slot machine~~
7 ~~licensee's gross terminal revenue.~~

8 ~~(c) Property tax relief.~~

9 ~~(1) Notwithstanding the provisions of section 504 of the~~
10 ~~Taxpayer Relief Act, until the loan to the Pennsylvania~~
11 ~~Gaming Control Board under subsection (a) is repaid, the~~
12 ~~Secretary of the Budget is authorized to provide for property~~
13 ~~tax relief under section 503(d) of the Taxpayer Relief Act,~~
14 ~~regardless of whether the amount deposited in the Property~~
15 ~~Tax Relief Reserve Fund is less than required by section 504~~
16 ~~of the Taxpayer Relief Act.~~

17 ~~(2) Notwithstanding the provisions of 4 Pa.C.S. §~~
18 ~~1901.1, beginning January 1, 2011, if the Secretary of the~~
19 ~~Budget determines that the moneys in the Property Tax Relief~~
20 ~~Reserve Fund are needed for property tax relief, the~~
21 ~~secretary shall notify the Pennsylvania Gaming Control Board~~
22 ~~and upon notification, the board shall immediately assess~~
23 ~~each slot machine licensee for the repayment of the loan in~~
24 ~~an amount that is proportional to each slot machine~~
25 ~~licensee's gross terminal revenue.~~

26 ~~(d) Other appropriations solely from assessment.~~

27 ~~(1) All funds for the operation of the Pennsylvania~~
28 ~~State Police, Department of Revenue and Attorney General are~~
29 ~~appropriated solely from an assessment on gross terminal~~
30 ~~revenue from accounts under 4 Pa.C.S. § 1401 in an amount~~

~~equal to that appropriated by the General Assembly for fiscal year 2009-2010. The Pennsylvania State Police, Attorney General or Department of Revenue shall not assess any charge, fee, cost of operations or other payment from a licensed gaming entity in excess of amounts appropriated for fiscal year 2009-2010, unless specifically authorized by law.~~

~~(2) This subsection shall not apply to any voluntary payment made by a new slot machine licensee in accordance with similar payments voluntarily made by existing licensees.~~

~~Section 1721 K. Pennsylvania Racehorse Development Fund.~~

~~(Reserved).~~

~~Section 1722 K. Straw Purchase Prevention Education Fund.~~

~~Notwithstanding the provisions of 18 Pa.C.S. § 6187 (relating to transfer for initial funding), in fiscal year 2009-2010, no funds shall be transferred from the General Fund to the Straw Purchase Prevention Education Fund established in 18 Pa.C.S. § 6186 (relating to Straw Purchase Prevention Education Fund).~~

~~Section 6. Notwithstanding any other provision of law, the Scranton State School for the Deaf and the Board of Trustees of the Scranton State School for the Deaf are abolished.~~

~~Section 7. Repeals are as follows:~~

~~(1) The General Assembly declares that the repeal under paragraph (2) is necessary to effectuate the addition of Article V A of the act.~~

~~(2) Sections 618 and 618.1 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, are repealed.~~

~~(3) The General Assembly declares that the repeals under paragraph (4) are necessary to effectuate the addition of section 1722 J(11) of the act.~~

1 ~~(4) The following acts or parts of acts are repealed~~
2 ~~insofar as they are inconsistent with this act:~~

3 ~~(i) Sections 3 and 4 of the act of May 8, 1913~~
4 ~~(P.L.163, No.112), entitled "An act providing for an~~
5 ~~examination of the Pennsylvania Oral School for the Deaf,~~
6 ~~at Scranton, Lackawanna County, Pennsylvania; providing~~
7 ~~for the transfer, under certain conditions, of the said~~
8 ~~Oral School for the Deaf to the Commonwealth; regulating~~
9 ~~said school in the event of such transfer; and making an~~
10 ~~appropriation to carry out the purposes of this act."~~

11 ~~(ii) Sections 2 and 202 of the act of June 7, 1923~~
12 ~~(P.L. 498, No. 274), known as The Administrative Code.~~

13 ~~(iii) Sections 202, 401 and 1311 of the act of April~~
14 ~~9, 1929 (P.L.177, No.175), known as The Administrative~~
15 ~~Code of 1929.~~

16 ~~(iv) Section 5.1 of the act of July 8, 1957~~
17 ~~(P.L.579, No.321), entitled, "An act establishing minimum~~
18 ~~compensation and increments for members of the faculty~~
19 ~~and administration of the Thaddeus Stevens State School~~
20 ~~of Technology, the Scotland School for Veterans'~~
21 ~~Children, and the Scranton State School for the Deaf,~~
22 ~~providing leave of absence with pay for faculty members~~
23 ~~and the superintendent of schools and imposing duties on~~
24 ~~the Board of Trustees of such schools and the Secretary~~
25 ~~of Education."~~

26 ~~(v) Section 1.2 of the act of December 12, 1973~~
27 ~~(P.L.397, No.141), known as the Professional Educator~~
28 ~~Discipline Act.~~

29 ~~(vi) 24 Pa.C.S. §§ 8102 and 8327.~~

30 ~~(5) Chapter 11 of the act of March 20, 2002 (P.L.154,~~

1 ~~No.13), known as the Medical Care Availability and Reduction~~
2 ~~of Error (Mcare) Act, is repealed.~~

3 ~~(6) The act of July 9, 2008 (P.L.908, No.63), known as~~
4 ~~the H2O PA Act, is repealed insofar as it is inconsistent~~
5 ~~with this act.~~

6 ~~(7) All other acts and parts of acts are repealed~~
7 ~~insofar as they are inconsistent with this act.~~

8 ~~(8) The following appropriations in the act of August 5,~~
9 ~~2009 (P.L. , No.1A), known as the General Appropriation Act~~
10 ~~of 2009, vetoed in part, are repealed:~~

11 ~~(i) The State appropriation for smoke free~~
12 ~~Pennsylvania enforcement in section 215 of the act is~~
13 ~~repealed.~~

14 ~~(ii) The State appropriation for a separate State~~
15 ~~funded vocational rehabilitation program to provide~~
16 ~~vocational rehabilitation services leading to competitive~~
17 ~~employment for OVR eligible persons with disabilities~~
18 ~~unable to receive services through the Federal Vocational~~
19 ~~Rehabilitation Program in section 217 of the act is~~
20 ~~repealed.~~

21 ~~(iii) The Federal appropriation for "Home Visitation~~
22 ~~to Prevent Child Maltreatment" in section 219 of the act~~
23 ~~is repealed.~~

24 ~~(iv) The Federal appropriation for "Emergency Food~~
25 ~~Assistance" in section 1712 of the act is repealed.~~

26 ~~(v) The Federal and State appropriations for~~
27 ~~payments for early intervention services, for~~
28 ~~"Individuals with Disabilities Education," for "Food and~~
29 ~~Nutrition Local," for "Esea Title I Local" and for~~
30 ~~"ARRA Education for Homeless Children and Youth" in~~

1 ~~section 1714 of the act are repealed.~~

2 ~~(vi) The Federal appropriations for "Survey Studies"~~
3 ~~and "State Energy Program (SEP)" in section 1715 of the~~
4 ~~act are repealed.~~

5 ~~(vii) The Federal appropriations for "Programs for~~
6 ~~the Aging Title III," and "Programs for the Aging~~
7 ~~Title V" in section 1731 of the act are repealed.~~

8 ~~Section 8. The provisions of this act are severable. If any~~
9 ~~provision of this act or its application to any person or~~
10 ~~circumstance is held invalid, the invalidity shall not affect~~
11 ~~other provisions or applications of this act which can be given~~
12 ~~effect without the invalid provision or application.~~

13 ~~Section 9. This act shall apply as follows:~~

14 ~~(1) The addition of section 1776 A of the act shall~~
15 ~~apply to contracts entered into on or after the effective~~
16 ~~date of this paragraph.~~

17 ~~(1.1) The following provisions shall apply retroactively~~
18 ~~to July 1, 2009:~~

19 ~~(i) The amendment of section 1721 E of the act.~~

20 ~~(ii) The amendment of section 1722 E of the act.~~

21 ~~(iii) The amendment of section 1733 E of the act.~~

22 ~~(iv) The amendment of section 1735 E of the act.~~

23 ~~(v) Except as set forth in paragraph (3), the~~
24 ~~addition of Article XVII J of the act.~~

25 ~~(vi) The addition of Article XVII K of the act.~~

26 ~~(2) The amendment of section 1723 E of the act shall~~
27 ~~apply retroactively to May 1, 2009.~~

28 ~~(3) Paragraph (1.1) (v) does not apply to the addition of~~
29 ~~section 1722 J(8) and (9) of the act.~~

30 ~~Section 10. This act shall take effect as follows:~~

1 ~~(1) Notwithstanding paragraph (2) (i), the addition of~~
2 ~~section 510 A of the act shall take effect July 1, 2010, or~~
3 ~~immediately, whichever is later.~~

4 ~~(2) The following provisions shall take effect November~~
5 ~~30, 2010:~~

6 ~~(i) Except as set forth in paragraph (1), the~~
7 ~~addition of Article V A of the act.~~

8 ~~(ii) Section 7(1) and (2) of this act.~~

9 ~~(3) The remainder of this act shall take effect~~
10 ~~immediately.~~

11 SECTION 1. SECTION 301.1(I) OF THE ACT OF APRIL 9, 1929
12 (P.L.343, NO.176), KNOWN AS THE FISCAL CODE, AMENDED JULY 4,
13 2008 (P.L.629, NO.53), IS AMENDED TO READ:

14 SECTION 301.1. INVESTMENT OF MONEYS.--* * *

15 (I) (1) NOTWITHSTANDING SUBSECTIONS (A) THROUGH (H), THE
16 TREASURY DEPARTMENT SHALL HAVE THE EXCLUSIVE MANAGEMENT AND FULL
17 POWER TO INVEST AND REINVEST THE MONEYS OF ANY FUND AS SHALL BE
18 ACCUMULATED BEYOND THE ORDINARY NEEDS OF THE VARIOUS FUNDS AND
19 WHICH ARE NOT AUTHORIZED BY LAW TO BE INVESTED BY ANY BOARD,
20 COMMISSION OR STATE OFFICER, SUBJECT, HOWEVER, TO THE PRUDENT
21 INVESTOR STANDARD.

22 (1.1) WHEN INVESTING, REINVESTING, PURCHASING, ACQUIRING,
23 EXCHANGING, SELLING OR MANAGING PUBLIC FUNDS, THE TREASURY
24 DEPARTMENT SHALL ACT AS A FIDUCIARY WITH CARE, SKILL, PRUDENCE
25 AND DILIGENCE UNDER THE CIRCUMSTANCES THEN PREVAILING,
26 SPECIFICALLY INCLUDING, BUT NOT LIMITED TO, THE GENERAL ECONOMIC
27 CONDITIONS AND THE ANTICIPATED NEEDS OF THE FUNDS, THAT A
28 PRUDENT PERSON ACTING IN A LIKE CAPACITY AND WITH FAMILIARITY
29 WITH THOSE MATTERS WOULD USE IN THE CONDUCT OF FUNDS OF A LIKE
30 CHARACTER AND WITH LIKE OBJECTIVES. THE FOLLOWING SHALL APPLY:

1 (I) THE PRIMARY OBJECTIVE OF THE TREASURY DEPARTMENT SHALL
2 BE TO SAFEGUARD THE PRINCIPAL OF THE FUNDS. THE SECONDARY
3 OBJECTIVE SHALL BE TO MEET THE LIQUIDITY NEEDS OF THE FUNDS. THE
4 THIRD OBJECTIVE SHALL BE TO ACHIEVE A RETURN ON THE FUNDS.

5 (II) THE PRUDENT INVESTOR STANDARD EMBRACES THE DUTY OF
6 LOYALTY WHEREBY ACTIONS MUST BE IN ACCORDANCE WITH THE SOLE
7 PURPOSE DOCTRINE TO ACCOMPLISH THE PRUDENT INVESTOR OBJECTIVES
8 AND NOT IN PURSUIT OF OTHER OBJECTIVES EXCEPT AS OTHERWISE
9 PROVIDED BY STATUTE.

10 (III) THE PRUDENT INVESTOR STANDARD EMBRACES THE DUTY TO
11 MONITOR THE ONGOING CIRCUMSTANCES OF INVESTMENTS FOR ONGOING
12 APPROPRIATENESS OF INVESTMENTS TO MEET THE PRUDENT INVESTOR
13 OBJECTIVES.

14 (IV) THE TREASURY DEPARTMENT SHALL HAVE THE POWER AND
15 AUTHORITY TO INVEST IN SECURITIES SUBJECT TO THE THEN PREVAILING
16 STANDARDS THAT INSTITUTIONAL INVESTORS EMPLOY IN THE CONTEXT OF
17 INVESTMENT DECISIONS MADE WITH CONSIDERATION OF FIDUCIARY
18 STANDARDS.

19 (V) THE TREASURY DEPARTMENT SHALL MAINTAIN AND PUBLISH A
20 LIST OF PROHIBITED INVESTMENTS WITHIN ITS INVESTMENT POLICY.

21 (2) THE AUTHORITY TO INVEST OR REINVEST THE MONEYS OF ANY
22 FUND PURSUANT TO THIS SUBSECTION SHALL EXPIRE DECEMBER 31,
23 [2010] 2014. THE TREASURY DEPARTMENT MAY MAINTAIN INVESTMENTS
24 PURSUANT TO THIS SUBSECTION WHICH ARE IN EXISTENCE ON THE
25 EXPIRATION DATE IN THIS PARAGRAPH FOR NOT MORE THAN TWO YEARS
26 FOLLOWING SUCH EXPIRATION DATE.

27 SECTION 2. SECTION 505(A) AND (C) OF THE ACT, AMENDED JUNE
28 28, 1951 (P.L.601, NO.152), DECEMBER 14, 1967 (P.L.,810,
29 NO.347), DECEMBER 1, 1971 (P.L.581, NO.151) AND JULY 11, 1980
30 (P.L.554, NO.115), ARE AMENDED TO READ:

1 SECTION 505. STATE DEPOSITORIES.--THE BOARD OF FINANCE AND
2 REVENUE SHALL HAVE THE POWER, AND ITS DUTY SHALL BE,

3 (A) TO SELECT AND DESIGNATE, AS DEPOSITORIES FOR THE STATE
4 MONEYS, BANKS, BANKING INSTITUTIONS, TRUST COMPANIES OR SAVINGS
5 AND LOAN ASSOCIATIONS, WHICH ARE SUBJECT TO NATIONAL OR STATE
6 SUPERVISION, AND THE ACCOUNTS OF WHICH ARE INSURED BY A
7 CORPORATION ORGANIZED UNDER THE LAWS OF THE COMMONWEALTH, OR BY
8 AN INSTRUMENTALITY OF THE FEDERAL GOVERNMENT, AND EACH OF WHICH,

9 1. HAS MADE WRITTEN APPLICATION TO THE STATE TREASURER FOR A
10 DEPOSIT OF STATE MONEYS, DESIGNATING THE AMOUNT OF DEPOSIT
11 SOLICITED, AND ACCOMPANYING ITS APPLICATION BY A WRITTEN
12 STATEMENT SHOWING THE AMOUNT OF ITS CAPITAL ACTUALLY PAID IN,
13 THE AMOUNT OF ITS SURPLUS, THE NUMBER OF ITS STOCKHOLDERS, AND
14 WHETHER ITS STOCK IS WELL DISTRIBUTED OR LARGELY HELD BY A FEW
15 INDIVIDUALS, AND THE LENGTH OF TIME THAT SAID INSTITUTION HAS
16 BEEN ENGAGED IN BUSINESS UNDER ITS CHARTER. EACH SUCH STATEMENT
17 SHALL BE VERIFIED BY THE OATH OR AFFIRMATION OF THE PRESIDENT,
18 CASHIER, OR TRUST OFFICER, AS THE CASE MAY BE, AND THE STATE
19 TREASURER SHALL PRESENT THE SAME TO THE BOARD FOR ITS
20 CONSIDERATION WITHIN THIRTY DAYS AFTER THE RECEIPT THEREOF.

21 2. SHALL, UPON THE RECEIPT OF NOTICE OF ITS SELECTION AS A
22 DEPOSITORY OF STATE MONEYS, FURNISH A BOND TO SECURE PAYMENT OF
23 DEPOSITS AND INTERESTS TO THE COMMONWEALTH OF PENNSYLVANIA, WITH
24 A PROPER WARRANT OF ATTORNEY TO CONFESS JUDGMENT IN FAVOR OF THE
25 COMMONWEALTH, SECURED BY A SURETY COMPANY OR INDIVIDUAL SURETIES
26 TO BE APPROVED BY THE BOARD, IN THE AMOUNT OF THE DEPOSIT TO BE
27 MADE. IF A CORPORATE BOND BE GIVEN, NO ONE SURETY COMPANY SHALL
28 BE APPROVED IN AN AGGREGATE AMOUNT IN EXCESS OF FIVE TIMES ITS
29 CAPITAL SURPLUS, AND RESERVE, AND, WHENEVER INDIVIDUAL SURETIES
30 ARE PRESENTED FOR APPROVAL, THEY SHALL QUALIFY IN AN AGGREGATE

1 OVER AND ABOVE THEIR INDIVIDUAL LIABILITIES TO THREE TIMES THE
2 AMOUNT OF THE DEPOSIT. NO ONE PERSON MAY QUALIFY FOR MORE THAN
3 ONE-FOURTH OF THE TOTAL AMOUNT OF THE BOND REQUIRED: PROVIDED,
4 THAT WHEN ANY DEPOSIT OF STATE MONEYS IS INSURED WITH THE
5 FEDERAL DEPOSIT INSURANCE COMMISSIONER OR ANY OTHER CORPORATION
6 HEREAFTER ORGANIZED BY THE UNITED STATES FOR THE PURPOSE OF
7 INSURING DEPOSITS, SUCH DEPOSITORY SHALL NOT BE REQUIRED TO
8 FURNISH BOND OR SECURITY TO COVER THE AMOUNT OF SUCH DEPOSIT SO
9 INSURED: AND PROVIDED FURTHER, THAT, IN LIEU OF THE SURETY BONDS
10 OF SURETY COMPANIES OR OF INDIVIDUALS AS AFORESAID, THE DEPOSIT
11 OF STATE MONEYS MAY BE SECURED BY THE DEPOSIT WITH THE STATE
12 TREASURER, WITH THE FEDERAL RESERVE BANK OF PHILADELPHIA OR
13 PITTSBURGH, OR WITH ANY BANK OR BANK AND TRUST COMPANY ORGANIZED
14 UNDER THE LAWS OF THIS COMMONWEALTH OR ANY NATIONAL ASSOCIATION
15 LOCATED IN THIS COMMONWEALTH WHICH SHALL BE APPROVED BY THE
16 STATE TREASURER, SUBJECT TO SUCH REGULATIONS AS MAY BE
17 PRESCRIBED BY THE BOARD OF FINANCE AND REVENUE OR THE STATE
18 TREASURER, OR BOTH, AS THE CASE MAY BE, OF BONDS OR NOTES OF THE
19 UNITED STATES, OR BONDS OR NOTES WHICH THE UNITED STATES FULLY
20 GUARANTEES BOTH AS TO PRINCIPAL AND INTEREST, BONDS OF THE
21 DELAWARE RIVER JOINT COMMISSIONS, BONDS OF THE PENNSYLVANIA
22 TURNPIKE COMMISSION, BONDS OF THE STATE PUBLIC SCHOOL BUILDING
23 AUTHORITY, BONDS OF THE GENERAL STATE AUTHORITY, BONDS OF THE
24 STATE HIGHWAY AND BRIDGE AUTHORITY, BONDS OF THE PENNSYLVANIA
25 HOUSING AGENCY, BONDS OR TAX ANTICIPATION NOTES OF THIS
26 COMMONWEALTH, OR OF ANY MUNICIPAL SUBDIVISION, INSTITUTION
27 DISTRICT, OR SCHOOL DISTRICT OR COUNTY THEREOF, TO BE APPROVED
28 BY THE BOARD, IN AN AMOUNT MEASURED BY THEIR ACTUAL MARKET VALUE
29 EQUAL TO THE AMOUNT OF DEPOSIT SO SECURED AND [TWENTY] TWO PER
30 CENTUM IN ADDITION THERETO. SAID BONDS AND ANY ADDITIONS TO AND

1 SUBSTITUTIONS AND EXCHANGES THEREFOR SHALL BE SUBJECT TO PROPER
2 ASSIGNMENT, OR RIGHT TO SELL, OR POWER OF ATTORNEY TO TRANSFER
3 THE SAME, AND SAID TRUST DEPOSIT OF SECURITIES SHALL BE
4 MAINTAINED, ON REQUEST, AT THE AMOUNT AFORESAID, IN CASE OF ANY
5 DEPRECIATION IN THE VALUE THEREOF: PROVIDED, THAT NO BONDS, OR
6 OTHER SECURITY, SHALL BE REQUIRED OF STATE DEPOSITORIES FOR
7 STATE DEPOSITS TO THE EXTENT, THAT SUCH STATE DEPOSITS ARE
8 INSURED UNDER THE PROVISIONS OF SECTION 12 B OF THE FEDERAL
9 RESERVE ACT, APPROVED THE TWENTY-THIRD DAY OF DECEMBER, ONE
10 THOUSAND NINE HUNDRED AND THIRTEEN, ITS AMENDMENTS AND
11 SUPPLEMENTS.

12 3. SHALL AGREE TO PAY INTEREST UPON ALL STATE DEPOSITS, AT
13 THE RATE TO BE FIXED EVERY SIX MONTHS BY THE BOARD OF FINANCE
14 AND REVENUE, HAVING DUE REGARD TO THE THEN PREVAILING MONEY
15 MARKET: PROVIDED, THAT SUCH AGREEMENT IS NOT IN CONFLICT WITH
16 LAW OR ANY REGULATION OF THE COMPTROLLER OF THE CURRENCY, OR OF
17 THE FEDERAL RESERVE BOARD OF THE UNITED STATES. THE SAID BOARD
18 MAY FIX DIFFERENT RATES OF INTEREST FOR ACTIVE AND INACTIVE
19 DEPOSITORIES, NOT IN CONFLICT WITH LAW OR ANY REGULATION OF THE
20 COMPTROLLER OF THE CURRENCY, OR OF THE FEDERAL RESERVE BOARD OF
21 THE UNITED STATES, AND MAY ADOPT AND PROMULGATE RULES GOVERNING
22 THE TIME WHEN INTEREST SHALL BEGIN TO RUN ON DEPOSITS OF
23 UNCOLLECTED ITEMS. THE BOARD SHALL FIX THE SPECIFIC DAY ON WHICH
24 ANY CHANGE IN INTEREST RATE SHALL BECOME EFFECTIVE, AND SHALL
25 NOTIFY, IN WRITING, EVERY DEPOSITORY OF SUCH CHANGE AND THE
26 EFFECTIVE DATE THEREOF. PENDING ACTION BY THE BOARD THE INTEREST
27 RATES HERETOFORE FIXED BY LAW SHALL REMAIN IN FORCE. ALL
28 COLLECTIONS SHALL BE MADE FOR THE COMMONWEALTH WITHOUT COST OR
29 COMPENSATION.

30 * * *

1 (C) TO DESIGNATE [TWO BANKS OR TRUST COMPANIES IN DAUPHIN
2 COUNTY, TWO BANKS OR TRUST COMPANIES IN ALLEGHENY COUNTY, TWO
3 BANKS OR TRUST COMPANIES IN PHILADELPHIA COUNTY, AND THIRTEEN]
4 AT LEAST EIGHT BANKS OR TRUST COMPANIES IN ANY PART OF THE
5 COMMONWEALTH, TO BE KNOWN AS ACTIVE DEPOSITORIES, IN WHICH SHALL
6 BE DEPOSITED A SUFFICIENT AMOUNT OF THE DAILY RECEIPTS OF THE
7 STATE TREASURY TO TRANSACT THE CURRENT BUSINESS OF THE
8 COMMONWEALTH. [THE BOARD MAY DESIGNATE NINE OTHER BANKS OR TRUST
9 COMPANIES, LOCATED ANYWHERE IN THE COMMONWEALTH, TO BE KNOWN AS
10 ACTIVE DEPOSITORIES, AND TO BE USED FOR THE PURPOSE ABOVE
11 MENTIONED.]

12 * * *

13 SECTION 2.1. SECTION 1501 OF THE ACT, AMENDED MARCH 18, 1971
14 (P.L.109, NO.4) AND JULY 26, 1973 (P.L.223, NO.56) AND REPEALED
15 IN PART APRIL 28, 1978 (P.L.202, NO.53), IS AMENDED TO READ:

16 SECTION 1501. REQUISITIONS.--NO MONEY SHALL BE PAID OUT OF
17 ANY FUND IN THE STATE TREASURY, EXCEPT (1) THE STATE WORKMEN'S
18 INSURANCE FUND, AND EXCEPT (2) THE SURPLUS COMMODITIES STAMP
19 FUND, UNTIL A REQUISITION THEREFOR SHALL HAVE BEEN PRESENTED TO
20 OR PREPARED BY THE STATE TREASURER.

21 FOR MONEY APPROPRIATED TO THE GOVERNOR OR TO THE EXECUTIVE
22 BOARD, THE GOVERNOR SHALL PREPARE REQUISITIONS AND PRESENT THEM
23 TO THE TREASURY DEPARTMENT.

24 FOR MONEY APPROPRIATED TO THE LIEUTENANT GOVERNOR HE SHALL
25 PREPARE REQUISITIONS AND PRESENT THEM TO THE TREASURY
26 DEPARTMENT.

27 FOR MONEY APPROPRIATED TO ADMINISTRATIVE DEPARTMENTS, OR TO
28 INDEPENDENT ADMINISTRATIVE BOARDS OR COMMISSIONS, THE RESPECTIVE
29 DEPARTMENTS, BOARDS, OR COMMISSIONS, SHALL PREPARE THEIR
30 REQUISITIONS, WITH THE WRITTEN APPROVAL OF THEIR RESPECTIVE

1 DEPARTMENT HEADS AND DEPARTMENTAL COMPTROLLERS NOTED THEREON,
2 AND PRESENT THEM TO THE TREASURY DEPARTMENT.

3 REQUISITIONS FOR PAYMENT SHALL BE PRESENTED IN SUCH FORM,
4 WHETHER PAPER, ELECTRONIC OR OTHERWISE, IN ACCORDANCE WITH
5 GENERALLY COMMERCIALY ACCEPTED METHODS. REQUISITIONS FOR
6 PAYMENT MAY BE PRESENTED TO THE TREASURY DEPARTMENT BY
7 ELECTRONIC TRANSMISSION WHICH SHALL EVIDENCE THE APPROVAL OF THE
8 COMPTROLLER AND DEPARTMENT HEAD.

9 FOR MONEY APPROPRIATED TO DEPARTMENTAL ADMINISTRATIVE BOARDS
10 OR COMMISSIONS, OR ADVISORY BOARDS OR COMMISSIONS, SUCH BOARDS
11 OR COMMISSIONS SHALL PREPARE REQUISITIONS, AND FORWARD THEM TO
12 THE DEPARTMENTS WITH WHICH THEY ARE RESPECTIVELY CONNECTED. SUCH
13 DEPARTMENTS, IF THEY APPROVE THE REQUISITIONS, SHALL SO SIGNIFY
14 IN WRITING, AND SHALL TRANSMIT THEM TO THE TREASURY DEPARTMENT.
15 NO REQUISITION OF A DEPARTMENTAL ADMINISTRATIVE BOARD OR
16 COMMISSION, OR OF AN ADVISORY BOARD OR COMMISSION, SHALL BE
17 VALID WITHOUT THE APPROVAL IN WRITING OF THE HEAD AND THE
18 COMPTROLLER OF THE DEPARTMENT WITH WHICH SUCH BOARD OR
19 COMMISSION IS CONNECTED.

20 FOR MONEY APPROPRIATED TO A PERSON, ASSOCIATION, CORPORATION,
21 OR AGENCY, NOT A PART OF THE EXECUTIVE BRANCH OF THE STATE
22 GOVERNMENT, THE PERSON, ASSOCIATION, CORPORATION, OR AGENCY, TO
23 WHOM OR TO WHICH THE APPROPRIATION WAS MADE, SHALL PREPARE
24 REQUISITIONS AND PRESENT THEM TO THE TREASURY DEPARTMENT, BUT
25 WHENEVER, IN ANY SUCH CASE, ANY OTHER ACT OF ASSEMBLY REQUIRES
26 THE REQUISITION TO BE APPROVED BY AN ADMINISTRATIVE DEPARTMENT
27 OF THE STATE GOVERNMENT, OTHER THAN THE TREASURY DEPARTMENT, IT
28 SHALL BE FORWARDED TO THE TREASURY DEPARTMENT THROUGH SUCH OTHER
29 ADMINISTRATIVE DEPARTMENT.

30 FOR MONEY APPROPRIATED FOR A PURPOSE, WITHOUT DESIGNATION OF

1 THE EXPENDING AGENCY, THE TREASURY DEPARTMENT SHALL PREPARE
2 REQUISITIONS EXCEPT AS TO APPROPRIATIONS FOR THE PURPOSES OF THE
3 JUDICIARY FOR WHICH THE COURT ADMINISTRATOR OF PENNSYLVANIA
4 SHALL PREPARE, SUPERVISE OR DELEGATE PREPARATION OF REQUISITIONS
5 AND PRESENT THEM TO THE TREASURY DEPARTMENT. SUCH REQUISITIONS
6 SHALL INCLUDE THOSE FOR THE PAYMENT OF THE SALARIES,
7 COMPENSATIONS AND EXPENSES OF ALL JUSTICES, JUDGES, DISTRICT
8 JUSTICES, EMPLOYES, BOARDS, COMMISSIONS AND OTHER AGENCIES OF
9 THE JUDICIAL DEPARTMENT WHO ARE PAID FROM COMMONWEALTH
10 APPROPRIATIONS.

11 SECTION 2.2. SECTION 1502 OF THE ACT, AMENDED NOVEMBER 17,
12 1982 (P.L.684, NO.195), IS AMENDED TO READ:

13 SECTION 1502. AUDIT OF REQUISITIONS AND ISSUANCE OF
14 WARRANTS.--REQUISITIONS SHALL BE AUDITED BY THE TREASURY
15 DEPARTMENT IN ACCORDANCE WITH GENERALLY ACCEPTED AUDITING
16 STANDARDS AND IF THEY APPEAR TO BE LAWFUL AND CORRECT, THE STATE
17 TREASURER SHALL ISSUE HIS WARRANT FOR THE PAYMENT THEREOF. THE
18 TREASURY DEPARTMENT SHALL AUDIT REQUISITIONS FOR PAYMENTS TO
19 CREDIT CARD PROCESSORS IN ACCORDANCE WITH GENERALLY ACCEPTED
20 AUDITING STANDARDS TO DETERMINE IF THEY APPEAR TO BE LAWFUL AND
21 CORRECT AFTER ISSUING A WARRANT FOR PAYMENT AND SHALL REFER ANY
22 ERROR TO THE SECRETARY OF BUDGET AND THE OFFICE OF ATTORNEY
23 GENERAL FOR RECOVERY OR COLLECTION. OTHERWISE, THEY SHALL BE
24 RETURNED TO THE SOURCE FROM WHICH THEY CAME FOR REVISION,
25 CORRECTION, OR CANCELLATION.

26 SECTION 2.3. SECTION 1503(A) OF THE ACT, AMENDED MAY 2, 1986
27 (P.L.145, NO.45), IS AMENDED TO READ:

28 SECTION 1503. PAYMENTS.--(A) ALL PAYMENTS OUT OF THE
29 SEVERAL FUNDS IN THE STATE TREASURY SHALL BE MADE BY A
30 COMMERCIALY ACCEPTED METHOD OF PAYMENT FROM THE TREASURY

1 DEPARTMENT. THE STATE TREASURER SHALL DETERMINE THE FORM AND
2 METHOD OF ISSUING SUCH PAYMENTS. THE STATE TREASURER SHALL MAKE
3 AVAILABLE TO THE AGENCIES FOR WHICH THE TREASURY DEPARTMENT
4 MAKES PAYMENTS AS MANY OF SUCH PAYMENT METHODS AS THE TREASURY
5 DEPARTMENT DETERMINES TO BE COMMERCIALY ACCEPTED AND GENERALLY
6 USED. THE TREASURY DEPARTMENT SHALL ADMINISTER AND SUPPORT THE
7 PROVISIONING OF THESE PAYMENT METHODS.

8 * * *

9 SECTION 2.4. THE ACT IS AMENDED BY ADDING A SECTION TO READ:
10 SECTION 1605-E. ADDITIONAL TRANSFER.

11 NOTWITHSTANDING SECTION 1603-E OR ANY OTHER PROVISION OF LAW,
12 IN FISCAL YEAR 2010-2011 THE AMOUNT OF \$180,000,000 SHALL BE
13 TRANSFERRED FROM THE FUND TO THE GENERAL FUND.

14 SECTION 2.5. THE ACT IS AMENDED BY ADDING ARTICLES TO READ:

15 ARTICLE XVI-F

16 (RESERVED)

17 ARTICLE XVI-G

18 BONDS

19 SECTION 1601-G. ISSUANCE OF CERTAIN REFUNDING BONDS.

20 (A) ISSUANCE OF BONDS.--NOTWITHSTANDING ANY OTHER PROVISION
21 OF LAW, ANY TRANSIT ENTITY MAY ISSUE BONDS TO REFUND OBLIGATIONS
22 ISSUED PRIOR TO JUNE 30, 2007, AND MAY PAY AND SECURE SUCH
23 REFUNDING BONDS WITH ALL OR PART OF THE SOURCES OF PAYMENT AND
24 SECURITY FOR THE OBLIGATIONS THAT ARE BEING REFUNDED, INCLUDING,
25 BUT NOT LIMITED TO, MONEY FROM THE FUND. REFUNDING BONDS ISSUED
26 PURSUANT TO THIS SECTION MAY INCLUDE BONDS ISSUED TO FUND COSTS
27 OF THE REFUNDING, INCLUDING, BUT NOT LIMITED TO, COSTS OF
28 ISSUANCE, FUNDING ONE OR MORE DEBT SERVICE RESERVE OR SIMILAR
29 FUNDS AND MAKING TERMINATION PAYMENTS ON INTEREST RATE EXCHANGE
30 AGREEMENTS RELATED TO THE OBLIGATIONS BEING REFUNDED. THE TERM

1 OF ANY REFUNDING BONDS ISSUED UNDER THIS SECTION MAY NOT EXCEED
2 THE TERM OF THE OBLIGATIONS BEING REFUNDED AND THE TOTAL DEBT
3 SERVICE PAYABLE ON REFUNDING BONDS ISSUED UNDER THIS SECTION MAY
4 NOT EXCEED THE TOTAL DEBT SERVICE PAYABLE ON THE OBLIGATIONS
5 BEING REFUNDED BY THE REFUNDING.

6 (B) COMMONWEALTH PLEDGE.--THE COMMONWEALTH DOES HEREBY
7 PLEDGE TO AND AGREE WITH ANY PERSON, FIRM OR CORPORATION,
8 GOVERNMENT AGENCY, WHETHER IN THIS COMMONWEALTH OR ELSEWHERE, OR
9 FEDERAL AGENCY SUBSCRIBING TO OR ACQUIRING BONDS ISSUED UNDER
10 THIS SECTION, THAT THE COMMONWEALTH WILL NOT LIMIT OR ALTER THE
11 RIGHTS HEREBY VESTED IN THE TRANSIT ENTITY IN ANY MANNER
12 INCONSISTENT WITH THE OBLIGATIONS OF THE TRANSIT ENTITY TO THE
13 OBLIGEEES OF THE TRANSIT ENTITY UNTIL ALL THE REFUNDING BONDS
14 ISSUED BY THE TRANSIT ENTITY UNDER THIS SECTION, TOGETHER WITH
15 THE INTEREST THEREON, ARE FULLY PAID OR PROVIDED FOR.

16 (C) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
17 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
18 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

19 "BONDS." NOTES, BONDS, REFUNDING NOTES AND REFUNDING BONDS,
20 INTERIM CERTIFICATES, DEBENTURES AND OTHER EVIDENCES OF
21 INDEBTEDNESS OR OBLIGATIONS WHICH A TRANSIT ENTITY IS AUTHORIZED
22 TO ISSUE.

23 "FUND." THE PUBLIC TRANSPORTATION ASSISTANCE FUND
24 ESTABLISHED UNDER ARTICLE XXIII OF THE ACT OF MARCH 4, 1971
25 (P.L.6, NO.2), KNOWN AS THE TAX REFORM CODE OF 1971.

26 "OBLIGATIONS." ANY BONDS, NOTES, BOND ANTICIPATION NOTES,
27 REFUNDING NOTES AND REFUNDING BONDS, INTERIM CERTIFICATES,
28 DEBENTURES AND OTHER EVIDENCES OF INDEBTEDNESS OR OBLIGATIONS OF
29 A TRANSIT ENTITY FOR WHICH REVENUES FROM THE FUND WERE PLEDGED
30 PRIOR TO JUNE 30, 2007.

1 "OBLIGEES OF THE TRANSIT ENTITY." ANY HOLDER OR OWNER OF ANY
2 REFUNDING BOND OF A TRANSIT ENTITY ISSUED UNDER THIS SECTION OR
3 ANY TRUSTEE OR OTHER FIDUCIARY FOR ANY SUCH HOLDER OR ANY
4 PROVIDER OF A LETTER OF CREDIT, POLICY OF MUNICIPAL BOND
5 INSURANCE OR OTHER CREDIT ENHANCEMENT OR LIQUIDITY FACILITY FOR
6 REFUNDING BONDS ISSUED UNDER THIS SECTION.

7 "TRANSIT ENTITY." ANY CLASS OF TRANSIT ENTITY AS DEFINED IN
8 FORMER 74 PA.C.S. § 1301.

9 ARTICLE XVI-H

10 EDUCATIONAL TAX CREDITS

11 SECTION 1601-H. DEPARTMENT OF EDUCATION.

12 (A) APPLICABILITY.--THIS SECTION SHALL APPLY TO EDUCATIONAL
13 IMPROVEMENT TAX CREDITS AWARDED IN FISCAL YEAR 2010-2011.

14 (B) RESTORATION.--NOTWITHSTANDING ARTICLES XVII-F AND XXIX-E
15 OF THE ACT OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS THE TAX
16 REFORM CODE OF 1971, FOR THE TAX CREDIT ESTABLISHED UNDER
17 ARTICLE XVII-F OF THE TAX REFORM CODE OF 1971, THE AMOUNT
18 AVAILABLE TO BE AWARDED PURSUANT TO SECTION 1706-F(A) OF THE TAX
19 REFORM CODE OF 1971 SHALL BE \$60,000,000 IN FISCAL YEAR
20 2010-2011. THE AMOUNT AVAILABLE TO BE AWARDED UNDER SECTION
21 1706-F(A) (1) AND (2) OF THE TAX REFORM CODE OF 1971 SHALL BE AS
22 FOLLOWS:

23 (1) THE TOTAL AGGREGATE AMOUNT OF ALL TAX CREDITS
24 APPROVED SHALL NOT EXCEED \$53,604,000 IN FISCAL YEAR
25 2010-2011. NO LESS THAN \$40,202,400 OF THE TOTAL AGGREGATE
26 AMOUNT SHALL BE USED TO PROVIDE TAX CREDITS FOR CONTRIBUTIONS
27 FROM BUSINESS FIRMS TO SCHOLARSHIP ORGANIZATIONS. NO LESS
28 THAN \$13,401,600 OF THE TOTAL AGGREGATE AMOUNT SHALL BE USED
29 TO PROVIDE TAX CREDITS FOR CONTRIBUTIONS FROM BUSINESS FIRMS
30 TO EDUCATIONAL IMPROVEMENT ORGANIZATIONS.

1 (2) THE TOTAL AGGREGATE AMOUNT OF ALL TAX CREDITS
2 APPROVED FOR CONTRIBUTIONS FROM BUSINESS FIRMS TO
3 PREKINDERGARTEN SCHOLARSHIP PROGRAMS SHALL NOT EXCEED
4 \$6,396,000 IN FISCAL YEAR 2010-2011.

5 ARTICLE XVI-I

6 PERMIT EXTENSIONS

7 SECTION 1601-I. SCOPE.

8 THIS ARTICLE RELATES TO DEVELOPMENT PERMIT EXTENSIONS.

9 SECTION 1602-I. DEFINITIONS.

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

13 "APPROVAL."

14 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2), ANY GOVERNMENT
15 AGENCY APPROVAL, AGREEMENT, PERMIT, INCLUDING A BUILDING
16 PERMIT OR CONSTRUCTION PERMIT, OR OTHER AUTHORIZATION OR
17 DECISION:

18 (I) ALLOWING A DEVELOPMENT OR CONSTRUCTION PROJECT
19 TO PROCEED; OR

20 (II) RELATING TO OR AFFECTING DEVELOPMENT, GRANTED
21 PURSUANT TO A STATUTE, REGULATION OR ORDINANCE ADOPTED BY
22 A MUNICIPALITY, INCLUDING THE FOLLOWING:

23 (A) 37 PA.C.S. (RELATING TO HISTORICAL AND
24 MUSEUMS) .

25 (B) 53 PA.C.S. (RELATING TO MUNICIPALITIES
26 GENERALLY) .

27 (C) 68 PA.C.S. PT. II SUBPT. B (RELATING TO
28 CONDOMINIUMS) .

29 (D) 68 PA.C.S. PT. II SUBPT. C (RELATING TO
30 COOPERATIVES) .

1 (E) 68 PA.C.S. PT. II, SUBPT. D (RELATING TO
2 PLANNED COMMUNITIES).

3 (F) THE ACT OF MARCH 7, 1901 (P.L.20, NO.14),
4 REFERRED TO AS THE SECOND CLASS CITY LAW, AS IT
5 RELATES TO DEVELOPMENT AND CONSTRUCTION.

6 (G) THE ACT OF APRIL 9, 1929 (P.L.177, NO.175),
7 KNOWN AS THE ADMINISTRATIVE CODE OF 1929.

8 (H) THE ACT OF JUNE 23, 1931 (P.L.932, NO.317),
9 KNOWN AS THE THIRD CLASS CITY CODE, AS IT RELATES TO
10 DEVELOPMENT AND CONSTRUCTION.

11 (I) THE ACT OF JUNE 24, 1931 (P.L.1206, NO.331),
12 KNOWN AS THE FIRST CLASS TOWNSHIP CODE, AS IT RELATES
13 TO DEVELOPMENT AND CONSTRUCTION.

14 (J) THE ACT OF MAY 1, 1933 (P.L.103, NO.69),
15 KNOWN AS THE SECOND CLASS TOWNSHIP CODE, AS IT
16 RELATES TO DEVELOPMENT AND CONSTRUCTION.

17 (K) THE ACT OF JUNE 22, 1937 (P.L.1987, NO.394),
18 KNOWN AS THE CLEAN STREAMS LAW.

19 (L) THE ACT OF JUNE 1, 1945 (P.L.1242, NO.428),
20 KNOWN AS THE STATE HIGHWAY LAW, AS IT RELATES TO THE
21 ISSUANCE OF HIGHWAY OCCUPANCY PERMITS WHICH ARE
22 REGULATED UNDER 67 PA. CODE CH. 441 (RELATING TO
23 ACCESS TO AND OCCUPANCY OF HIGHWAYS BY DRIVEWAYS AND
24 LOCAL ROADS) OR WHICH ARE AFFECTED BY OTHER LAWS OR
25 REGULATIONS.

26 (M) THE ACT OF APRIL 21, 1949 (P.L.665, NO.155),
27 KNOWN AS THE FIRST CLASS CITY HOME RULE ACT, AS IT
28 RELATES TO DEVELOPMENT AND CONSTRUCTION.

29 (N) THE ACT OF JULY 28, 1953 (P.L.723, NO.230),
30 KNOWN AS THE SECOND CLASS COUNTY CODE.

1 (O) THE ACT OF AUGUST 9, 1955 (P.L.323, NO.130),
2 KNOWN AS THE COUNTY CODE.

3 (P) THE ACT OF JULY 15, 1957 (P.L.901, NO.399),
4 KNOWN AS THE OPTIONAL THIRD CLASS CITY CHARTER LAW,
5 AS IT RELATES TO DEVELOPMENT AND CONSTRUCTION.

6 (Q) THE ACT OF MAY 16, 1923 (P.L.207, NO.153),
7 REFERRED TO AS THE MUNICIPAL CLAIM AND TAX LIEN LAW.

8 (R) THE ACT OF JANUARY 24, 1966 (1965 P.L.1535,
9 NO.537), KNOWN AS THE PENNSYLVANIA SEWAGE FACILITIES
10 ACT.

11 (S) THE ACT OF FEBRUARY 1, 1966 (1965 P.L.1656,
12 NO.581), KNOWN AS THE BOROUGH CODE, AS IT RELATES TO
13 DEVELOPMENT AND CONSTRUCTION.

14 (T) THE ACT OF JULY 31, 1968 (P.L.805, NO.247),
15 KNOWN AS THE PENNSYLVANIA MUNICIPALITIES PLANNING
16 CODE.

17 (U) THE ACT OF JULY 9, 1971 (P.L.206, NO.34),
18 KNOWN AS THE IMPROVEMENT OF DETERIORATING REAL
19 PROPERTY OR AREAS TAX EXEMPTION ACT.

20 (V) THE ACT OF OCTOBER 4, 1978 (P.L.851,
21 NO.166), KNOWN AS THE FLOOD PLAIN MANAGEMENT ACT.

22 (W) THE ACT OF OCTOBER 4, 1978 (P.L.864,
23 NO.167), KNOWN AS THE STORM WATER MANAGEMENT ACT.

24 (X) THE ACT OF NOVEMBER 26, 1978 (P.L.1375,
25 NO.325), KNOWN AS THE DAM SAFETY AND ENCROACHMENTS
26 ACT.

27 (Y) THE ACT OF NOVEMBER 10, 1999 (P.L.491,
28 NO.45), KNOWN AS THE PENNSYLVANIA CONSTRUCTION CODE
29 ACT.

30 (Z) THE ACT OF DECEMBER 20, 2000 (P.L.724,

1 NO.99), KNOWN AS THE MUNICIPAL CODE AND ORDINANCE
2 COMPLIANCE ACT.

3 (Z.1) THE ACT OF JUNE 22, 2001 (P.L.390, NO.29),
4 KNOWN AS THE CONSERVATION AND PRESERVATION EASEMENTS
5 ACT.

6 (Z.2) THE ACT OF MAY 16, 2002 (P.L.315, NO.46),
7 KNOWN AS THE COMMUNITY SERVICES BLOCK GRANT ACT.

8 (Z.3) THE ACT OF FEBRUARY 22, 2008 (P.L.36,
9 NO.4), ENTITLED "AN ACT AUTHORIZING THE DEPARTMENT OF
10 GENERAL SERVICES, WITH THE CONCURRENCE OF THE
11 DEPARTMENT OF ENVIRONMENTAL PROTECTION, TO LEASE TO
12 VTE PHILADELPHIA, LP, OR ITS NOMINEE, LAND WITHIN THE
13 BED OF THE DELAWARE RIVER IN THE CITY OF
14 PHILADELPHIA; AND AFFIRMING THE AUTHORITY OF THE
15 GENERAL ASSEMBLY TO ENACT CERTAIN CONVEYANCES."

16 (Z.4) THE ACT OF FEBRUARY 22, 2008 (P.L.41,
17 NO.5), ENTITLED "AN ACT AUTHORIZING THE DEPARTMENT OF
18 GENERAL SERVICES, WITH THE CONCURRENCE OF THE
19 DEPARTMENT OF ENVIRONMENTAL PROTECTION, TO LEASE TO
20 NCCB ASSOCIATES, LP, OR ITS NOMINEE, LAND WITHIN THE
21 BED OF THE DELAWARE RIVER IN THE CITY OF
22 PHILADELPHIA; AND AFFIRMING THE AUTHORITY OF THE
23 GENERAL ASSEMBLY TO ENACT CERTAIN CONVEYANCES."

24 (Z.5) SOIL EROSION AND SEDIMENT CONTROL PLANS
25 APPROVED BY A LOCAL SOIL CONSERVATION DISTRICT UNDER
26 25 PA. CODE CH. 102 (RELATING TO EROSION AND SEDIMENT
27 CONTROL).

28 (Z.6) THE NATIONAL HISTORIC PRESERVATION ACT
29 (PUBLIC LAW 89-665, 80 STAT. 915), TO THE EXTENT THE
30 COMMONWEALTH HAS BEEN EMPOWERED TO ADMINISTER,

1 APPROVE OR OTHERWISE AUTHORIZE ACTIVITIES UNDER THAT
2 ACT.

3 (Z.7) THE FEDERAL WATER POLLUTION CONTROL ACT
4 (62 STAT. 1155, 33 U.S.C. § 1251 ET SEQ.), TO THE
5 EXTENT THE COMMONWEALTH HAS BEEN EMPOWERED TO
6 ADMINISTER, APPROVE OR OTHERWISE AUTHORIZE ACTIVITIES
7 UNDER THAT ACT.

8 (2) IN CITIES OF THE FIRST CLASS AND AGENCIES
9 ESTABLISHED BY SUCH CITIES, THE TERM SHALL INCLUDE ONLY THE
10 ISSUANCE OF A BUILDING PERMIT, A ZONING USE AND REGISTRATION
11 PERMIT, AND ANY ADMINISTRATIVE APPROVAL, INCLUDING AN
12 APPROVAL BY A BOARD OR COMMISSION, THAT IS A CONDITION
13 PRECEDENT TO ISSUANCE OF A BUILDING PERMIT OR ZONING USE AND
14 REGISTRATION PERMIT TO AN OWNER OF PROPERTY.

15 (3) CREATING ADDITIONAL UNITS AND COMMON ELEMENTS OUT OF
16 CONVERTIBLE REAL ESTATE IN A CONDOMINIUM OR PLANNED
17 COMMUNITY.

18 "DEVELOPMENT." ANY OF THE FOLLOWING:

19 (1) THE DIVISION OF A PARCEL OF LAND INTO TWO OR MORE
20 PARCELS, INCLUDING A SUBDIVISION AS DEFINED IN SECTION 107 OF
21 THE ACT OF JULY 31, 1968 (P.L.805, NO.247), KNOWN AS THE
22 PENNSYLVANIA MUNICIPALITIES PLANNING CODE.

23 (2) THE CONSTRUCTION, RECONSTRUCTION, CONVERSION,
24 STRUCTURAL ALTERATION, RELOCATION OR ENLARGEMENT OF A
25 BUILDING OR OTHER STRUCTURE.

26 (3) SITE PREPARATION, INCLUDING GRADING, EARTH MOVING
27 ACTIVITIES, CLEARANCE, SOIL REMOVAL OR MOVEMENT, TIMBER
28 HARVESTING RELOCATION, EXCAVATION, LANDFILL AND MOVING,
29 DEPOSITING OR STORING SOIL, ROCK OR EARTH MATERIALS.

30 (4) A USE OR CHANGE IN THE USE OF A BUILDING OR OTHER

1 STRUCTURE OR CHANGE IN LAND USE.

2 (5) LAND DEVELOPMENT, AS DEFINED IN SECTION 107 OF THE
3 PENNSYLVANIA MUNICIPALITIES PLANNING CODE, OR LAND USE.

4 (6) DEMOLITION, MOVING OR REMOVING A BUILDING OR OTHER
5 STRUCTURE.

6 (7) THE RIGHT TO CONVERT CONVERTIBLE REAL ESTATE OR
7 WITHDRAW WITHDRAWABLE REAL ESTATE PURSUANT TO 68 PA.C.S. PT.
8 II SUBPT. B (RELATING TO CONDOMINIUMS) OR 68 PA.C.S. PT. II
9 SUBPT. D (RELATING TO PLANNED COMMUNITIES).

10 "EXTENSION PERIOD." THE PERIOD BEGINNING AFTER DECEMBER 31,
11 2008, AND ENDING BEFORE JULY 2, 2013.

12 "GOVERNMENT AGENCY." THE COMMONWEALTH, A POLITICAL
13 SUBDIVISION OR AN AGENCY, DEPARTMENT, AUTHORITY, COMMISSION OR
14 BOARD OF THE COMMONWEALTH OR A POLITICAL SUBDIVISION. THE TERM
15 INCLUDES REGIONAL COMMISSIONS, BOARDS OR INSTRUMENTALITIES WITH
16 THE AUTHORITY TO ISSUE APPROVALS.
17 SECTION 1603-I. EXISTING APPROVAL.

18 (A) AUTOMATIC SUSPENSION.--THE EXPIRATION DATE OF AN
19 APPROVAL BY A GOVERNMENT AGENCY THAT IS GRANTED FOR OR IN EFFECT
20 DURING THE EXTENSION PERIOD, WHETHER OBTAINED BEFORE OR AFTER
21 THE BEGINNING OF THE EXTENSION PERIOD, SHALL BE AUTOMATICALLY
22 SUSPENDED DURING THE EXTENSION PERIOD.

23 (A.1) CITIES OF THE FIRST CLASS.--IN CITIES OF THE FIRST
24 CLASS AND AGENCIES ESTABLISHED BY SUCH CITIES, THE SUSPENSION
25 PROVIDED FOR IN SUBSECTION (A) SHALL BE VALID, FOR ANY COVERED
26 APPROVAL, 20 DAYS AFTER THE NOTICE FROM THE APPROVAL HOLDER TO
27 THE AGENCY THAT ISSUED THE APPROVAL OF THE APPROVAL HOLDER'S
28 INTENT TO EXERCISE HIS OR HER RIGHTS UNDER THE SUSPENSION AND
29 PAYMENT OF A FEE EQUAL TO 50% OF THE ORIGINAL APPLICATION FEE,
30 BUT NOT TO EXCEED \$5,000. THE AGENCY THAT ISSUED THE APPROVAL

1 MAY PRESCRIBE A FORM OF NOTICE.

2 (B) DURATION.--NOTHING IN THIS SECTION SHALL SHORTEN THE
3 TERM OR DURATION AN APPROVAL RELATING TO DEVELOPMENT WOULD HAVE
4 HAD IN THE ABSENCE OF THE ENACTMENT OF THIS SECTION. NOTHING IN
5 THIS SECTION SHALL PROHIBIT THE GRANTING OF ADDITIONAL
6 EXTENSIONS AS PROVIDED BY LAW.

7 (C) RIPARIAN LEASES.--

8 (1) THE TIME PERIOD RELATING TO OBTAINING A BUILDING
9 PERMIT UNDER SECTION 1(I) OF THE ACT OF FEBRUARY 22, 2008
10 (P.L. 36, NO. 4), ENTITLED, "AN ACT AUTHORIZING THE
11 DEPARTMENT OF GENERAL SERVICES, WITH THE CONCURRENCE OF THE
12 DEPARTMENT OF ENVIRONMENTAL PROTECTION, TO LEASE TO VTE
13 PHILADELPHIA, LP, OR ITS NOMINEE, LAND WITHIN THE BED OF THE
14 DELAWARE RIVER IN THE CITY OF PHILADELPHIA; AND AFFIRMING THE
15 AUTHORITY OF THE GENERAL ASSEMBLY TO ENACT CERTAIN
16 CONVEYANCES," SHALL BE EXTENDED UNTIL JANUARY 1, 2013, OR ONE
17 YEAR FROM THE EFFECTIVE DATE OF THIS SUBSECTION, WHICHEVER IS
18 LATER.

19 (2) THE TIME PERIOD RELATING TO OBTAINING A BUILDING
20 PERMIT UNDER SECTION 1(I) OF THE ACT OF FEBRUARY 22, 2008
21 (P.L. 41, NO. 5), ENTITLED, "AN ACT AUTHORIZING THE
22 DEPARTMENT OF GENERAL SERVICES, WITH THE CONCURRENCE OF THE
23 DEPARTMENT OF ENVIRONMENTAL PROTECTION, TO LEASE TO NCCB
24 ASSOCIATES, LP, OR ITS NOMINEE, LAND WITHIN THE BED OF THE
25 DELAWARE RIVER IN THE CITY OF PHILADELPHIA; AND AFFIRMING THE
26 AUTHORITY OF THE GENERAL ASSEMBLY TO ENACT CERTAIN
27 CONVEYANCES," SHALL BE EXTENDED UNTIL JANUARY 1, 2013, OR ONE
28 YEAR FROM THE EFFECTIVE DATE OF THIS SUBSECTION, WHICHEVER IS
29 LATER.

30 SECTION 1604-I. SUBSEQUENT CHANGES.

1 (A) CHANGE IN LAW.--A LAW, REGULATION OR POLICY ENACTED,
2 ADOPTED OR MODIFIED BY A GOVERNMENT AGENCY DURING THE EXTENSION
3 PERIOD SHALL NOT HAVE THE EFFECT OF PROHIBITING OR LIMITING AN
4 EXISTING APPROVAL DURING THE EXTENSION PERIOD.

5 (B) PLANNING CODE APPROVAL.--WHEN AN APPROVAL HAS BEEN
6 GRANTED UNDER THE ACT OF JULY 31, 1968 (P.L.805, NO.247), KNOWN
7 AS THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, A SUBSEQUENT
8 CHANGE IN A ZONING, SUBDIVISION OR OTHER GOVERNING ORDINANCE OR
9 PLAN SHALL NOT APPLY TO OR AFFECT THE RIGHT OF THE APPLICANT TO
10 COMMENCE OR COMPLETE THE ACTIVITIES AUTHORIZED BY THE APPROVAL
11 FOR THE DURATION OF THE EXTENSION PERIOD. FOR PURPOSES OF THIS
12 SUBSECTION, THE EXTENSION PERIOD SHALL BE EXTENDED FOR THE
13 DURATION OF ANY LITIGATION, INCLUDING APPEALS, RELATING TO AN
14 APPROVAL WHICH PREVENTS THE COMPLETION OF ALL OR PART OF THE
15 ACTIVITY AUTHORIZED BY THE APPROVAL.

16 (C) NONEXPIRATION.--AN ACTION BY A GOVERNMENT AGENCY OR LAW
17 TO LEASE, LICENSE, GRANT OR OTHERWISE CONVEY RIGHTS IN THE BEDS
18 OF NAVIGABLE WATERS OF THE COMMONWEALTH SHALL NOT EXPIRE FOR THE
19 DURATION OF THE EXTENSION PERIOD, INCLUDING TIME LIMITS RELATING
20 TO THE INITIATION, PROSECUTION OR COMPLETION OF CONSTRUCTION. A
21 CONVEYANCE OF RIGHTS UNDER THIS SUBSECTION SHALL NOT TERMINATE
22 DURING THE EXTENSION PERIOD FOR FAILURE TO INITIATE, PROSECUTE
23 OR COMPLETE CONSTRUCTION.

24 SECTION 1605-I. AGENCY VERIFICATION.

25 (A) REQUEST FOR VERIFICATION.--

26 (1) THE HOLDER OR RECIPIENT OF AN APPROVAL MAY SEEK
27 WRITTEN VERIFICATION FROM THE ISSUING GOVERNMENT AGENCY FOR
28 ANY OF THE FOLLOWING:

29 (I) THE EXISTENCE OF A VALID APPROVAL.

30 (II) THE EXPIRATION DATE OF THE APPROVAL UNDER THIS

1 ARTICLE.

2 (2) THE REQUEST SHALL SET FORTH THE APPROVAL IN QUESTION
3 AND THE ANTICIPATED EXPIRATION DATE UNDER THIS ARTICLE.

4 (B) AGENCY ACTION.--UPON RECEIPT OF A REQUEST UNDER
5 SUBSECTION (A), THE GOVERNMENT AGENCY SHALL RESPOND IN WRITING,
6 AFFIRMING OR DENYING THE EXISTENCE OF THE APPROVAL, ITS
7 EXPIRATION DATE AND ANY ISSUES ASSOCIATED WITH ITS VALIDITY
8 WITHIN 30 DAYS. EXCEPT IN CITIES OF THE FIRST CLASS AND AGENCIES
9 ESTABLISHED BY SUCH CITIES, FAILURE TO RESPOND WITHIN 30 DAYS
10 SHALL RESULT IN A DEEMED AFFIRMATION OF THE EXISTENCE OF THE
11 APPROVAL AND EXPIRATION DATE SET FORTH IN THE REQUEST SUBMITTED
12 UNDER SUBSECTION (A). THE AGENCY MAY CHARGE A FEE OF NOT MORE
13 THAN \$100 FOR VERIFICATION OF A RESIDENTIAL APPROVAL AND \$500
14 FOR VERIFICATION OF A COMMERCIAL APPROVAL UNDER THIS SUBSECTION.

15 (C) FAILURE TO SEEK AFFIRMATION.--THE FAILURE OF THE HOLDER
16 OF AN APPROVAL TO SEEK VERIFICATION FROM A GOVERNMENT AGENCY
17 SHALL NOT BE GROUNDS FOR TERMINATION, REVOCATION OR OTHER
18 INVALIDATION OF AN APPROVAL.

19 (D) APPEALS OF VERIFICATION.--A DISPUTE ARISING UNDER THIS
20 SECTION SHALL BE APPEALABLE IN ACCORDANCE WITH ONE OF THE
21 FOLLOWING APPLICABLE LAWS:

22 (1) 2 PA.C.S. § 105 (RELATING TO LOCAL AGENCY LAW).

23 (2) THE ACT OF JULY 31, 1968 (P.L.805, NO.247), KNOWN AS
24 THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE.

25 SECTION 1606-I. APPLICABILITY.

26 (A) EXCEPTIONS.--THIS ARTICLE SHALL NOT APPLY TO ANY OF THE
27 FOLLOWING:

28 (1) AN APPROVAL ISSUED TO COMPLY WITH FEDERAL LAW, THE
29 DURATION OR TERMS OF EXPIRATION OF WHICH IS SPECIFIED OR
30 DETERMINED BY FEDERAL LAW.

1 (2) AN ADMINISTRATIVE CONSENT ORDER OR OTHER ENFORCEMENT
2 ACTION RELATING TO AN APPROVAL THAT IS SUBJECT TO THE
3 EXTENSION PERIOD.

4 (3) AN APPROVAL, DESIGNATION OR BENEFIT UNDER THE ACT OF
5 OCTOBER 6, 1998 (P.L.705, NO.92), KNOWN AS THE KEYSTONE
6 OPPORTUNITY ZONE, KEYSTONE OPPORTUNITY EXPANSION ZONE AND
7 KEYSTONE OPPORTUNITY IMPROVEMENT ZONE ACT.

8 (4) A "ONE-CALL" DETERMINATION, RESPONSE OR OTHER
9 REQUIREMENT UNDER THE ACT OF DECEMBER 10, 1974 (P.L.852,
10 NO.287), REFERRED TO AS THE UNDERGROUND UTILITY LINE
11 PROTECTION LAW.

12 (5) THE REVOCATION OR MODIFICATION OF AN APPROVAL OR
13 EXTENSION OF AN APPROVAL, WHEN THE APPROVAL AUTHORIZES THE
14 MODIFICATION OR REVOCATION FOR CAUSE.

15 (6) AN APPROVAL ISSUED BY THE DEPARTMENT OF
16 TRANSPORTATION, EXCEPT THAT APPROVALS IN ACCORDANCE WITH 67
17 PA. CODE CH. 441 (RELATING TO ACCESS TO AND OCCUPANCY OF
18 HIGHWAYS BY DRIVEWAYS AND LOCAL ROADS) SHALL BE EXTENDED BY
19 THE DEPARTMENT UPON THE SUBMISSION OF A COMPLETE AND ACCURATE
20 APPLICATION THROUGHOUT THE EXTENSION PERIOD FOR ONE-YEAR
21 INTERVALS, SUBJECT TO THE REQUIREMENTS OF 67 PA. CODE CH.
22 441, INCLUDING MODIFICATIONS BASED ON CHANGED CIRCUMSTANCES.

23 (7) AN APPROVAL ISSUED BY THE DEPARTMENT OF
24 ENVIRONMENTAL PROTECTION IMPLEMENTING 25 PA. CODE § 93.4A
25 (RELATING TO ANTIDegradation) IN CONNECTION WITH SURFACE
26 WATERS, AS DEFINED IN 25 PA. CODE § 93.1 (RELATING TO
27 DEFINITIONS), OR WETLANDS, AS DEFINED IN 25 PA. CODE § 93.1,
28 WHICH SURFACE WATERS OR WETLANDS, AFTER THE ISSUANCE OF THE
29 APPROVAL, AND DURING THE EXTENSION PERIOD, BECAME CLASSIFIED
30 AS:

1 (I) HIGH QUALITY WATERS, PURSUANT TO 25 PA. CODE §§
2 93.1, 93.4B(A); OR

3 (II) EXCEPTIONAL VALUE WATERS, PURSUANT TO 25 PA.
4 CODE § 93.4B(B) (1).

5 (8) AN APPROVAL ISSUED BY THE DEPARTMENT OF
6 ENVIRONMENTAL PROTECTION IMPLEMENTING 25 PA. CODE § 93.4A IN
7 CONNECTION WITH SURFACE WATERS, AS DEFINED IN 25 PA. CODE §
8 93.1, OR WETLANDS, AS DEFINED IN 25 PA. CODE § 93.1, WHICH
9 SURFACE WATERS OR WETLANDS ARE CLASSIFIED AS EXCEPTIONAL
10 VALUE WATERS PURSUANT TO 25 PA. CODE § 93.4B(B) (1).

11 (B) SEWER AND WATER SYSTEMS.--IF AN APPROVAL IS BASED UPON
12 THE CONNECTION TO A SANITARY SEWER SYSTEM OR WATER DISTRIBUTION
13 SYSTEM, THE APPLICATION OF THE EXTENSION PERIOD AS IT RELATES TO
14 CAPACITY SHALL BE CONTINGENT UPON THE AVAILABILITY OF SUFFICIENT
15 CAPACITY OF THE SYSTEM TO ACCOMMODATE THE DEVELOPMENT THAT IS
16 THE SUBJECT OF THE EXTENDED APPROVAL. IF SUFFICIENT CAPACITY IS
17 UNAVAILABLE AT THE TIME IT IS REQUIRED TO PROCEED WITH
18 DEVELOPMENT UNDER THE APPROVAL, PRIORITY WITH REGARD TO FURTHER
19 DISTRIBUTION OR ALLOCATION OF CAPACITY SHALL BE ESTABLISHED BY
20 THE DATE ON WHICH THE APPROVAL WAS OBTAINED. PRIORITY RELATING
21 TO DISTRIBUTION OF ADDITIONAL CAPACITY SHALL BE ALLOCATED IN
22 ORDER OF THE GRANTING OF THE ORIGINAL APPROVAL FOR THE
23 CONNECTION.

24 (C) FEE.--A GOVERNMENT AGENCY WHICH ISSUED AN APPROVAL MAY
25 CHARGE A FEE TO EXTEND THE APPROVAL THAT MAY BE NO MORE THAN 25%
26 OF THE ORIGINAL APPLICATION FEE. IN NO EVENT MAY THE FEE BE MORE
27 THAN \$5,000.

28 SECTION 1607-I. NOTICE.

29 WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS SECTION, EACH
30 AFFECTED GOVERNMENT AGENCY SHALL PUBLISH NOTICE OF APPLICABILITY

1 OF THE EXTENSION PERIOD TO APPROVALS GRANTED BY THE GOVERNMENT
2 AGENCY UNDER THIS ARTICLE IN THE PENNSYLVANIA BULLETIN.
3 SECTION 1608-I. MISCELLANEOUS.

4 (A) CONSTRUCTION.--NOTHING IN THIS ARTICLE SHALL BE
5 CONSTRUED TO MODIFY ANY REQUIREMENT OF LAW THAT IS NECESSARY TO
6 RETAIN FEDERAL DELEGATION TO, OR ASSUMPTION BY, THE COMMONWEALTH
7 OF THE AUTHORITY TO IMPLEMENT A FEDERAL LAW OR PROGRAM.

8 (B) AUTHORITY.--DURING THE EXTENSION PERIOD, A GOVERNMENT
9 AGENCY SHALL RETAIN THE AUTHORITY TO DO ALL OF THE FOLLOWING:

10 (1) SUSPEND OR REVOKE AN APPROVAL FOR NONCOMPLIANCE WITH
11 A WRITTEN CONDITION OF THE APPROVAL.

12 (2) ENFORCE CONDITIONS OF APPROVALS GRANTED UNDER LAW
13 PRIOR TO THE EXTENSION PERIOD.

14 (3) ENFORCE ONLY THOSE CONDITIONS IN AN APPROVAL ISSUED
15 UNDER THE ACT OF JULY 31, 1968 (P.L.805, NO.247), KNOWN AS
16 THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, THAT ARE
17 REQUIRED TO BE PERFORMED PRIOR TO FINAL PLAN APPROVAL.

18 ARTICLE XVI-J

19 HERITAGE AREAS

20 SECTION 1601-J. PROGRAM.

21 (A) ESTABLISHMENT.--THE HERITAGE AREA PROGRAM IS ESTABLISHED
22 WITHIN THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES TO
23 IDENTIFY, PROTECT, ENHANCE AND PROMOTE THE HISTORIC,
24 RECREATIONAL, NATURAL, CULTURAL AND SCENIC RESOURCES OF THIS
25 COMMONWEALTH.

26 (B) ADMINISTRATION.--THE DEPARTMENT SHALL ADOPT GUIDELINES
27 AND POLICIES FOR THE IMPLEMENTATION AND ADMINISTRATION OF THE
28 PROGRAM.

29 (C) FUNDING.--THE DEPARTMENT MAY ALLOCATE FUNDS APPROPRIATED
30 TO THE DEPARTMENT FOR GRANTS AND INVESTMENT PROGRAMS WITHIN

1 HERITAGE AREAS, INCLUDING ADMINISTRATION AND OPERATION.

2 SECTION 2.6. ARTICLE XVII-A OF THE ACT IS AMENDED BY ADDING
3 A SUBARTICLE TO READ:

4 SUBARTICLE J
5 SPECIAL PROVISIONS RELATING TO
6 VICTIMS OF CRIME

7 SECTION 1791-A. DEFINITIONS.

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

11 "COMMISSION." THE PENNSYLVANIA COMMISSION ON CRIME AND
12 DELINQUENCY.

13 "CRIME." AS DEFINED IN SECTION 103 OF THE ACT OF NOVEMBER
14 24, 1998 (P.L.882, NO.111), KNOWN AS THE CRIME VICTIMS ACT.

15 "CRIME VICTIMS ACT. THE ACT OF NOVEMBER 24, 1998 (P.L.882,
16 NO.111), KNOWN AS THE CRIME VICTIMS ACT.

17 "JUVENILE." AS DEFINED IN SECTION 103 OF THE ACT OF NOVEMBER
18 24, 1998 (P.L.882, NO.111), KNOWN AS THE CRIME VICTIMS ACT.

19 "VICTIM." AS DEFINED IN SECTION 103 OF THE ACT OF NOVEMBER
20 24, 1998 (P.L.882, NO.111), KNOWN AS THE CRIME VICTIMS ACT.

21 SECTION 1792-A. SPECIAL JUVENILE VICTIM COMPENSATION FUND.

22 (A) ESTABLISHMENT.--THERE IS ESTABLISHED IN THE STATE
23 TREASURY A SPECIAL FUND TO BE KNOWN AS THE SPECIAL JUVENILE
24 VICTIM COMPENSATION FUND.

25 (B) SOURCES.--THE SOURCES OF THE FUND ARE AS FOLLOWS:

26 (1) A TRANSFER OF \$500,000 FROM THE CRIME VICTIM'S
27 COMPENSATION FUND ESTABLISHED UNDER SECTION 1101(B)(1) OF THE
28 CRIME VICTIMS ACT. AS SOON AS PRACTICABLE FOLLOWING THE
29 EFFECTIVE DATE OF THIS SECTION, THE STATE TREASURER SHALL
30 MAKE THE TRANSFER.

1 (2) APPROPRIATIONS.

2 (3) MONEY FROM ANY OTHER SOURCE.

3 (4) RETURN ON THE MONEY IN THE FUND.

4 (C) NONLAPSE.--THE MONEY IN THE SPECIAL JUVENILE VICTIM
5 COMPENSATION FUND IS CONTINUOUSLY APPROPRIATED INTO THE SPECIAL
6 JUVENILE VICTIM COMPENSATION FUND. THIS APPROPRIATION SHALL NOT
7 LAPSE AT THE END OF ANY FISCAL YEAR.

8 (D) USE.--THE SPECIAL JUVENILE VICTIM COMPENSATION FUND
9 SHALL BE ADMINISTERED BY THE COMMISSION AS FOLLOWS:

10 (1) THE COMMISSION MAY NOT USE ANY MONEY FOR
11 ADMINISTRATIVE COSTS.

12 (2) THE MONEY SHALL BE USED SOLELY TO PROVIDE
13 COMPENSATION TO VICTIMS OF JUVENILE CRIME IN A COUNTY OF THE
14 THIRD CLASS. A VICTIM SHALL BE ENTITLED TO RECEIVE
15 COMPENSATION FROM THE FUND IF ALL OF THE FOLLOWING CONDITIONS
16 APPLY:

17 (I) A JUVENILE DELINQUENCY PETITION WAS FILED IN THE
18 COUNTY WHICH ALLEGED THAT THE VICTIM WAS A VICTIM OF A
19 CRIME COMMITTED BY A JUVENILE.

20 (II) THE JUVENILE DELINQUENCY PETITION WAS DISPOSED
21 OF PRIOR TO MAY 31, 2008, BY THE ENTRY OF A CONSENT
22 DECREE OR AN ADJUDICATION OF DELINQUENCY ENTERED BY A
23 COURT OF COMMON PLEAS IN THE COUNTY.

24 (III) AFTER DECEMBER 31, 2008, THE CONSENT DECREE OR
25 ADJUDICATION OF DELINQUENCY PREVIOUSLY ENTERED WAS
26 VACATED BY ORDER OF THE SUPREME COURT.

27 (IV) FOLLOWING THE VACATING OF THE CONSENT DECREE OR
28 ADJUDICATION OF DELINQUENCY, THE SUPREME COURT OR A
29 SPECIAL MASTER APPOINTED BY THE SUPREME COURT ISSUED A
30 WRITTEN DETERMINATION STATING:

1 (A) THAT THE VICTIM SUFFERED MONETARY LOSS,
2 EXPENSE OR DAMAGE AS A RESULT OF THE ALLEGED CRIME;

3 (B) THAT THE COURT OF COMMON PLEAS IN THE COUNTY
4 HAD PREVIOUSLY ENTERED AN ORDER DIRECTING THAT THE
5 VICTIM WAS ENTITLED TO RESTITUTION OR COMPENSATION
6 FOR THE VICTIM'S LOSS, EXPENSE OR DAMAGE WHICH WAS
7 VACATED PRIOR TO THE VICTIM'S RECEIVING PAYMENT IN
8 FULL;

9 (C) THAT THE VICTIM IS ENTITLED TO RECEIVE A
10 COMPENSATION AWARD FOR PAIN AND SUFFERING ENDURED IN
11 CONNECTION WITH THE VICTIM'S CONTACT WITH THE
12 JUVENILE JUSTICE SYSTEM IN THE COUNTY UNDER THE
13 CIRCUMSTANCES DESCRIBED IN SUBPARAGRAPHS (I), (II)
14 AND (III); AND

15 (D) THE AMOUNT OF COMPENSATION AWARD TO BE PAID
16 TO THE VICTIM FOR PAIN AND SUFFERING WHICH SHALL
17 EQUAL THE AMOUNT OF RESTITUTION THE VICTIM WOULD HAVE
18 BEEN ENTITLED TO HAD THE CONSENT DECREE OR
19 ADJUDICATION OF DELINQUENCY PREVIOUSLY ENTERED NOT
20 BEEN VACATED, LESS ANY RESTITUTION AND COMPENSATION
21 PREVIOUSLY PAID TO THE VICTIM IN CONNECTION WITH THE
22 ALLEGED CRIME.

23 (V) NOTWITHSTANDING ANY PROVISION OF THIS SUBARTICLE
24 TO THE CONTRARY, THE FOLLOWING SHALL APPLY REGARDING THE
25 CALCULATION OF THE AMOUNT OF RESTITUTION AND COMPENSATION
26 PREVIOUSLY PAID TO THE VICTIM UNDER SUBPARAGRAPH (IV) (D) :

27 (A) THE SUPREME COURT OR SPECIAL MASTER
28 APPOINTED BY THE SUPREME COURT SHALL REQUEST, AND THE
29 COMMISSION SHALL DISCLOSE, INFORMATION CONCERNING
30 APPLICATIONS FOR AN AWARD OF COMPENSATION AND

1 COMPENSATION AWARD PAYMENTS PREVIOUSLY MADE BY THE
2 COMMISSION TO THE VICTIM IN CONNECTION WITH THE CRIME
3 CHARGED IN THE JUVENILE DELINQUENCY PETITION REFERRED
4 TO IN SUBPARAGRAPH (I).

5 (B) THE SUPREME COURT OR SPECIAL MASTER
6 APPOINTED BY THE SUPREME COURT SHALL INCLUDE ANY
7 MONETARY LOSS, EXPENSE OR DAMAGE THAT THE SUPREME
8 COURT OR SPECIAL MASTER DETERMINES HAS BEEN OR WILL
9 BE PAID TO OR ON BEHALF OF THE VICTIM BY ANY OF THE
10 FOLLOWING:

11 (I) INSURANCE, OR HEALTH OR WELFARE
12 PROGRAMS, INCLUDING THOSE MANDATED BY LAW;

13 (II) UNDER A CONTRACT OF INSURANCE WHERE THE
14 VICTIM IS THE BENEFICIARY;

15 (III) UNDER ANY PENSION PROGRAM, INCLUDING
16 THOSE PROVIDING FOR DISABILITY OR SURVIVOR'S
17 BENEFITS, OR FROM ANY OTHER PUBLIC FUNDS; OR

18 (IV) UNDER A SETTLEMENT OR AWARD MADE BY OR
19 ON BEHALF OF A PARTY ALLEGED TO BE RESPONSIBLE,
20 IN WHOLE OR IN PART FOR THE INJURY, WITHOUT
21 REGARD TO THE PARTY'S CRIMINAL LIABILITY.

22 (C) THE SUPREME COURT OR SPECIAL MASTER
23 APPOINTED BY THE SUPREME COURT MAY REQUIRE AS A
24 CONDITION OF RECEIVING AN AWARD UNDER THIS SECTION
25 THAT A VICTIM DISCLOSE TO THE COURT OR SPECIAL MASTER
26 THE AMOUNT OF RESTITUTION AND COMPENSATION PREVIOUSLY
27 RECEIVED IN CONNECTION WITH THE CRIME CHARGED IN THE
28 JUVENILE DELINQUENCY PETITION REFERRED TO IN
29 SUBPARAGRAPH (I).

30 (VI) PROMPTLY FOLLOWING ISSUANCE OF THE LAST WRITTEN

1 DETERMINATION DESCRIBED IN SUBPARAGRAPH (IV), THE SUPREME
2 COURT OR SPECIAL MASTER APPOINTED BY THE SUPREME COURT
3 SHALL NOTIFY THE COMMISSION THAT ALL WRITTEN
4 DETERMINATIONS HAVE BEEN ISSUED.

5 (E) ADMINISTRATION.--

6 (1) THE COMMISSION SHALL MAKE A LUMP SUM PAYMENT TO EACH
7 VICTIM FOR WHICH A DETERMINATION HAS BEEN ISSUED UNDER
8 SUBSECTION (D) (2) (IV). THE PAYMENT SHALL BE IN THE AMOUNT
9 SPECIFIED IN THE DETERMINATION.

10 (2) IF MONEY IN THE SPECIAL JUVENILE VICTIM COMPENSATION
11 FUND IS NOT SUFFICIENT TO MAKE ALL OF THE PAYMENTS REQUIRED
12 UNDER THIS SUBSECTION, THE PAYMENTS SHALL BE REDUCED FOR EACH
13 VICTIM ON A PRO RATA BASIS.

14 (3) THE COMMISSION SHALL, NO MORE THAN 45 DAYS FOLLOWING
15 NOTIFICATION FROM THE SUPREME COURT OR SPECIAL MASTER THAT
16 ALL WRITTEN DETERMINATIONS UNDER SUBSECTION (D) (2) (IV) HAVE
17 BEEN ISSUED, SUBMIT REQUESTS TO THE STATE TREASURER THAT A
18 LUMP SUM PAYMENT BE MADE TO EACH VICTIM IN THE AMOUNT SET
19 FORTH IN THE WRITTEN DETERMINATION PERTAINING TO THE VICTIM.

20 (F) TAX CONSEQUENCES.--A PAYMENT MADE UNDER SUBSECTION (E)
21 SHALL NOT BE CONSIDERED A CLASS OF INCOME UNDER SECTION 303 OF
22 THE ACT OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS THE TAX REFORM
23 CODE OF 1971.

24 (G) RIGHT OF SUBROGATION AND RETURN OF CERTAIN PAYMENTS.--
25 THE FOLLOWING SHALL APPLY:

26 (1) THE COMMONWEALTH SHALL BE SUBROGATED TO THE PAYMENT
27 OF AN AWARD MADE UNDER THIS SECTION, TO THE EXTENT OF THE
28 PAYMENT, TO ANY RIGHT OF ACTION AGAINST ANY PERSON TO RECOVER
29 LOSSES RESULTING FROM THE CRIME CHARGED IN THE JUVENILE
30 DELINQUENCY PETITION REFERRED TO IN SUBSECTION (D) (2) (I).

1 (2) A VICTIM RECEIVING AN AWARD UNDER THIS SECTION SHALL
2 NOTIFY THE COMMISSION OF ANY PAYMENTS RECEIVED FROM ANY
3 SOURCE, OTHER THAN THE COMMISSION, THAT RELATE TO THE CRIME
4 CHARGED IN THE JUVENILE DELINQUENCY PETITION REFERRED TO IN
5 SUBSECTION (D) (2) (I) AND WHICH ARE RECEIVED ON OR AFTER THE
6 DATE OF THE SUPREME COURT'S OR SPECIAL MASTER'S WRITTEN
7 DETERMINATION. THE VICTIM SHALL PROMPTLY RETURN TO THE
8 COMMISSION AN AMOUNT EQUAL TO SUCH PAYMENTS FOR DEPOSIT INTO
9 THE CRIME VICTIM'S COMPENSATION FUND.

10 (H) EXPIRATION.--A VICTIM'S ABILITY TO RECEIVE A WRITTEN
11 DETERMINATION FOR A COMPENSATION AWARD UNDER THIS SUBARTICLE
12 SHALL EXPIRE ON THE EARLIER OF THE FOLLOWING:

13 (1) THE EXPENDITURE OF ALL MONEY IN THE SPECIAL JUVENILE
14 VICTIM COMPENSATION FUND.

15 (2) JUNE 30, 2011. MONEY REMAINING IN THE FUND ON JUNE
16 30, 2011, THAT HAS NOT BEEN ENCUMBERED OR COMMITTED TO PAY
17 AWARDS UNDER WRITTEN DETERMINATIONS ISSUED PRIOR TO JUNE 30,
18 2011, SHALL BE TRANSFERRED TO THE CRIME VICTIM'S COMPENSATION
19 FUND.

20 SECTION 1793-A. VICTIM WITNESS SERVICES FUND.

21 ON JULY 1, 2011, THE STATE TREASURER SHALL TRANSFER THE SUM
22 OF \$1,000,000 FROM THE CRIME VICTIM'S COMPENSATION FUND TO THE
23 VICTIM WITNESS SERVICES FUND ESTABLISHED IN SECTION 1101 (B) (2)
24 OF THE CRIME VICTIMS ACT TO SUPPLEMENT, AND TO BE DISTRIBUTED
25 TOGETHER WITH, OTHER MONEY OF THE VICTIM WITNESS SERVICES FUND
26 USED TO PROVIDE VICTIM OF JUVENILE OFFENDER GRANTS TO COUNTIES.
27 THE TRANSFERRED SUM IS HEREBY APPROPRIATED TO THE VICTIM WITNESS
28 SERVICES FUND ON A CONTINUING BASIS FOR SUCH PURPOSE.

29 SECTION 2.7. SECTION 1735-E OF THE ACT, AMENDED OCTOBER 9,
30 2009 (P.L.537, NO.50), IS AMENDED TO READ:

1 SECTION 1735-E. PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY.

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

18 SECTION 2.8. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:
19 SECTION 1794-E. JUDICIAL COMPUTER SYSTEM AUGMENTATION ACCOUNT.

20 THE SUPREME COURT AND THE COURT ADMINISTRATOR OF PENNSYLVANIA
21 ARE PROHIBITED FROM AUGMENTING THE AMOUNT APPROPRIATED TO THE
22 JUDICIAL COMPUTER SYSTEM AUGMENTATION ACCOUNT BY BILLINGS TO
23 OTHER APPROPRIATIONS TO THE JUDICIAL BRANCH FOR THE STATEWIDE
24 JUDICIAL COMPUTER SYSTEM OR FOR ANY OTHER PURPOSE.

25 SECTION 1795-E. ACCESS TO JUSTICE ACCOUNT.

26 NOTWITHSTANDING 42 PA.C.S. § 4906 (RELATING TO DISTRIBUTION
27 OF FUNDS), MONEY IN THE ACCESS TO JUSTICE ACCOUNT MAY BE
28 DISTRIBUTED AT ANY TIME UPON REQUISITION OF THE COURT
29 ADMINISTRATOR OF PENNSYLVANIA TO THE PENNSYLVANIA INTEREST ON
30 LAWYERS TRUST ACCOUNT BOARD.

1 SECTION 2.9. SECTION 1799-E OF THE ACT IS AMENDED BY ADDING
2 SUBSECTIONS TO READ:

3 SECTION 1799-E. STATE GAMING FUND.

4 * * *

5 (E) ASSESSMENTS FOR PROPERTY TAX RELIEF.--NOTWITHSTANDING
6 SUBSECTION (G) OR ANY OTHER PROVISION OF LAW TO THE CONTRARY, IF
7 THE SECRETARY OF THE BUDGET AUTHORIZES A TRANSFER FROM THE
8 PROPERTY TAX RELIEF RESERVE FUND AND DETERMINES THAT THE MONEYS
9 IN THE FUND ARE INSUFFICIENT TO SUPPORT THE TRANSFER, THE
10 SECRETARY OF THE BUDGET SHALL NOTIFY THE PENNSYLVANIA GAMING
11 CONTROL BOARD AND, UPON NOTIFICATION, THE BOARD SHALL
12 IMMEDIATELY ASSESS EACH SLOT MACHINE LICENSEE FOR THE REPAYMENT
13 OF THE LOANS AUTHORIZED UNDER SECTIONS 1720-G, 1720-I AND 1720-K
14 IN AN AMOUNT THAT IS PROPORTIONAL TO EACH SLOT MACHINE
15 LICENSEE'S GROSS TERMINAL REVENUE.

16 (F) APPROPRIATIONS SOLELY FROM ASSESSMENTS.--BEGINNING IN
17 FISCAL YEAR 2010-2011 AND EACH FISCAL YEAR THEREAFTER, ALL FUNDS
18 FOR THE OPERATION OF THE PENNSYLVANIA STATE POLICE, THE
19 DEPARTMENT OF REVENUE AND THE ATTORNEY GENERAL SHALL BE
20 APPROPRIATED SOLELY FROM AN ASSESSMENT ON GROSS TERMINAL REVENUE
21 FROM ACCOUNTS UNDER 4 PA.C.S. § 1401 (RELATING TO SLOT MACHINE
22 LICENSEE DEPOSITS) IN AN AMOUNT EQUAL TO THAT APPROPRIATED BY
23 THE GENERAL ASSEMBLY FOR THAT FISCAL YEAR. THE PENNSYLVANIA
24 STATE POLICE, DEPARTMENT OF REVENUE OR ATTORNEY GENERAL SHALL
25 NOT ASSESS ANY CHARGE, FEE, COST OF OPERATIONS OR OTHER PAYMENT
26 FROM A LICENSED GAMING ENTITY IN EXCESS OF AMOUNTS APPROPRIATED
27 IN ANY SUCH FISCAL YEAR UNLESS SPECIFICALLY AUTHORIZED BY LAW.

28 (G) ESTABLISHMENT OF REPAYMENT SCHEDULE.--NO LATER THAN JUNE
29 30, 2011, THE PENNSYLVANIA GAMING CONTROL BOARD, IN CONSULTATION
30 WITH ALL LICENSED GAMING ENTITIES, SHALL ESTABLISH A SCHEDULE

1 GOVERNING THE REPAYMENT BY LICENSED GAMING ENTITIES OF LOANS
2 PROVIDED TO THE PENNSYLVANIA GAMING CONTROL BOARD UNDER SECTIONS
3 1720-G, 1720-I AND 1720-K. THE FOLLOWING SHALL APPLY:

4 (1) REPAYMENT OF LOANS PROVIDED TO THE PENNSYLVANIA
5 GAMING CONTROL BOARD PURSUANT TO SECTIONS 1720-G, 1720-I AND
6 1720-K BY LICENSED GAMING ENTITIES SHALL BEGIN AT SUCH TIME
7 AS AT LEAST 11 SLOT MACHINE LICENSES HAVE BEEN ISSUED AND 11
8 LICENSED GAMING ENTITIES HAVE COMMENCED OPERATION OF SLOT
9 MACHINES.

10 (2) THE PENNSYLVANIA GAMING CONTROL BOARD SHALL
11 ESTABLISH A REPAYMENT SCHEDULE THAT, AT A MINIMUM:

12 (I) SETS FORTH THE DATES UPON WHICH THE REPAYMENTS
13 SHALL BE DUE. PAYMENTS MAY BE REQUIRED ON A QUARTERLY,
14 SEMIANNUAL OR ANNUAL BASIS.

15 (II) ASSESSES TO EACH SLOT MACHINE LICENSEE COSTS
16 FOR REPAYMENT OF LOANS FROM THE PROPERTY TAX RELIEF
17 RESERVE FUND MADE UNDER SECTIONS 1720-G, 1720-I AND 1720-
18 K IN AN AMOUNT THAT IS PROPORTIONAL TO EACH SLOT MACHINE
19 LICENSEE'S GROSS TERMINAL REVENUE.

20 (III) RESULTS IN FULL REPAYMENT OF AMOUNTS LOANED
21 PURSUANT TO SECTIONS 1720-G, 1720-I AND 1720-K NOT
22 EARLIER THAN FIVE YEARS NOR LATER THAN TEN YEARS
23 FOLLOWING COMMENCEMENT OF THE LOAN REPAYMENTS BY THE SLOT
24 MACHINE LICENSEE.

25 SECTION 2.10 SECTION 1715-K(B) (1) (V) OF THE ACT, ADDED
26 OCTOBER 9, 2009 (P.L.537, NO.50), IS AMENDED TO READ:
27 SECTION 1715-K. TOBACCO SETTLEMENT FUND.

28 * * *

29 (B) TRANSFERS.--

30 (1) NOTWITHSTANDING SECTIONS 306 AND 307 OF THE TOBACCO

1 SETTLEMENT ACT, THE FOLLOWING SHALL APPLY.

2 * * *

3 [(V) FOR FISCAL YEAR 2010-2011, \$250,000,000 IS
4 TRANSFERRED FROM THE TOBACCO ENDOWMENT ACCOUNT FOR LONG-
5 TERM HOPE TO THE GENERAL FUND.]

6 * * *

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

8 ARTICLE XVII-L

9 2010-2011 BUDGET IMPLEMENTATION

10 SUBARTICLE A

11 PRELIMINARY PROVISIONS

12 SECTION 1701-L. APPLICABILITY.

13 EXCEPT AS SPECIFICALLY PROVIDED IN THIS ARTICLE, THIS ARTICLE
14 APPLIES TO THE GENERAL APPROPRIATION ACT OF 2010 AND ALL OTHER
15 APPROPRIATION ACTS OF 2010.

16 SECTION 1702-L. DEFINITIONS AND ABBREVIATIONS.

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

20 "GENERAL APPROPRIATION ACT." THE ACT OF , 2010 (P.L. ,
21 NO.), KNOWN AS THE GENERAL APPROPRIATION ACT OF 2010.

22 "SECRETARY." THE SECRETARY OF THE BUDGET OF THE
23 COMMONWEALTH.

24 (B) ABBREVIATIONS.--THE FOLLOWING ABBREVIATIONS WHEN USED IN
25 THIS ARTICLE SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
26 SECTION:

27 "AIDS." ACQUIRED IMMUNE DEFICIENCY SYNDROME.

28 "ARC." APPALACHIAN REGIONAL COMMISSION.

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

1 "BG." BLOCK GRANT.
2 "CCDFBG." CHILD CARE AND DEVELOPMENT FUND BLOCK GRANT.
3 "CHARTERED SCHOOL." A SCHOOL CHARTERED BY THE COMMONWEALTH.
4 "CSBG." COMMUNITY SERVICES BLOCK GRANT.
5 "DCSI." DRUG CONTROL AND SYSTEMS IMPROVEMENT FORMULA GRANT
6 PROGRAM.
7 "DFSC." THE SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES ACT
8 (PUBLIC LAW 107-110, 20 U.S.C. § 7101 ET SEQ.).
9 "DOE." DEPARTMENT OF ENERGY.
10 "EEOC." EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.
11 "EPA." ENVIRONMENTAL PROTECTION AGENCY.
12 "ESEA." THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965
13 (PUBLIC LAW 89-10, 20 U.S.C. § 6301 ET SEQ.).
14 "FEMA." FEDERAL EMERGENCY MANAGEMENT AGENCY.
15 "FTA." FEDERAL TRANSIT ADMINISTRATION.
16 "HUD." DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.
17 "LIHEABG." LOW-INCOME HOME ENERGY ASSISTANCE BLOCK GRANT.
18 "LSTA." THE LIBRARY SERVICES AND TECHNOLOGY ACT (PUBLIC LAW
19 104-208, 20 U.S.C. § 9101 ET SEQ.).
20 "MCHSBG." MATERNAL AND CHILD HEALTH SERVICES BLOCK GRANT.
21 "MHSBG." MENTAL HEALTH SERVICES BLOCK GRANT.
22 "MR." MENTAL RETARDATION.
23 "PAFE." PENNSYLVANIA AGRICULTURAL FOOD EXPOSITION.
24 "PHHSBG." PREVENTIVE HEALTH AND HEALTH SERVICES BLOCK GRANT.
25 "RSAT." RESIDENTIAL SUBSTANCE ABUSE TREATMENT.
26 "SABG." SUBSTANCE ABUSE BLOCK GRANT.
27 "SCDBG." SMALL COMMUNITIES DEVELOPMENT BLOCK GRANT.
28 "SDA." SERVICE DELIVERY AREA.
29 "SSBG." SOCIAL SERVICES BLOCK GRANT.
30 "TANF." TEMPORARY ASSISTANCE FOR NEEDY FAMILIES.

1 "TANFBG." TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK
2 GRANT.

3 "TEFAP." TEMPORARY EMERGENCY FOOD ASSISTANCE PROGRAM.

4 "WIA." THE WORKFORCE INVESTMENT ACT OF 1998 (PUBLIC LAW
5 105-220, 112 STAT. 936).

6 "WIC." WOMEN, INFANTS AND CHILDREN PROGRAM.

7 SUBARTICLE B

8 EXECUTIVE DEPARTMENT

9 SECTION 1711-L. GOVERNOR (RESERVED).

10 SECTION 1712-L. EXECUTIVE OFFICES.

11 (A) APPROPRIATIONS.--THE FOLLOWING SHALL APPLY TO

12 APPROPRIATIONS FOR THE EXECUTIVE OFFICES:

13 (1) (RESERVED).

14 (2) A PORTION OF THE APPROPRIATION FOR THE OFFICE OF THE
15 BUDGET MAY BE DISTRIBUTED UPON APPROVAL OF THE SECRETARY TO
16 OTHER STATE AGENCIES TO PAY FOR COMPTROLLER SERVICES PROVIDED
17 TO THE AGENCY. THE SECRETARY SHALL PROVIDE NOTICE 10 DAYS
18 PRIOR TO A DISTRIBUTION UNDER THIS PARAGRAPH TO THE CHAIRMAN
19 AND THE MINORITY CHAIRMAN OF THE APPROPRIATIONS COMMITTEE OF
20 THE SENATE AND THE CHAIRMAN AND THE MINORITY CHAIRMAN OF THE
21 APPROPRIATIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

22 (B) PURCHASE CARDS.--THE OFFICE OF THE BUDGET SHALL MAXIMIZE
23 THE USE OF PURCHASE CARDS FOR FINANCIAL TRANSACTIONS INVOLVING
24 THE COMMONWEALTH WHERE PRACTICAL, IN ACCORDANCE WITH AN
25 INTERAGENCY AGREEMENT ESTABLISHING USAGE GUIDELINES BETWEEN THE
26 OFFICE OF THE BUDGET AND THE TREASURY DEPARTMENT.

27 SECTION 1713-L. LIEUTENANT GOVERNOR (RESERVED).

28 SECTION 1714-L. ATTORNEY GENERAL (RESERVED).

29 SECTION 1715-L. AUDITOR GENERAL (RESERVED).

30 SECTION 1716-L. TREASURY DEPARTMENT (RESERVED).

1 SECTION 1717-L. DEPARTMENT OF AGING (RESERVED).

2 SECTION 1718-L. DEPARTMENT OF AGRICULTURE.

3 NO LESS THAN 80% OF THE FUNDS APPROPRIATED FOR HARDWOODS
4 RESEARCH AND PROMOTION SHALL BE EQUALLY DISTRIBUTED AMONG THE
5 HARDWOOD UTILIZATION GROUPS OF THIS COMMONWEALTH ESTABLISHED
6 PRIOR TO THE EFFECTIVE DATE OF THIS SECTION.

7 SECTION 1719-L. DEPARTMENT OF COMMUNITY AND ECONOMIC
8 DEVELOPMENT (RESERVED).

9 SECTION 1720-L. DEPARTMENT OF CONSERVATION AND NATURAL
10 RESOURCES (RESERVED).

11 SECTION 1721-L. DEPARTMENT OF CORRECTIONS (RESERVED).

12 SECTION 1722-L. DEPARTMENT OF EDUCATION.

13 (A) GENERAL RULE.--THE FOLLOWING SHALL APPLY TO
14 APPROPRIATIONS FOR THE DEPARTMENT OF EDUCATION IN THE GENERAL
15 APPROPRIATION ACT FOR THE FISCAL YEAR BEGINNING JULY 1, 2010:

16 (1) (I) THE BOARD OF DIRECTORS OF EACH SCHOOL DISTRICT
17 SHALL TAKE SUCH STEPS AS NECESSARY IN ORDER TO HAVE OR
18 MAINTAIN A CERTIFIED SAFETY COMMITTEE BY JUNE 30, 2011,
19 FOR THE PURPOSES OF SECTION 1002(B) OF THE ACT OF JUNE 2,
20 1915 (P.L.736, NO.338), KNOWN AS THE WORKERS'
21 COMPENSATION ACT.

22 (II) THE DEPARTMENT OF LABOR AND INDUSTRY SHALL
23 PROVIDE THE DEPARTMENT OF EDUCATION WITH THE LIST OF
24 SCHOOL DISTRICTS WHO HAVE A CERTIFIED SAFETY COMMITTEE.

25 (III) IN THE CASE OF A SCHOOL DISTRICT THAT DOES NOT
26 SUBMIT EVIDENCE TO THE DEPARTMENT OF EDUCATION THAT
27 COMPLIES WITH THIS PARAGRAPH, THE DEPARTMENT OF EDUCATION
28 SHALL DEDUCT FROM ANY ALLOCATION FROM THE COMMONWEALTH TO
29 WHICH THE SCHOOL DISTRICT IS ENTITLED THE AMOUNT OF THE
30 DISCOUNT THE SCHOOL DISTRICT WOULD OTHERWISE RECEIVE

1 UNDER SECTION 1002(B) OF THE WORKERS' COMPENSATION ACT.

2 (IV) THIS PARAGRAPH SHALL NOT APPLY TO A SCHOOL
3 DISTRICT THAT CANNOT RECEIVE A PREMIUM DISCOUNT UNDER
4 SECTION 1002(B) OF THE WORKERS' COMPENSATION ACT, OR AN
5 EQUIVALENT REDUCTION IN CONTRIBUTION RATES, BY
6 ESTABLISHING AND MAINTAINING A CERTIFIED SAFETY COMMITTEE
7 BECAUSE IT IS AUTHORIZED TO SELF-INSURE ITS LIABILITIES
8 UNDER SECTION 305 OF THE WORKERS' COMPENSATION ACT OR
9 POOL ITS LIABILITIES UNDER SECTION 802 OF THE WORKERS'
10 COMPENSATION ACT.

11 (2) THE FOLLOWING SHALL APPLY TO PROFESSIONAL AND
12 TEMPORARY PROFESSIONAL EMPLOYEES OF A SCHOOL FORMERLY
13 OPERATED BY THE COMMONWEALTH:

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

20 (II) FOR THE THREE SCHOOL YEARS IMMEDIATELY
21 FOLLOWING THE FORMAL NOTICE OF SUSPENSION FROM THE
22 COMMONWEALTH, EMPLOYEES IN A POOL CREATED UNDER
23 SUBPARAGRAPH (I) SHALL BE OFFERED EMPLOYMENT BY EACH
24 ELIGIBLE SCHOOL ENTITY AS DETERMINED UNDER SUBPARAGRAPH
25 (IV) ASSOCIATED WITH THE APPLICABLE POOL CREATED UNDER
26 SUBPARAGRAPH (I), WHEN THAT ELIGIBLE SCHOOL ENTITY HAS A
27 VACANCY FOR A POSITION THAT AN EMPLOYEE IN THE APPLICABLE
28 POOL IS PROPERLY CERTIFIED TO FILL, PROVIDED THAT NO
29 EMPLOYEE OF THE ELIGIBLE SCHOOL ENTITY IN WHICH THE
30 VACANCY EXISTS, INCLUDING A SUSPENDED OR DEMOTED

1 EMPLOYEE, HAS A RIGHT TO THE VACANCY UNDER THE ACT OF
2 MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS THE PUBLIC
3 SCHOOL CODE OF 1949, OR THE COLLECTIVE BARGAINING
4 AGREEMENT OF THE RESPECTIVE ELIGIBLE SCHOOL ENTITY.

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

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

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

23 (B) A SCHOOL DISTRICT WITH AVERAGE DAILY
24 MEMBERSHIP GREATER THAN OR EQUAL TO 8,000, THE
25 ADMINISTRATION BUILDING OF WHICH IS 45 MILES OR LESS
26 FROM THE ADMINISTRATION BUILDING OF A SCHOOL FORMERLY
27 OPERATED BY THE COMMONWEALTH, AND WHICH RELIES ON
28 STATE REVENUE FOR NOT LESS THAN 50% OF THE SCHOOL
29 DISTRICT'S TOTAL BUDGET IN ONE OF THE TWO MOST RECENT
30 YEARS FOR WHICH DATA HAS BEEN PUBLISHED ON THE

1 DEPARTMENT OF EDUCATION'S PUBLIC INTERNET WEBSITE.

2 (3) (I) (A) EMPLOYEES HIRED FROM A POOL UNDER
3 PARAGRAPH (2) AND FORMER EMPLOYEES OF A SCHOOL
4 FORMERLY OPERATED BY THE COMMONWEALTH WHO RESIGNED
5 FROM A SCHOOL FORMERLY OPERATED BY THE COMMONWEALTH
6 WITHIN THE SIX MONTHS PRIOR TO OCTOBER 9, 2009, AND
7 WHO ACCEPTED EMPLOYMENT AT A SCHOOL DISTRICT,
8 INTERMEDIATE UNIT OR VOCATIONAL-TECHNICAL SCHOOL
9 SHALL BE CREDITED BY THE HIRING SCHOOL DISTRICT,
10 INTERMEDIATE UNIT OR VOCATIONAL-TECHNICAL SCHOOL FOR
11 ALL SICK LEAVE ACCUMULATED IN THE SCHOOL AND SHALL BE
12 CREDITED FOR YEARS OF SERVICE IN THE SCHOOL FOR
13 PURPOSES OF SALARY SCHEDULE PLACEMENT.

14 (B) SUCH EMPLOYEES SHALL FURTHER BE CREDITED FOR
15 THEIR YEARS OF SERVICE IN THE SCHOOL FOR PURPOSES OF
16 SABBATICAL LEAVE ELIGIBILITY, SUSPENSION AND
17 REALIGNMENT RIGHTS AND ELIGIBILITY FOR ANY RETIREMENT
18 INCENTIVES OR SEVERANCE PAYMENTS IN A HIRING SCHOOL
19 DISTRICT, INTERMEDIATE UNIT OR VOCATIONAL-TECHNICAL
20 SCHOOL.

21 (II) NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO
22 SUPERSEDE OR PREEMPT ANY PROVISION OF AN INDIVIDUAL
23 EMPLOYMENT AGREEMENT BETWEEN A SCHOOL DISTRICT,
24 INTERMEDIATE UNIT OR VOCATIONAL-TECHNICAL SCHOOL AND AN
25 EMPLOYEE ENTERED INTO PRIOR TO THE EFFECTIVE DATE OF THIS
26 SECTION, OR ANY PROVISION OF A COLLECTIVE BARGAINING
27 AGREEMENT IN EFFECT AS OF THE EFFECTIVE DATE OF THIS
28 SECTION AND NEGOTIATED BY A SCHOOL ENTITY AND AN
29 EXCLUSIVE REPRESENTATIVE OF THE EMPLOYEES IN ACCORDANCE
30 WITH THE ACT OF JULY 23, 1970 (P.L.563, NO.195), KNOWN AS

1 THE PUBLIC EMPLOYE RELATIONS ACT.

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

6 (5) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A BOARD
7 OF SCHOOL DIRECTORS OF A SCHOOL DISTRICT MAY REOPEN ITS
8 2010-2011 BUDGET TO REFLECT FEDERAL AND STATE ALLOCATIONS FOR
9 FISCAL YEAR 2010-2011 PROVIDED BY THE GENERAL APPROPRIATION
10 ACT.

11 (6) ANNUAL PAYMENTS FROM THE APPROPRIATION TO
12 INSTITUTIONS OF HIGHER LEARNING FOR DEFRAYING THE EXPENSES OF
13 HEARING-IMPAIRED OR SIGHT-IMPAIRED STUDENTS SHALL NOT EXCEED
14 \$500 PER STUDENT.

15 (7) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, FEDERAL
16 AND STATE FUNDS SHALL BE DISTRIBUTED TO EACH COMMUNITY
17 COLLEGE IN AN AMOUNT EQUAL TO THE AMOUNT PAID UNDER SECTION
18 1913-A(B) (1.6) OF THE PUBLIC SCHOOL CODE OF 1949, DURING THE
19 2008-2009 FISCAL YEAR. IF INSUFFICIENT FUNDS ARE
20 APPROPRIATED, THE PAYMENTS SHALL BE MADE ON A PRO RATA BASIS.

21 (8) 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 (9) (I) FUNDS APPROPRIATED FOR THE EDUCATIONAL
28 ASSISTANCE PROGRAM ESTABLISHED IN SECTION 1502-C OF THE
29 PUBLIC SCHOOL CODE OF 1949 SHALL BE DISTRIBUTED TO EACH
30 SCHOOL ENTITY IN AN AMOUNT EQUAL TO THE AMOUNT PAID

1 DURING THE 2009-2010 SCHOOL YEAR. IF INSUFFICIENT FUNDS
2 ARE APPROPRIATED, THE PAYMENTS SHALL BE MADE ON A PRO
3 RATA BASIS.

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

10 (10) FUNDS APPROPRIATED FOR PENNSYLVANIA ACCOUNTABILITY
11 GRANTS SHALL BE DISTRIBUTED TO EACH SCHOOL DISTRICT IN AN
12 AMOUNT EQUAL TO THE AMOUNT PAID DURING THE 2009-2010 SCHOOL
13 YEAR. IF INSUFFICIENT FUNDS ARE APPROPRIATED, THE PAYMENTS
14 SHALL BE MADE ON A PRO RATA BASIS.

15 (11) NOTWITHSTANDING THE PROVISIONS OF 24 PA.C.S. §
16 8329(A) (RELATING TO PAYMENTS ON ACCOUNT OF SOCIAL SECURITY
17 DEDUCTIONS FROM APPROPRIATIONS) WHEN CALCULATING PAYMENTS BY
18 THE COMMONWEALTH UNDER 24 PA.C.S. § 8329, THE DEPARTMENT OF
19 EDUCATION SHALL TREAT WAGES PAID OUT OF THE ARRA STATE
20 STABILIZATION FUND OR OUT OF ARRA FUNDS APPROPRIATED FOR
21 INDIVIDUAL WITH DISABILITIES EDUCATION (PART B - PRESCHOOL
22 -AGE 3-5) AS COVERED WAGES WHICH ARE NOT FEDERALLY FUNDED.

23 (12) THE FOLLOWING APPLY TO LIBRARIES:

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

26 (A) DIVIDE THE SUM OF THE AMOUNT OF FUNDING THAT
27 THE LIBRARY RECEIVED IN FISCAL YEAR 2009-2010 UNDER
28 SECTION 1722-J(14) BY THE TOTAL STATE-AID SUBSIDY FOR
29 FISCAL YEAR 2009-2010.

30 (B) MULTIPLY THE QUOTIENT UNDER CLAUSE (A) BY

1 THE TOTAL STATE-AID SUBSIDY FOR 2010-2011.

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

5 (III) IF FUNDS APPROPRIATED FOR STATE AID TO
6 LIBRARIES IN FISCAL YEAR 2010-2011 ARE LESS THAN FUNDS
7 APPROPRIATED IN FISCAL YEAR 2002-2003, THE STATE
8 LIBRARIAN MAY WAIVE STANDARDS AS PRESCRIBED IN SECTION
9 103 OF THE ACT OF JUNE 14, 1961 (P.L.324, NO.188), KNOWN
10 AS THE LIBRARY CODE, RELATING TO HOURS OF OPERATION,
11 CONTINUING PROFESSIONAL DEVELOPMENT, COLLECTIONS,
12 EXPENDITURES AND OTHER ASPECTS OF LIBRARY OPERATION.

13 (IV) (A) EACH LIBRARY SYSTEM RECEIVING STATE AID
14 UNDER THIS PARAGRAPH MAY DISTRIBUTE THE LOCAL LIBRARY
15 SHARE OF THAT AID IN A MANNER AS DETERMINED BY THE
16 BOARD OF DIRECTORS OF THE LIBRARY SYSTEM.

17 (B) THIS SUBPARAGRAPH SHALL NOT APPLY TO A
18 LIBRARY SYSTEM OPERATING IN A COUNTY OF THE SECOND
19 CLASS.

20 (13) NOTWITHSTANDING SECTION 2510.1 OF THE PUBLIC SCHOOL
21 CODE OF 1949, PAYMENTS MADE TO SCHOOL DISTRICTS FOR THE
22 INSTRUCTION OF HOMEBOUND CHILDREN SHALL ONLY BE MADE TO THE
23 EXTENT FUNDS ARE APPROPRIATED FOR THIS PURPOSE.

24 (14) THE APPROPRIATION FOR BASIC EDUCATION FUNDING SHALL
25 BE DISTRIBUTED AS FOLLOWS:

26 (I) THE COMMONWEALTH SHALL PAY TO EACH SCHOOL
27 DISTRICT A BASIC EDUCATION FUNDING ALLOCATION FOR THE
28 2009-2010 SCHOOL YEAR WHICH SHALL CONSIST OF THE SUM OF
29 THE FOLLOWING:

30 (A) AN AMOUNT EQUAL TO THE ALLOCATIONS RECEIVED

1 BY THE SCHOOL DISTRICT UNDER SECTION 1722-J (17) (I)
2 (A) AND (B) AND (C) (III).

3 (B) IF A SCHOOL DISTRICT HAS BEEN DECLARED A
4 COMMONWEALTH PARTNERSHIP SCHOOL DISTRICT ON OR BEFORE
5 JUNE 30, 2010, UNDER ARTICLE XVII-B OF THE PUBLIC
6 SCHOOL CODE OF 1949, AN AMOUNT EQUAL TO \$2,000,000.

7 (C) (I) THIRTY-TWO AND SIX ONE-HUNDREDTHS
8 PERCENT (32.06%) OF THE AMOUNT DETERMINED UNDER
9 SECTION 2502.48 (C) (1) OF THE PUBLIC SCHOOL CODE
10 OF 1949.

11 (II) ANY ADDITIONAL AMOUNT REQUIRED SO THAT
12 THE TOTAL AMOUNT PROVIDED UNDER CLAUSE (A) AND
13 THIS CLAUSE EQUALS 2% GREATER THAN THE AMOUNT
14 PROVIDED UNDER SECTION 1722-J (17) (I).

15 (II) FOR THE PURPOSE OF THE CALCULATION UNDER
16 SECTION 2502.48 (C) (1) OF THE PUBLIC SCHOOL CODE OF 1949,
17 FOR PAYMENTS MADE UNDER THIS SUBSECTION:

18 (A) THE AMOUNT PER STUDENT UNDER SECTION
19 2502.48 (A) OF THE PUBLIC SCHOOL CODE OF 1949 SHALL BE
20 INCREASED BY THE 2009-2010 INDEX AND BY THE 2010-2011
21 INDEX. THE TERM "INDEX" SHALL HAVE THE MEANING GIVEN
22 TO IT UNDER SECTION 2501 OF THE PUBLIC SCHOOL CODE OF
23 1949.

24 (B) THE NUMBER USED FOR THE PURPOSE OF EACH
25 SCHOOL DISTRICT'S CALCULATION UNDER SECTION
26 2502.48 (B) (5) (II) (B) OF THE PUBLIC SCHOOL CODE OF
27 1949 SHALL NOT BE LESS THAN ONE.

28 (III) ANY INCREASE IN BASIC EDUCATION FUNDING UNDER
29 THIS PARAGRAPH SHALL QUALIFY AS AN INCREASE IN BASIC
30 EDUCATION FUNDING FOR THE PURPOSE OF SECTION 2502.49 OF

1 THE PUBLIC SCHOOL CODE OF 1949. THE DEPARTMENT OF
2 EDUCATION MAY GRANT A WAIVER FOR THE USE OF UP TO 25% OF
3 THE FUNDS SUBJECT TO SECTION 2502.49(A) (1) OF THE PUBLIC
4 SCHOOL CODE OF 1949 IF ALL OF THE FOLLOWING APPLY:

5 (A) THE SCHOOL DISTRICT WOULD OTHERWISE BE
6 REQUIRED TO REDUCE OR ELIMINATE ONE OR MORE OF THE
7 PROGRAMS LISTED UNDER SECTION 2502.49(A) (1) OF THE
8 PUBLIC SCHOOL CODE OF 1949 DUE TO A PROJECTED BUDGET
9 SHORTFALL.

10 (B) THE FUNDS SUBJECT TO THE WAIVER WILL BE USED
11 TO MAINTAIN ONE OR MORE EXISTING PROGRAMS LISTED
12 UNDER SECTION 2502.49(A) (1) OF THE PUBLIC SCHOOL CODE
13 OF 1949.

14 (C) THE SCHOOL DISTRICT HAS, IN THE
15 DETERMINATION OF THE DEPARTMENT OF EDUCATION, PURSUED
16 ALTERNATIVE OPPORTUNITIES FOR GREATER EFFICIENCY AND
17 INTERNAL SAVINGS IN ORDER TO FUND THE PROGRAM OR
18 PROGRAMS WITHOUT NEED FOR A WAIVER.

19 (D) THE PROGRAM TO BE MAINTAINED ADDRESSES A
20 SIGNIFICANT NEED OF THE SCHOOL DISTRICT'S STUDENTS
21 AND HAS DEMONSTRATED EFFECTIVENESS AT INCREASING
22 STUDENT ACHIEVEMENT IN THE SCHOOL DISTRICT, IN THE
23 DETERMINATION OF THE DEPARTMENT OF EDUCATION.

24 (IV) THE DECISION TO GRANT A WAIVER UNDER
25 SUBPARAGRAPH (III) SHALL BE AT THE SOLE DISCRETION OF THE
26 DEPARTMENT OF EDUCATION AND SHALL NOT BE SUBJECT TO
27 APPEAL.

28 (15) (I) THE DEPARTMENT OF EDUCATION MAY UTILIZE UP TO
29 \$4,500,000 OF UNDISTRIBUTED FUNDS NOT EXPENDED,
30 ENCUMBERED OR COMMITTED FROM APPROPRIATIONS FOR GRANTS

1 AND SUBSIDIES MADE TO THE DEPARTMENT TO ASSIST SCHOOL
2 DISTRICTS CERTIFIED ON OR BEFORE JUNE 30, 2010, AS AN
3 EDUCATION EMPOWERMENT DISTRICT UNDER SECTION 1705-B(H) (3)
4 OF THE PUBLIC SCHOOL CODE OF 1949.

5 (II) THERE IS HEREBY ESTABLISHED A RESTRICTED
6 ACCOUNT IN THE STATE TREASURY FROM WHICH PAYMENTS UNDER
7 THIS PARAGRAPH SHALL BE PAID. FUNDS SHALL BE TRANSFERRED
8 BY THE SECRETARY TO THE RESTRICTED ACCOUNT TO THE EXTENT
9 NECESSARY TO MAKE PAYMENTS UNDER THIS PARAGRAPH. FUNDS IN
10 THE RESTRICTED ACCOUNT ARE HEREBY APPROPRIATED TO CARRY
11 OUT THE PURPOSES OF THIS PARAGRAPH. THE SUBSIDY PAYMENT
12 FROM THIS RESTRICTED ACCOUNT SHALL BE UTILIZED TO
13 SUPPLEMENT THE OPERATIONAL BUDGET OF THE ELIGIBLE SCHOOL
14 DISTRICTS.

15 (16) COMMUNITY COLLEGES SHALL COMPLY WITH THE PROVISIONS
16 OF SECTION 1737-J.

17 (17) THE APPROPRIATION FOR SCHOOL IMPROVEMENT GRANTS
18 SHALL BE DISTRIBUTED AS FOLLOWS:

19 (I) EACH ELIGIBLE SCHOOL DISTRICT SHALL BE ELIGIBLE
20 TO RECEIVE A SCHOOL IMPROVEMENT GRANT UNDER THIS
21 PARAGRAPH SUBJECT TO THE FOLLOWING PROVISIONS:

22 (A) WITHIN 45 DAYS AFTER THE EFFECTIVE DATE OF
23 THIS PARAGRAPH, THE ELIGIBLE SCHOOL DISTRICT MUST
24 SUBMIT A PLAN FOR THE USE OF THE SCHOOL IMPROVEMENT
25 GRANT TO THE DEPARTMENT OF EDUCATION FOR APPROVAL.

26 (B) WITHIN TEN DAYS AFTER RECEIPT OF THE PLAN,
27 THE DEPARTMENT OF EDUCATION SHALL APPROVE OR MODIFY
28 THE PLAN. THE DEPARTMENT OF EDUCATION MAY APPROVE A
29 PLAN ONLY IF THE PLAN DEMONSTRATES THAT THE SCHOOL
30 IMPROVEMENT GRANT FUNDS WILL BE USED IN A MANNER

1 CONSISTENT WITH THE USES REQUIRED UNDER THE FEDERAL
2 SCHOOL IMPROVEMENT GRANTS PROGRAM.

3 (C) WITHIN FIVE DAYS AFTER RECEIPT OF APPROVAL
4 FROM THE DEPARTMENT OF EDUCATION, THE ELIGIBLE SCHOOL
5 DISTRICT MUST POST ITS APPROVED OR MODIFIED PLAN ON
6 ITS PUBLIC INTERNET WEBSITE.

7 (D) THE DEPARTMENT OF EDUCATION SHALL PROVIDE
8 ELIGIBLE SCHOOL DISTRICTS WITH TECHNICAL ASSISTANCE
9 IN THE IMPLEMENTATION OF AN APPROVED OR MODIFIED
10 PLAN.

11 (II) SUBJECT TO THE REQUIREMENTS OF THIS PARAGRAPH,
12 EACH ELIGIBLE SCHOOL DISTRICT SHALL RECEIVE A BASE ANNUAL
13 GRANT OF \$450,000 AND AN ADDITIONAL GRANT OF UP TO \$75
14 PER AVERAGE DAILY MEMBERSHIP FOR THE PRIOR SCHOOL YEAR OF
15 THE ELIGIBLE SCHOOL DISTRICT. THE ELIGIBLE SCHOOL
16 DISTRICT SHALL GIVE PRIORITY IN ALLOCATING THE GRANT
17 FUNDING TO THE PERSISTENTLY LOWEST ACHIEVING SCHOOLS
18 WITHIN THE ELIGIBLE SCHOOL DISTRICT.

19 (III) AS USED IN THIS PARAGRAPH, THE FOLLOWING WORDS
20 AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
21 SUBPARAGRAPH UNLESS THE CONTEXT CLEARLY INDICATES
22 OTHERWISE:

23 "ELIGIBLE SCHOOL DISTRICT." A SCHOOL DISTRICT THAT
24 RECEIVED A SCHOOL IMPROVEMENT GRANT FOR THE 2009-2010
25 SCHOOL YEAR UNDER SECTION 1709-B OF THE PUBLIC SCHOOL
26 CODE OF 1949, WHICH SECTION EXPIRED ON JUNE 30, 2010, AND
27 EACH SCHOOL DISTRICT OF THE FIRST CLASS DESIGNATED AS
28 DISTRESSED UNDER SECTION 691(C) OF THE PUBLIC SCHOOL CODE
29 OF 1949.

30 "FEDERAL SCHOOL IMPROVEMENT GRANTS PROGRAM." THE

1 SCHOOL IMPROVEMENT GRANTS AUTHORIZED BY SECTION 1003(G)
2 OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965
3 (PUBLIC LAW 107-110, 115 STAT. 1425) AND ARRA.

4 "PERSISTENTLY LOWEST ACHIEVING SCHOOL." A SCHOOL
5 ACHIEVING WITHIN THE LOWEST MEASURED GROUP OF 5% IN THIS
6 COMMONWEALTH AS CERTIFIED BY THE DEPARTMENT OF EDUCATION
7 FOR THE MOST RECENT SCHOOL YEAR FOR WHICH DATA IS POSTED
8 ON THE DEPARTMENT OF EDUCATION'S PUBLIC INTERNET WEBSITE.

9 (B) DEFINITIONS.--THE WORDS AND PHRASES USED IN THIS SECTION
10 AND NOT OTHERWISE DEFINED IN SUBARTICLE A SHALL HAVE THE
11 MEANINGS GIVEN TO THEM IN THE ACT OF MARCH 10, 1949 (P.L.30,
12 NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949.

13 SECTION 1723-L. DEPARTMENT OF ENVIRONMENTAL PROTECTION.

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

17 (1) (RESERVED).

18 (2) NOTWITHSTANDING THE PROVISIONS OF SECTION 502 OF THE
19 ACT OF JULY 9, 2008 (1ST SP.SESS., P.L.1873, NO.1), KNOWN AS
20 THE ALTERNATIVE ENERGY INVESTMENT ACT, IN FISCAL YEAR
21 2010-2011, NO FUNDS SHALL BE APPROPRIATED FROM THE GENERAL
22 FUND TO THE DEPARTMENT FOR THE CONSUMER ENERGY PROGRAM. ANY
23 APPROPRIATION FOR FISCAL YEAR 2010-2011 IS REVOKED.

24 SECTION 1724-L. DEPARTMENT OF GENERAL SERVICES (RESERVED).

25 SECTION 1725-L. DEPARTMENT OF HEALTH.

26 THE FOLLOWING SHALL APPLY TO APPROPRIATIONS FOR THE
27 DEPARTMENT OF HEALTH IN THE GENERAL APPROPRIATION ACT:

28 (1) FUNDS APPROPRIATED FOR LUPUS PROGRAMS SHALL BE
29 DISTRIBUTED IN THE SAME PROPORTION AS DISTRIBUTED IN FISCAL
30 YEAR 2009-2010.

1 (2) FUNDS APPROPRIATED FOR ARTHRITIS OUTREACH AND
2 EDUCATION SHALL BE EQUITABLY DISTRIBUTED AMONG THE CENTRAL,
3 WESTERN AND EASTERN REGIONS OF THIS COMMONWEALTH BASED ON THE
4 RATIO OF POPULATION SERVED IN EACH REGION TO THE TOTAL
5 POPULATION SERVED IN THIS COMMONWEALTH.

6 (3) FUNDS APPROPRIATED FOR BIOTECHNOLOGY RESEARCH
7 INCLUDE \$839,000 FOR A REGENERATIVE MEDICINE CENTER LOCATED
8 IN A COUNTY OF THE SECOND CLASS AND \$1,145,000 FOR AN
9 INSTITUTION FOR HEPATITIS AND VIRUS RESEARCH LOCATED IN A
10 COUNTY OF THE SECOND CLASS A, WHICH CONDUCTS RESEARCH RELATED
11 TO DEVELOPING NEW THERAPIES FOR VIRAL HEPATITIS AND LIVER
12 CANCER.

13 SECTION 1726-L. INSURANCE DEPARTMENT (RESERVED).

14 SECTION 1727-L. DEPARTMENT OF LABOR AND INDUSTRY.

15 THE FOLLOWING SHALL APPLY TO APPROPRIATIONS FOR THE
16 DEPARTMENT OF LABOR AND INDUSTRY IN THE GENERAL APPROPRIATION
17 ACT:

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

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

1 SECTION 1728-L. DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

2 (RESERVED).

3 SECTION 1729-L. DEPARTMENT OF PUBLIC WELFARE.

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

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

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

19 (II) THE DEPARTMENT, UPON APPROVAL OF THE SECRETARY,
20 MAY TRANSFER FEDERAL FUNDS APPROPRIATED FOR CCDFBG CHILD
21 CARE ASSISTANCE TO THE CCDFBG CHILD CARE SERVICES
22 APPROPRIATION TO PROVIDE CHILD-CARE SERVICES TO
23 ADDITIONAL LOW-INCOME FAMILIES, PROVIDED THAT THE
24 TRANSFER OF FUNDS WILL NOT RESULT IN A DEFICIT IN THE
25 APPROPRIATION. THE SECRETARY SHALL PROVIDE NOTICE TEN
26 DAYS PRIOR TO A TRANSFER UNDER THIS SUBPARAGRAPH TO THE
27 CHAIRMAN AND MINORITY CHAIRMAN OF THE APPROPRIATIONS
28 COMMITTEE OF THE SENATE AND THE CHAIRMAN AND MINORITY
29 CHAIRMAN OF THE APPROPRIATIONS COMMITTEE OF THE HOUSE OF
30 REPRESENTATIVES.

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

3 (I) WHEN MAKING PAYMENTS FOR MEDICAL ASSISTANCE
4 OUTPATIENT OR CAPITATION SERVICES, THE DEPARTMENT SHALL
5 NOT REQUIRE A RECIPIENT TO OBTAIN A PHYSICIAN REFERRAL IN
6 ORDER TO RECEIVE CHIROPRACTIC SERVICES.

7 (II) NO FUNDS APPROPRIATED FOR APPROVED CAPITATION
8 PLANS SHALL BE USED TO PAY A PROVIDER WHO FAILS TO SUPPLY
9 INFORMATION IN A FORM REQUIRED BY THE DEPARTMENT IN ORDER
10 TO FACILITATE CLAIMS FOR FEDERAL FINANCIAL PARTICIPATION
11 FOR SERVICES RENDERED TO GENERAL ASSISTANCE CLIENTS.

12 (III) FOR FISCAL YEAR 2010-2011, PAYMENTS TO
13 HOSPITALS FOR COMMUNITY ACCESS FUND GRANTS SHALL BE
14 DISTRIBUTED UNDER THE FORMULAS UTILIZED FOR THESE GRANTS
15 IN FISCAL YEAR 2009-2010. IF THE TOTAL FUNDING AVAILABLE
16 FOR COMMUNITY ACCESS FUND PAYMENTS IN FISCAL YEAR
17 2010-2011 IS LESS THAN THAT AVAILABLE IN FISCAL YEAR
18 2009-2010, PAYMENTS SHALL BE MADE ON A PRO RATA BASIS.

19 (IV) QUALIFYING STATE-RELATED ACADEMIC MEDICAL
20 CENTERS SHALL NOT RECEIVE ANY LESS FUNDING THAN RECEIVED
21 FOR THE FISCAL YEAR 2004-2005 STATE APPROPRIATION LEVEL
22 IF FEDERAL FUNDING FOR ACADEMIC MEDICAL CENTERS IS NOT
23 MADE AVAILABLE TO THOSE ACADEMIC MEDICAL CENTERS DURING
24 FISCAL YEAR 2010-2011.

25 (V) (RESERVED).

26 (VI) FUNDS APPROPRIATED FOR MEDICAL ASSISTANCE
27 TRANSPORTATION SHALL ONLY BE UTILIZED AS A PAYMENT OF
28 LAST RESORT FOR TRANSPORTATION FOR ELIGIBLE MEDICAL
29 ASSISTANCE RECIPIENTS.

30 (VII) AMOUNTS ALLOCATED FROM FUNDS APPROPRIATED FOR

1 MEDICAL ASSISTANCE OUTPATIENT SERVICES FOR THE SELECT
2 PLAN FOR WOMEN PREVENTATIVE HEALTH SERVICES SHALL BE USED
3 FOR WOMEN'S MEDICAL SERVICES, INCLUDING NONINVASIVE
4 CONTRACEPTION SUPPLIES.

5 (VIII) FEDERAL OR STATE FUNDS APPROPRIATED UNDER THE
6 GENERAL APPROPRIATION ACT IN ACCORDANCE WITH THE ACT OF
7 MARCH 24, 2004 (P.L.148, NO.15), KNOWN AS THE
8 PENNSYLVANIA TRAUMA SYSTEMS STABILIZATION ACT, NOT USED
9 TO MAKE PAYMENTS TO HOSPITALS QUALIFYING AS LEVEL III
10 TRAUMA CENTERS SHALL BE USED TO MAKE PAYMENTS TO
11 HOSPITALS QUALIFYING AS LEVEL I AND II TRAUMA CENTERS.

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

13 (I) FUNDS APPROPRIATED FOR BREAST CANCER SCREENING
14 MAY BE USED FOR WOMEN'S MEDICAL SERVICES, INCLUDING
15 NONINVASIVE CONTRACEPTION SUPPLIES.

16 (II) (RESERVED).

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

18 (I) FUNDS APPROPRIATED FOR WOMEN'S SERVICE PROGRAMS
19 GRANTS TO NONPROFIT AGENCIES WHOSE PRIMARY FUNCTION IS TO
20 PROVIDE ALTERNATIVES TO ABORTION SHALL BE EXPENDED TO
21 PROVIDE SERVICES TO WOMEN UNTIL CHILDBIRTH AND FOR UP TO
22 12 MONTHS THEREAFTER, INCLUDING FOOD, SHELTER, CLOTHING,
23 HEALTH CARE, COUNSELING, ADOPTION SERVICES, PARENTING
24 CLASSES, ASSISTANCE FOR POSTDELIVERY STRESS AND OTHER
25 SUPPORTIVE PROGRAMS AND SERVICES AND FOR RELATED OUTREACH
26 PROGRAMS. AGENCIES MAY SUBCONTRACT WITH OTHER NONPROFIT
27 ENTITIES WHICH OPERATE PROJECTS DESIGNED SPECIFICALLY TO
28 PROVIDE ALL OR A PORTION OF THESE SERVICES. PROJECTS
29 RECEIVING FUNDS REFERRED TO IN THIS SUBPARAGRAPH SHALL
30 NOT PROMOTE, REFER OR PERFORM ABORTIONS OR ENGAGE IN ANY

1 COUNSELING WHICH IS INCONSISTENT WITH THE APPROPRIATION
2 REFERRED TO IN THIS SUBPARAGRAPH AND SHALL BE PHYSICALLY
3 AND FINANCIALLY SEPARATE FROM ANY COMPONENT OF ANY LEGAL
4 ENTITY ENGAGING IN SUCH ACTIVITIES.

5 (II) FEDERAL FUNDS APPROPRIATED FOR TANFBG
6 ALTERNATIVES TO ABORTION SHALL BE UTILIZED SOLELY FOR
7 SERVICES TO WOMEN WHOSE GROSS FAMILY INCOME IS BELOW 185%
8 OF THE FEDERAL POVERTY GUIDELINES.

9 (5) COUNTY CHILDREN AND YOUTH PROGRAMS. THE FOLLOWING
10 SHALL APPLY:

11 (I) NO MORE THAN 50% OF FUNDS ALLOCATED FROM THE
12 STATE APPROPRIATION FOR COUNTY CHILDREN AND YOUTH
13 PROGRAMS TO EACH COUNTY SHALL BE EXPENDED UNTIL EACH
14 COUNTY SUBMITS TO THE DEPARTMENT DATA FOR THE PRIOR STATE
15 FISCAL YEAR, AND UPDATED QUARTERLY, ON THE UNDUPLICATED
16 CASELOADS, UNDUPLICATED SERVICES AND NUMBER OF
17 CASEWORKERS BY COUNTY PROGRAM. DATA SHALL BE SUBMITTED IN
18 A FORM ACCEPTABLE TO THE DEPARTMENT. A COPY OF THE DATA
19 SHALL BE SENT TO THE CHAIRMAN AND MINORITY CHAIRMAN OF
20 THE APPROPRIATIONS COMMITTEE OF THE SENATE AND TO THE
21 CHAIRMAN AND THE MINORITY CHAIRMAN OF THE APPROPRIATIONS
22 COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

23 (II) REIMBURSEMENT FOR CHILDREN AND YOUTH SERVICES
24 MADE PURSUANT TO SECTION 704.1 OF THE ACT OF JUNE 13,
25 1967 (P.L.31, NO.21), KNOWN AS THE PUBLIC WELFARE CODE,
26 SHALL NOT EXCEED THE AMOUNT OF STATE FUNDS APPROPRIATED.
27 IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT COUNTIES DO
28 NOT EXPERIENCE ANY ADVERSE FISCAL IMPACT DUE TO THE
29 DEPARTMENT'S MAXIMIZATION EFFORTS.

30 (6) COMMUNITY-BASED FAMILY CENTERS. NO FUNDS

1 APPROPRIATED FOR COMMUNITY-BASED FAMILY CENTERS MAY BE
2 CONSIDERED AS PART OF THE BASE FOR CALCULATION OF THE COUNTY
3 CHILD WELFARE NEEDS-BASED BUDGET FOR A FISCAL YEAR.

4 SECTION 1730-L. DEPARTMENT OF REVENUE.

5 THE FOLLOWING SHALL APPLY TO APPROPRIATIONS FOR THE
6 DEPARTMENT OF REVENUE FROM THE GENERAL APPROPRIATION ACT:

7 (1) THERE IS HEREBY CREATED WITHIN THE GENERAL FUND A
8 RESTRICTED ACCOUNT TO BE KNOWN AS THE ENHANCED REVENUE
9 COLLECTION ACCOUNT. REVENUES COLLECTED AND THE AMOUNT OF
10 REFUNDS AVOIDED AS A RESULT OF EXPANDED TAX RETURN REVIEW AND
11 TAX COLLECTION ACTIVITIES SHALL BE DEPOSITED INTO THE
12 ACCOUNT.

13 (2) OF THE FUNDS IN THE ENHANCED REVENUE COLLECTION
14 ACCOUNT, FOR EACH OF FISCAL YEAR 2010-2011 AND 2011-2012, UP
15 TO \$4,300,000 IS HEREBY APPROPRIATED TO THE DEPARTMENT OF
16 REVENUE TO FUND THE COSTS ASSOCIATED WITH INCREASED TAX
17 COLLECTION ENFORCEMENT AND REDUCTION IN TAX REFUND ERRORS.
18 THE BALANCE OF THE FUNDS IN THE ACCOUNT ON JUNE 15, 2011, AND
19 EACH JUNE 15 THEREAFTER SHALL BE TRANSFERRED TO THE GENERAL
20 FUND OR OTHER APPROPRIATE FUND.

21 (3) THE DEPARTMENT OF REVENUE SHALL ISSUE A REPORT TO
22 THE GOVERNOR, THE MAJORITY AND MINORITY CHAIRS OF THE
23 APPROPRIATIONS COMMITTEE OF THE SENATE AND THE MAJORITY AND
24 MINORITY CHAIRS OF THE APPROPRIATIONS COMMITTEE OF THE HOUSE
25 OF REPRESENTATIVES BY JUNE 1, 2011, AND BY EACH JUNE 1
26 THEREAFTER, WITH THE FOLLOWING INFORMATION:

27 (I) A DETAILED BREAKDOWN OF THE DEPARTMENT'S
28 ADMINISTRATIVE COSTS IN IMPLEMENTING THE ACTIVITIES
29 DESCRIBED UNDER PARAGRAPH (1).

30 (II) THE AMOUNT OF REVENUE COLLECTED AND THE AMOUNT

1 OF REFUNDS AVOIDED AS A RESULT OF THE ACTIVITIES
2 DESCRIBED UNDER PARAGRAPH (1). THE REPORT SHALL ALSO
3 DETAIL THE TYPE OF TAX GENERATING THE REVENUE AND AVOIDED
4 REFUNDS.

5 SECTION 1731-L. DEPARTMENT OF STATE (RESERVED).

6 SECTION 1732-L. DEPARTMENT OF TRANSPORTATION (RESERVED).

7 SECTION 1733-L. PENNSYLVANIA STATE POLICE.

8 THE FOLLOWING SHALL APPLY TO APPROPRIATIONS FOR THE
9 PENNSYLVANIA STATE POLICE FROM THE GENERAL APPROPRIATION ACT:

10 (1) PAYMENTS MADE TO MUNICIPALITIES UNDER 53 PA.C.S. §
11 2170 (RELATING TO REIMBURSEMENT OF EXPENSES) SHALL BE LIMITED
12 TO FUNDS AVAILABLE. IF FUNDS ARE NOT AVAILABLE TO MAKE FULL
13 PAYMENTS, THE MUNICIPAL POLICE OFFICERS' EDUCATION AND
14 TRAINING COMMISSION SHALL MAKE PAYMENTS ON A PRO RATA BASIS.

15 (2) (RESERVED).

16 SECTION 1734-L. STATE CIVIL SERVICE COMMISSION (RESERVED).

17 SECTION 1735-L. PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY
18 (RESERVED).

19 SECTION 1736-L. PENNSYLVANIA FISH AND BOAT COMMISSION
20 (RESERVED).

21 SECTION 1737-L. STATE SYSTEM OF HIGHER EDUCATION.

22 EACH PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL COMPLY WITH
23 THE PROVISIONS OF SECTION 1737-J FOR THE FISCAL YEAR BEGINNING
24 JULY 1, 2010.

25 SECTION 1737.1-L. STATE-RELATED INSTITUTIONS.

26 EACH STATE-RELATED INSTITUTION SHALL COMPLY WITH THE
27 PROVISIONS OF SECTION 1737.1-J FOR THE FISCAL YEAR BEGINNING
28 JULY 1, 2010.

29 SECTION 1738-L. PENNSYLVANIA HIGHER EDUCATION ASSISTANCE
30 AGENCY.

1 THE FOLLOWING SHALL APPLY TO APPROPRIATIONS FOR THE
2 PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY FROM THE GENERAL
3 APPROPRIATION ACT:

4 (1) MAXIMIZATION OF FUNDS. THE PENNSYLVANIA HIGHER
5 EDUCATION ASSISTANCE AGENCY SHALL USE FUNDS APPROPRIATED FOR
6 MATCHING PAYMENTS FOR STUDENT AID FUNDS TO MAXIMIZE THE
7 RECEIPT OF FEDERAL FUNDS TO THE FULLEST EXTENT POSSIBLE.

8 (2) LIMITATION. NO COLLEGE, UNIVERSITY OR INSTITUTION
9 RECEIVING A DIRECT APPROPRIATION FROM THE COMMONWEALTH SHALL
10 BE ELIGIBLE TO PARTICIPATE IN THE INSTITUTIONAL ASSISTANCE
11 GRANTS PROGRAM.

12 (3) AGRICULTURAL LOAN FORGIVENESS. IN DISTRIBUTING FUNDS
13 APPROPRIATED FOR AGRICULTURAL LOAN FORGIVENESS, THE AGENCY
14 SHALL GIVE PREFERENCE TO RENEWAL APPLICANTS.

15 SECTION 1739-L. PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION
16 (RESERVED).

17 SECTION 1740-L. PENNSYLVANIA INFRASTRUCTURE INVESTMENT
18 AUTHORITY (RESERVED).

19 SECTION 1741-L. ENVIRONMENTAL HEARING BOARD (RESERVED).

20 SECTION 1742-L. PENNSYLVANIA BOARD OF PROBATION AND PAROLE
21 (RESERVED).

22 SECTION 1743-L. PENNSYLVANIA PUBLIC TELEVISION NETWORK
23 COMMISSION (RESERVED).

24 SECTION 1744-L. PENNSYLVANIA SECURITIES COMMISSION (RESERVED).

25 SECTION 1745-L. STATE TAX EQUALIZATION BOARD (RESERVED).

26 SECTION 1746-L. HEALTH CARE COST CONTAINMENT COUNCIL.

27 THE HEALTH CARE COST CONTAINMENT COUNCIL SHALL SUBMIT A
28 REPORT TO THE CHAIRMAN AND MINORITY CHAIRMAN OF THE
29 APPROPRIATIONS COMMITTEE OF THE SENATE AND THE CHAIRMAN AND
30 MINORITY CHAIRMAN OF THE APPROPRIATIONS COMMITTEE OF THE HOUSE

1 OF REPRESENTATIVES SPECIFYING THE AMOUNT AND SOURCE OF PROCEEDS
2 RECEIVED FROM THE SALE OF DATA BY THE COUNCIL. THE REPORT SHALL
3 SUPPLEMENT THE ANNUAL REPORT OF FINANCIAL EXPENDITURES REQUIRED
4 UNDER SECTION 17.1 OF THE ACT OF JULY 8, 1986 (P.L.408, NO.89),
5 KNOWN AS THE HEALTH CARE COST CONTAINMENT ACT. FORTY PERCENT OF
6 THE PROCEEDS RECEIVED FROM THE SALE OF DATA MAY BE USED FOR THE
7 OPERATIONS OF THE COUNCIL. THE REMAINDER OF THE PROCEEDS SHALL
8 BE DEPOSITED IN THE GENERAL FUND AND SHALL NOT BE EXPENDED
9 UNLESS APPROPRIATED BY THE GENERAL ASSEMBLY.

10 SECTION 1747-L. STATE ETHICS COMMISSION (RESERVED).

11 SECTION 1748-L. STATE EMPLOYEES' RETIREMENT SYSTEM (RESERVED).

12 SECTION 1749-L. THADDEUS STEVENS COLLEGE OF TECHNOLOGY

13 (RESERVED).

14 SECTION 1750-L. PENNSYLVANIA HOUSING FINANCE AGENCY (RESERVED).

15 SECTION 1751-L. LIHEABG (RESERVED).

16 SECTION 1752-L. BUDGET STABILIZATION RESERVE FUND (RESERVED).

17 SUBARTICLE C

18 LEGISLATIVE DEPARTMENT

19 SECTION 1761-L. AUTHORIZATION TO TRANSFER CERTAIN LEGISLATIVE

20 APPROPRIATIONS.

21 (A) TRANSFER.--ALL APPROPRIATIONS MADE IN THE GENERAL

22 APPROPRIATION ACT OF 2010 OR IN ANY OTHER ACT IN ANY FISCAL YEAR

23 TO AN ACCOUNT OF AN AGENCY WITHIN SECTIONS 253, 254, 255, 256,

24 257, 258, 259, 260, 261, 262, 263 AND 264 OF THE GENERAL

25 APPROPRIATION ACT OF 2010 REMAINING UNEXPENDED ON THE EFFECTIVE

26 DATE OF THE GENERAL APPROPRIATION ACT OF 2010 MAY BE TRANSFERRED

27 TO THE ACCOUNTS OF THE AGENCIES WITHIN SECTIONS 253, 254, 255,

28 256, 257, 258, 259, 260, 261, 262, 263 AND 264 UPON THE WRITTEN

29 CONCURRENCE OF ALL OF THE FOLLOWING:

30 (1) THE PRESIDENT PRO TEMPORE OF THE SENATE.

1 SECTION 1702-M. STATE LOTTERY FUND.

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

4 (2) (RESERVED).

5 SECTION 1703-M. ENERGY CONSERVATION AND ASSISTANCE FUND.

6 (RESERVED).

7 SECTION 1704-M. JUDICIAL COMPUTER SYSTEM AUGMENTATION ACCOUNT

8 (RESERVED).

9 SECTION 1704.1-M. ACCESS TO JUSTICE ACCOUNT (RESERVED).

10 SECTION 1705-M. EMERGENCY MEDICAL SERVICES OPERATING FUND

11 (RESERVED).

12 SECTION 1706-M. STATE STORES FUND (RESERVED).

13 SECTION 1707-M. MOTOR LICENSE FUND.

14 A PORTION OF THE APPROPRIATION FOR THE OFFICE OF THE BUDGET
15 MAY BE DISTRIBUTED UPON APPROVAL OF THE SECRETARY TO OTHER STATE
16 AGENCIES TO PAY FOR COMPTROLLER SERVICES PROVIDED TO THE AGENCY.
17 THE SECRETARY SHALL PROVIDE NOTICE TEN DAYS PRIOR TO A
18 DISTRIBUTION UNDER THIS SECTION TO THE CHAIRMAN AND MINORITY
19 CHAIRMAN OF THE APPROPRIATIONS COMMITTEE OF THE SENATE AND THE
20 CHAIRMAN AND MINORITY CHAIRMAN OF THE APPROPRIATIONS COMMITTEE
21 OF THE HOUSE OF REPRESENTATIVES.

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

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

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

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

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

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

28 SECTION 1714-M. BEN FRANKLIN TECHNOLOGY DEVELOPMENT AUTHORITY
29 FUND (RESERVED).

30 SECTION 1715-M. 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 2010-2011, THE STRATEGIC
6 CONTRIBUTION PAYMENTS RECEIVED IN FISCAL YEAR 2009-2010,
7 PURSUANT TO THE MASTER SETTLEMENT AGREEMENT SHALL BE
8 DEPOSITED IN THE TOBACCO SETTLEMENT FUND.

9 (II) FOR FISCAL YEAR 2010-2011, \$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 2010-2011, 25% OF THE MONEY
14 APPROPRIATED UNDER SECTION 306(B)(1)(III) OF THE TOBACCO
15 SETTLEMENT ACT MAY NOT BE EXPENDED, TRANSFERRED OR LAPSED
16 BUT SHALL REMAIN IN THE TOBACCO SETTLEMENT FUND.

17 (IV) FOR FISCAL YEAR 2010-2011, 33.3% OF THE MONEY
18 APPROPRIATED UNDER SECTION 306(B)(1)(VI) OF THE TOBACCO
19 SETTLEMENT ACT MAY NOT BE EXPENDED, TRANSFERRED OR LAPSED
20 BUT SHALL REMAIN IN THE TOBACCO SETTLEMENT FUND.

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

26 (B) TRANSFERS.--

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

29 (I) FOR FISCAL YEAR 2010-2011, 100% OF THE MONEY
30 RECEIVED IN FISCAL YEAR 2009-2010 AND APPROPRIATED UNDER

1 SECTION 306(B) (1) (I) OF THE TOBACCO SETTLEMENT ACT SHALL
2 BE TRANSFERRED FROM THE TOBACCO ENDOWMENT ACCOUNT FOR
3 LONG-TERM HOPE TO THE TOBACCO SETTLEMENT FUND.

4 (II) (RESERVED).

5 (2) MONEY TRANSFERRED UNDER PARAGRAPH (1) (I) SHALL BE
6 APPROPRIATED FOR HEALTH-RELATED PURPOSES. IF APPLICABLE, THE
7 AMOUNT APPROPRIATED IN ACCORDANCE WITH THIS PARAGRAPH SHALL
8 BE MATCHED BY APPROPRIATED FEDERAL AUGMENTING FUNDS.

9 (3) NOTWITHSTANDING ANY PROVISIONS OF LAW TO THE
10 CONTRARY, AFTER ALL TRANSFERS REQUIRED UNDER PARAGRAPH (1) (I)
11 ARE MADE, \$121,000,000 REMAINING IN THE TOBACCO ENDOWMENT
12 ACCOUNT FOR LONG-TERM HOPE SHALL BE TRANSFERRED TO A
13 RESTRICTED RECEIPT ACCOUNT HEREBY CREATED IN THE GENERAL FUND
14 AND SHALL BE USED TO AUGMENT THE APPROPRIATION FOR PAYMENT OF
15 REQUIRED CONTRIBUTION FOR PUBLIC SCHOOL EMPLOYEES'
16 RETIREMENT.

17 (4) NOTWITHSTANDING THE PROVISIONS OF CHAPTER 3 OF THE
18 TOBACCO SETTLEMENT ACT, ALL REMAINING ASSETS, CASH AND
19 INVESTMENTS IN THE TOBACCO ENDOWMENT ACCOUNT FOR LONG-TERM
20 HOPE, AFTER THE TRANSFER IN PARAGRAPHS (1) (I) AND (3) ARE
21 MADE, AND ANY OTHER FUNDS DEPOSITED IN THE ACCOUNT IN FISCAL
22 YEAR 2010-2011, SHALL BE TRANSFERRED BY JUNE 1, 2011, TO THE
23 TOBACCO SETTLEMENT FUND.

24 (5) NOTWITHSTANDING THE PROVISIONS OF CHAPTER 3 OF THE
25 TOBACCO SETTLEMENT ACT, FOR FISCAL YEAR 2010-2011,
26 \$250,000,000 SHALL BE TRANSFERRED FROM THE TOBACCO SETTLEMENT
27 FUND TO THE GENERAL FUND.

28 (C) ALLOCATION.--FUNDING FOR LOCAL PROGRAMS UNDER SECTION
29 708(B) OF THE TOBACCO SETTLEMENT ACT SHALL BE ALLOCATED AS
30 FOLLOWS:

1 (1) THIRTY PERCENT OF GRANT FUNDING TO PRIMARY
2 CONTRACTORS FOR LOCAL PROGRAMS SHALL BE ALLOCATED EQUALLY
3 AMONG EACH OF THE 67 COUNTIES.

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

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

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

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

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

29 SECTION 1716-M. COMMUNITY HEALTH REINVESTMENT RESTRICTED
30 ACCOUNT.

1 (A) ESTABLISHMENT.--THERE IS ESTABLISHED IN THE STATE
2 TREASURY A RESTRICTED RECEIPT ACCOUNT IN THE TOBACCO SETTLEMENT
3 FUND TO BE KNOWN AS THE COMMUNITY HEALTH REINVESTMENT RESTRICTED
4 ACCOUNT. INTEREST EARNED ON MONEY IN THE ACCOUNT SHALL REMAIN IN
5 THE ACCOUNT.

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

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

22 SECTION 1717-M. HEALTH CARE PROVIDER RETENTION ACCOUNT.

23 (RESERVED).

24 SECTION 1717.1-M. MEDICAL CARE AVAILABILITY AND REDUCTION OF
25 ERROR FUND. (RESERVED).

26 SECTION 1718-M. BUDGET STABILIZATION RESERVE FUND. (RESERVED).

27 SECTION 1718.1-M. (RESERVED).

28 SECTION 1719-M. RESTRICTED RECEIPT ACCOUNTS.

29 (A) GENERAL PROVISIONS.--THE SECRETARY MAY CREATE RESTRICTED
30 RECEIPT ACCOUNTS FOR THE PURPOSE OF ADMINISTERING FEDERAL GRANTS

1 ONLY FOR THE PURPOSES DESIGNATED IN THIS SECTION.

2 (B) DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT.--THE
3 FOLLOWING RESTRICTED RECEIPT ACCOUNTS MAY BE ESTABLISHED FOR THE
4 DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT:

5 (1) ARC HOUSING REVOLVING LOAN PROGRAM.

6 (2) (RESERVED).

7 (C) DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES.--THE
8 FOLLOWING RESTRICTED RECEIPT ACCOUNTS MAY BE ESTABLISHED FOR THE
9 DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES:

10 (1) FEDERAL AID TO VOLUNTEER FIRE COMPANIES.

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

12 (3) NATIONAL FOREST RESERVE ALLOTMENT.

13 (4) FEDERAL LAND AND WATER CONSERVATION FUND ACT -
14 CONSERVATION AND NATURAL RESOURCES.

15 (D) DEPARTMENT OF EDUCATION.--THE FOLLOWING RESTRICTED
16 RECEIPT ACCOUNTS MAY BE ESTABLISHED FOR THE DEPARTMENT OF
17 EDUCATION:

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

19 (2) LSTA - LIBRARY GRANTS.

20 (3) THE PENNSYLVANIA STATE UNIVERSITY FEDERAL AID.

21 (4) EMERGENCY IMMIGRATION EDUCATION ASSISTANCE.

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

23 (6) HOMELESS ADULT ASSISTANCE PROGRAM.

24 (7) SEVERELY HANDICAPPED.

25 (8) MEDICAL ASSISTANCE REIMBURSEMENTS TO LOCAL EDUCATION
26 AGENCIES.

27 (E) DEPARTMENT OF ENVIRONMENTAL PROTECTION.--THE FOLLOWING
28 RESTRICTED RECEIPT ACCOUNTS MAY BE ESTABLISHED FOR THE
29 DEPARTMENT OF ENVIRONMENTAL PROTECTION:

30 (1) FEDERAL WATER RESOURCES PLANNING ACT.

1 (2) FLOOD CONTROL PAYMENTS.

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

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

6 (1) SHARE LOAN PROGRAM.

7 (2) (RESERVED).

8 (G) DEPARTMENT OF TRANSPORTATION.--THE FOLLOWING RESTRICTED
9 RECEIPT ACCOUNTS MAY BE ESTABLISHED FOR THE DEPARTMENT OF
10 TRANSPORTATION:

11 (1) CAPITAL ASSISTANCE ELDERLY AND HANDICAPPED PROGRAMS.

12 (2) RAILROAD REHABILITATION AND IMPROVEMENT ASSISTANCE.

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

14 (H) PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY.--THE FOLLOWING
15 RESTRICTED RECEIPT ACCOUNTS MAY BE ESTABLISHED FOR THE
16 PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY:

17 (1) RECEIPTS FROM FEDERAL GOVERNMENT - DISASTER RELIEF -
18 DISASTER RELIEF ASSISTANCE TO STATE AND POLITICAL
19 SUBDIVISIONS.

20 (2) (RESERVED).

21 (I) PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION.--THE
22 FOLLOWING RESTRICTED RECEIPT ACCOUNTS MAY BE ESTABLISHED FOR THE
23 PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION:

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

25 (2) (RESERVED).

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

28 (1) RETIRED EMPLOYEES MEDICARE PART D.

29 (2) JUSTICE ASSISTANCE.

30 (3) JUVENILE ACCOUNTABILITY INCENTIVE.

1 SECTION 1720-M. STATE GAMING FUND (RESERVED).

2 SECTION 1721-M. PENNSYLVANIA RACEHORSE DEVELOPMENT FUND
3 (RESERVED).

4 SECTION 1722-M. STRAW PURCHASE PREVENTION EDUCATION FUND
5 (RESERVED).

6 SECTION 1723-M. BUDGET STABILIZATION RESERVE FUND.

7 NOTWITHSTANDING THE PROVISIONS OF SUBARTICLE A OF ARTICLE
8 XVII-A, IN FISCAL YEAR 2010-2011, \$745,000 SHALL BE TRANSFERRED
9 FROM THE BUDGET STABILIZATION RESERVE FUND TO THE GENERAL FUND.
10 THE PROVISIONS OF SECTION 1703-A SHALL NOT APPLY TO THIS
11 SECTION.

12 SECTION 1724-M. EMERGENCY MEDICAL SERVICES OPERATING FUND.

13 NOTWITHSTANDING THE PROVISIONS OF 35 PA.C.S. CH. 81 (RELATING
14 TO EMERGENCY MEDICAL SERVICES SYSTEM) AND 75 PA.C.S. § 3121
15 (RELATING TO EMS COSTS), IN FISCAL YEAR 2010-2011, \$5,000,000
16 SHALL BE TRANSFERRED FROM THE EMERGENCY MEDICAL SERVICES
17 OPERATING FUND TO THE GENERAL FUND.

18 SECTION 1725-M. HIGHWAY BEAUTIFICATION FUND.

19 NOTWITHSTANDING THE ACT OF DECEMBER 15, 1971 (P.L.596,
20 NO.160), KNOWN AS THE OUTDOOR ADVERTISING CONTROL ACT OF 1971,
21 FOR FISCAL YEAR 2010-2011, \$800,000 SHALL BE TRANSFERRED FROM
22 THE HIGHWAY BEAUTIFICATION FUND TO THE GENERAL FUND.

23 SECTION 1726-M. KEYSTONE RECREATION, PARK AND CONSERVATION
24 FUND.

25 NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY,
26 FOR FISCAL YEAR 2010-2011, THE TOTAL AMOUNT OF FUNDING AVAILABLE
27 TO THE STATE SYSTEM OF HIGHER EDUCATION FOR DEFERRED MAINTENANCE
28 UNDER THE ACT OF JULY 2, 1993 (P.L.359, NO.50), KNOWN AS THE
29 KEYSTONE RECREATION, PARK AND CONSERVATION FUND ACT, SHALL BE
30 TRANSFERRED FROM THE KEYSTONE RECREATION, PARK AND CONSERVATION

1 FUND TO THE GENERAL FUND.

2 SECTION 1727-M. LOCAL GOVERNMENT CAPITAL PROJECT FUND.

3 NOTWITHSTANDING ARTICLE XVI-D, FOR FISCAL YEAR 2010-2011,
4 \$1,000,000 SHALL BE TRANSFERRED FROM THE LOCAL GOVERNMENT
5 CAPITAL PROJECT FUND TO THE GENERAL FUND.

6 SECTION 1728-M. LOW-LEVEL WASTE FUND.

7 NOTWITHSTANDING THE ACT OF FEBRUARY 9, 1988 (P.L.31, NO.12),
8 KNOWN AS THE LOW-LEVEL RADIOACTIVE WASTE DISPOSAL ACT, FOR
9 FISCAL YEAR 2010-2011, \$2,700,000 SHALL BE TRANSFERRED FROM THE
10 LOW-LEVEL WASTE FUND TO THE GENERAL FUND.

11 SECTION 1729-M. PENNSYLVANIA ECONOMIC REVITALIZATION FUND.

12 NOTWITHSTANDING THE ACT OF JULY 2, 1984 (P.L.512, NO.104),
13 KNOWN AS THE PENNSYLVANIA ECONOMIC REVITALIZATION ACT, FOR
14 FISCAL YEAR 2010-2011, \$5,400,000 SHALL BE TRANSFERRED FROM THE
15 PENNSYLVANIA ECONOMIC REVITALIZATION FUND TO THE GENERAL FUND.
16 MONEYS REMAINING IN THE FUND SHALL BE USED TO RETIRE ALL OF THE
17 OUTSTANDING DEBT PAYABLE ATTRIBUTED TO THE FUND.

18 SECTION 1730-M. SMALL BUSINESS FIRST FUND.

19 NOTWITHSTANDING 12 PA.C.S. PT. III (RELATING TO ECONOMIC
20 DEVELOPMENT PROGRAMS), FOR FISCAL YEAR 2010-2011, \$4,000,000
21 SHALL BE TRANSFERRED FROM THE SMALL BUSINESS FIRST FUND TO THE
22 GENERAL FUND.

23 ARTICLE XVII-N

24 RETIREMENT

25 SECTION 1701-N. PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM
26 RECERTIFICATION TO SECRETARY OF THE BUDGET.

27 NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW TO THE CONTRARY,
28 THE PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD SHALL, EFFECTIVE
29 FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, RECERTIFY TO THE
30 SECRETARY OF THE BUDGET AND THE EMPLOYERS, AS DEFINED IN 24

1 PA.C.S. § 8102 (RELATING TO DEFINITIONS), WITHIN 20 DAYS OF THE
2 EFFECTIVE DATE OF THIS SECTION, THE EMPLOYER CONTRIBUTION RATE
3 EXPRESSED AS A PERCENTAGE OF MEMBERS' PAYROLL NECESSARY FOR THE
4 FUNDING OF PROSPECTIVE ANNUITIES FOR ACTIVE MEMBERS AND THE
5 ANNUITIES OF ANNUITANTS TO BE 5.00%, PLUS THE PREMIUM ASSISTANCE
6 CONTRIBUTION RATE OF .64% IN ACCORDANCE WITH 24 PA.C.S. §
7 8328(F) (RELATING TO ACTUARIAL COST METHOD), AND ALSO RECERTIFY
8 THE RATES, FACTORS AND AMOUNTS SET FORTH IN 24 PA.C.S. § 8502(K)
9 (RELATING TO ADMINISTRATIVE DUTIES OF BOARD) TO REFLECT THE
10 IMPACT OF THE RECERTIFIED RATES PROVIDED IN THIS SECTION. THIS
11 RECERTIFICATION SHALL SUPERSEDE THE PRIOR CERTIFICATION FOR THE
12 FISCAL YEAR BEGINNING JULY 1, 2010, FOR ALL PURPOSES.
13 SECTION 1702-N. STATE EMPLOYEES' RETIREMENT SYSTEM.
14 NOTWITHSTANDING ANY PROVISION OF 71 PA.C.S. (RELATING TO
15 STATE GOVERNMENT) OR OTHER LAW TO THE CONTRARY, AND
16 NOTWITHSTANDING ANY ACTUARIAL CALCULATION RESULTING IN ANY
17 EMPLOYER CONTRIBUTION RATE PREVIOUSLY MADE AND CERTIFIED BY THE
18 STATE EMPLOYEES' RETIREMENT BOARD PURSUANT TO 71 PA.C.S. FOR THE
19 FISCAL YEAR BEGINNING JULY 1, 2010, AND ENDING JUNE 30, 2011,
20 THE COMPOSITE EMPLOYER CONTRIBUTION RATE TO DETERMINE
21 CONTRIBUTIONS BY THE COMMONWEALTH AND OTHER EMPLOYERS TO THE
22 STATE EMPLOYEES' RETIREMENT SYSTEM FOR THE FISCAL YEAR BEGINNING
23 JULY 1, 2010, AND ENDING JUNE 30, 2011, SHALL BE 1% OF
24 COMPENSATION GREATER THAN THE COMPOSITE EMPLOYER CONTRIBUTION
25 RATE FOR THE IMMEDIATELY PRIOR FISCAL YEAR. IN ADDITION TO THE
26 TEMPORARILY LIMITED COMPOSITE EMPLOYER CONTRIBUTION RATE
27 ESTABLISHED BY THIS SECTION, THE COMMONWEALTH AND OTHER
28 EMPLOYERS WHOSE EMPLOYEES ARE ACTIVE MEMBERS IN THE STATE
29 EMPLOYEES' RETIREMENT SYSTEM SHALL MAKE THE CONTRIBUTIONS TO
30 FUND THE BENEFITS COMPLETION PLAN ESTABLISHED UNDER 71 PA.C.S. §

1 5941 (RELATING TO BENEFITS COMPLETION PLAN) AS CERTIFIED BY THE
2 STATE EMPLOYEES' RETIREMENT BOARD.

3 SECTION 4. INTENT REGARDING LEGISLATION.

4 (A) IT IS THE INTENT OF THE HOUSE MAJORITY LEADERSHIP AND
5 SENATE MAJORITY LEADERSHIP TO PASS LEGISLATION THAT RAISES
6 REVENUE FROM THE EXTRACTION OF MARCELLUS SHALE NATURAL GAS BY
7 OCTOBER 1, 2010, WITH AN EFFECTIVE DATE FOR IMPLEMENTATION NO
8 LATER THAN JANUARY 1, 2011. IT IS THE FURTHER INTENT TO HAVE
9 REVENUE RAISED FROM THE EXTRACTION OF MARCELLUS SHALE NATURAL
10 GAS TO BE DIVIDED BY A RATIO TO BE DETERMINED BY LEGISLATION
11 BETWEEN THE COMMONWEALTH, COUNTIES AND MUNICIPALITIES, AND
12 ENVIRONMENTAL INITIATIVES.

13 (B) IT IS THE INTENT OF THE SENATE MAJORITY LEADERSHIP AND
14 HOUSE MAJORITY LEADERSHIP TO PASS LEGISLATION ESTABLISHING A NEW
15 INDEPENDENT AGENCY TO BE KNOWN AS THE INDEPENDENT FISCAL OFFICE
16 NO LATER THAN OCTOBER 1, 2010, WITH AN EFFECTIVE DATE FOR
17 IMPLEMENTATION NO LATER THAN JANUARY 1, 2011.

18 (C) THIS SECTION SHALL EXPIRE DECEMBER 1, 2010.

19 SECTION 5. REPEALS ARE AS FOLLOWS:

20 (1) THE GENERAL ASSEMBLY DECLARES THAT THE REPEAL UNDER
21 PARAGRAPH (2) IS NECESSARY TO EFFECTUATE THE ADDITION OF
22 SECTION 1761-L OF THE ACT.

23 (2) SECTION 1909 OF THE ACT OF , 2010 (P.L. ,
24 NO.), KNOWN AS THE GENERAL APPROPRIATION ACT OF 2010, IS
25 REPEALED.

26 (3) THE GENERAL ASSEMBLY DECLARES THAT THE REPEAL UNDER
27 PARAGRAPH (4) IS NECESSARY TO EFFECTUATE THE ADDITION OF
28 SECTION 1723-M OF THE ACT.

29 (4) SECTION 2912-F(C) OF THE ACT OF MARCH 4, 1971
30 (P.L.6, NO.2), KNOWN AS THE TAX REFORM CODE OF 1971, IS

1 REPEALED.

2 SECTION 6. IF ENACTED AFTER JULY 1, 2010, THIS ACT SHALL BE
3 RETROACTIVE TO JULY 1, 2010.

4 SECTION 7. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.