

FISCAL CODE - OMNIBUS AMENDMENTS  
Act of May 29, 2020, P.L. 158, No. 23

Cl. 72

Session of 2020  
No. 2020-23

HB 1083

AN ACT

Amending the act of April 9, 1929 (P.L.343, No.176), entitled "An act relating to the finances of the State government; providing for cancer control, prevention and research, for ambulatory surgical center data collection, for the Joint Underwriting Association, for entertainment business financial management firms, for private dam financial assurance and for reinstatement of item vetoes; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth, authorizing the Commonwealth to issue tax anticipation notes to defray current expenses, implementing the provisions of section 7(a) of Article VIII of the Constitution of Pennsylvania authorizing and restricting the incurring of certain debt and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," in bonus and tax reports and returns and reports and records relating to tax collections, repealing provisions relating to capital stock and franchise tax reports and payment of tax; in financially distressed municipalities, providing for emergency plan extension, in oil and gas wells, further providing for Oil and Gas Lease Fund; in transportation network companies, motor carrier companies and parking authority of a city of the first class, further providing for transportation network company extension; providing for assessments; in additional special funds and restricted accounts, further providing for establishment of special fund and account, for use of fund and for distributions from Pennsylvania Race Horse Development Fund; in general budget implementation, further providing for reports to General Assembly, for Pennsylvania Gaming Control Board, for Department of Health, for State Employees' Retirement System, for surcharges, for Multimodal Transportation Fund and for Liquor Code term; providing for 2020-2021 budget implementation and for 2020-2021

restrictions on appropriations for funds and accounts; and making related repeals.

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

Section 1. The General Assembly finds and declares as follows:

(1) The intent of this act is to provide for the implementation of the 2020-2021 Commonwealth budget.

(2) The Constitution of Pennsylvania confers numerous express duties upon the General Assembly, including the passage of a balanced budget for the Commonwealth.

(3) Section 24 of Article III of the Constitution of Pennsylvania requires the General Assembly to adopt all appropriations for the operation of government in this Commonwealth, regardless of their source. The Supreme Court has repeatedly affirmed that "It is fundamental within Pennsylvania's tripartite system that the General Assembly enacts the legislation establishing those programs which the State provides for its citizens and appropriates the funds necessary for their operation."

(4) Pursuant to section 13 of Article VIII of the Constitution of Pennsylvania, the General Assembly is explicitly required to adopt a balanced Commonwealth budget. Given the unpredictability and potential insufficiency of revenue collections, various changes in State law relating to sources of revenue, the collection of revenue and the implementation of statutes which impact revenue may be required to discharge this constitutional obligation.

(5) Section 11 of Article III of the Constitution of Pennsylvania requires the adoption of a general appropriation act that embraces "nothing but appropriations." While actual items of appropriation can be contained in a General Appropriation Act, the achievement and implementation of a comprehensive budget involves more than subjects of appropriations and dollar amounts. Ultimately, the budget has to be balanced under section 13 of Article VIII of the Constitution of Pennsylvania. This may necessitate changes to sources of funding and enactment of statutes to achieve full compliance with these constitutional provisions.

(6) For the reasons set forth in paragraphs (1), (2), (3), (4) and (5), it is the intent of the General Assembly through this act to provide for the implementation of the 2020-2021 Commonwealth budget.

(7) Every provision of this act relates to the implementation of the operating budget of the Commonwealth for this fiscal year, addressing in various ways the fiscal operations, revenues and potential liabilities of the Commonwealth. To that end, this act is intended to implement the 2020-2021 Commonwealth budget without specifically appropriating public money from the General Fund. This act provides accountability for spending and makes transfers or other changes necessary to impact the availability of revenue in order to meet the requirements of section 13 of Article VIII of the Constitution of Pennsylvania and to implement the act of May 29, 2020 (P.L. , No.1A), known as the General Appropriation Act of 2020.

Section 2. Section 707 of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, is repealed:

[Section 707. Capital Stock and Franchise Tax Reports and Payment of Tax.--Except in the case of corporations of the first

class, and cooperative agricultural associations not having capital stock and not conducted for profit, banks, savings institutions, title insurance or trust companies, building and loan associations, and foreign insurance companies, every corporation, joint-stock association, limited partnership, and other company, liable to pay to the Commonwealth a capital stock tax upon the value of all or a part of its capital stock, or a franchise tax with respect to its capital or property employed or used in this Commonwealth, shall make, annually, a capital stock report to the Department of Revenue, on or before the fifteenth day of April, for the calendar year next preceding. With such report, shall be filed any statement necessary to enable the Department of Revenue to determine the amount of any deduction or exemption to which any such taxpayer is entitled. Every corporation, joint-stock association, limited partnership, and other company, at the time of making every report required by this section, shall compute and pay to the department the capital stock tax or franchise tax, as the case may be, due to the Commonwealth upon or with respect to the value of its capital stock.]

Section 2.1. The act is amended by adding a section to read:  
**Section 1604-D.1. Emergency plan extension.**

**A municipality operating pursuant to a recovery plan under the act of July 10, 1987 (P.L.246, No.47), known as the Municipalities Financial Recovery Act, shall be eligible for an 18-month extension beyond the time limit imposed under section 254 of the Municipalities Financial Recovery Act.**

Section 3. Sections 1601.2-E(e) and 1606-M of the act, amended or added June 28, 2019 (P.L.173, No.20), are amended to read:

Section 1601.2-E. Oil and Gas Lease Fund.

\* \* \*

(e) Annual transfers.--The following apply:

(1) (i) Except as provided under subparagraph (ii), for the 2017-2018 fiscal year and each fiscal year thereafter, \$20,000,000 shall be transferred from the fund to the Marcellus Legacy Fund for distribution to the Environmental Stewardship Fund.

(ii) No amount shall be transferred from the fund to the Marcellus Legacy Fund for distribution to the Environmental Stewardship Fund for the 2019-2020 **and 2020-2021** fiscal year.

(2) For the 2017-2018 fiscal year and each fiscal year thereafter, \$15,000,000 shall be transferred from the fund to the Marcellus Legacy Fund for distribution to the Hazardous Sites Cleanup Fund.

Section 1606-M. Transportation network company extension.

Notwithstanding 53 Pa.C.S. § 57A22(1) (relating to assessment), the provisions of 53 Pa.C.S. § 57A22 shall not expire until [December 31, 2020] **December 31, 2022.**

Section 4. The act is amended by adding an article to read:

**ARTICLE XVI-O  
ASSESSMENTS**

**Section 1601-O. Managed care organization assessment.**

Notwithstanding any other provision of law, the assessment authorized and implemented under Article VIII-I of the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code, shall continue and remain in effect until June 30, 2025. Beginning July 1, 2020, the fixed fee required under section 803-I(b) of the Human Services Code shall be \$24.95 and remain in effect until June 30, 2025. The assessment, including the

**fixed fee, shall remain subject to the provisions of Article VIII-I of the Human Services Code.**

Section 5. Sections 1712-A.1(a)(2)(ii) and 1713-A.1(b)(1.7) of the act, amended or added June 28, 2019 (P.L.173, No.20), are amended to read:

Section 1712-A.1. Establishment of special fund and account.

(a) Tobacco Settlement Fund.--

\* \* \*

(2) The following shall be deposited into the Tobacco Settlement Fund:

\* \* \*

(ii) For [the] **fiscal years** 2019-2020 [fiscal year] **and 2020-2021**, an amount equal to the annual debt service due in the [2019-2020] fiscal year as certified by the Secretary of the Budget pursuant to section 2804 of the Tax Reform Code of 1971, as published in the Pennsylvania Bulletin on March 3, 2018, at 48 Pa.B. 1406, shall be transferred to the fund from the taxes collected under Article XII of the Tax Reform Code of 1971 by April 30[, 2020.] **following the beginning of the fiscal year.** A deposit under this paragraph shall occur prior to the deposits and transfers under section 1296 of the Tax Reform Code of 1971.

\* \* \*

Section 1713-A.1. Use of fund.

\* \* \*

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

\* \* \*

(1.7) For fiscal [year] **years** 2019-2020 **and 2020-2021**, the General Assembly appropriates money in the fund in accordance with the following percentages based on the sum of the portion of the annual payment deposited and the amount deposited under section 1712-A.1(a)(2)(ii) in the fiscal year:

(i) Four and five-tenths percent for tobacco use prevention and cessation programs under Chapter 7 of the Tobacco Settlement Act.

(ii) Twelve and six-tenths percent for health and related research under section 906 of the Tobacco Settlement Act.

(iii) One percent for health and related research under section 909 of the Tobacco Settlement Act.

(iv) Eight and eighteen hundredths percent for the uncompensated care payment program under Chapter 11 of the Tobacco Settlement Act.

(v) Thirty percent for the purchase of Medicaid benefits for workers with disabilities under Chapter 15 of the Tobacco Settlement Act.

(vi) Forty-three and seventy-two hundredths percent shall remain in the fund to be separately appropriated for health-related purposes.

\* \* \*

Section 6. Section 1723-A.1(2) and (3) of the act, amended June 28, 2019 (P.L.173, No.20), are amended to read:

Section 1723-A.1. Distributions from Pennsylvania Race Horse Development Fund.

Funds in the fund are appropriated to the department on a continuing basis for the purposes set forth in this subsection and shall be distributed to each active and operating Category 1 licensee conducting live racing as follows:

\* \* \*

(2) Distributions from the fund shall be allocated as follows:

(i) For fiscal years 2013-2014 and 2014-2015, each week, \$802,682 in the fund shall be transferred to the account. This transfer shall not exceed \$17,659,000 annually.

(i.1) In addition to the transfer under subparagraph (i), for a total of 14 weeks from the effective date of this subparagraph, each week, \$300,000 shall be transferred from the fund, for a total amount of \$4,200,000, to the State Racing Fund to be used exclusively for the enforcement of the act of December 17, 1981 (P.L.435, No.135), known as the Race Horse Industry Reform Act. Moneys transferred pursuant to this subparagraph shall not be transferred subsequently to any other State fund or account for any purpose.

(i.2) For fiscal year 2015-2016, beginning on the effective date of this subparagraph, the sum of \$25,759,000 in the fund shall be transferred to the account in equal weekly amounts sufficient to complete the transfer by June 30, 2016.

(i.3) For fiscal year 2016-2017, the sum of \$19,659,000 in the fund shall be transferred to the account in 22 equal weekly amounts beginning on the effective date of this subparagraph.

(i.4) For fiscal year 2017-2018, the sum of \$19,659,000 in the fund shall be transferred to the account in 22 equal weekly amounts beginning on the effective date of this subparagraph.

(i.5) For fiscal year 2018-2019, the sum of \$19,659,000 in the fund shall be transferred to the account in 22 equal weekly amounts beginning on the effective date of this subparagraph.

(i.6) For fiscal year 2019-2020, the sum of \$19,659,000 in the fund shall be transferred to the account in 22 equal weekly amounts beginning on the effective date of this subparagraph.

**(i.7) For fiscal year 2020-2021, the sum of \$19,659,000 in the fund shall be transferred to the account in 22 weekly amounts beginning on September 1, 2020.**

(ii) Each week, the money remaining in the fund after any transfer under subparagraphs (i), (i.1), (i.2), (i.3), (i.4), (i.5) [and], (i.6) **and (i.7)** shall be distributed to each active and operating Category 1 licensee conducting live racing in accordance with the following formula:

(A) Divide:

(I) the total daily assessments paid, by each active and operating Category 1 licensee conducting live racing, into the fund for that week; by

(II) the total daily assessments paid, by all active and operating Category 1 licensees conducting live racing, into the fund for that week.

(B) Multiply the quotient under clause (A) by the amount to be distributed under this subparagraph.

(iii) The distribution under subparagraph (ii) shall be allocated as follows:

(A) The greater of 4% of the amount to be distributed under subparagraph (ii) or \$220,000 shall

be used to fund health and pension benefits for the members of the horsemen's organizations representing the owners and trainers at the racetrack at which the licensed racing entity operates for the benefit of the organization's members, their families, employees and others in accordance with the rules and eligibility requirements of the organization, as approved by the commission. This amount shall be deposited within five business days of the end of each week into a separate account to be established by each respective horsemen's organization at a banking institution of its choice. Of this amount, a minimum of \$250,000 shall be paid annually by the horsemen's organization to the thoroughbred jockeys or standardbred drivers organization at the racetrack at which the licensed racing entity operates for health insurance, life insurance or other benefits to active and disabled thoroughbred jockeys or standardbred drivers in accordance with the rules and eligibility requirements of that organization. The total distribution under this clause in any fiscal year shall not exceed \$11,400,000.

(B) Of the money remaining to be distributed under subparagraph (ii) after application of clause (A), the following disbursements shall be made:

(I) Eighty-three and one-third percent of the money to be distributed under this clause shall be deposited on a weekly basis into a separate, interest-bearing purse account to be established by and for the benefit of the horsemen. The earned interest on the account shall be credited to the purse account. Licensees shall combine these funds with revenues from existing purse agreements to fund purses for live races consistent with those agreements with the advice and consent of the horsemen.

(II) For thoroughbred tracks, 16 and 2/3% of the money to be distributed under this clause shall be deposited on a weekly basis into the Pennsylvania Breeding Fund. For standardbred tracks, 8 and 1/3% of the money to be distributed under this clause shall be deposited on a weekly basis into the Pennsylvania Sire Stakes Fund; and 8 and 1/3% of the money to be distributed under this clause shall be deposited on a weekly basis into a restricted account in the State Racing Fund to be known as the Pennsylvania Standardbred Breeders Development Fund. The commission shall, in consultation with the Secretary of Agriculture, promulgate regulations adopting a standardbred breeders program that will include the administration of the Pennsylvania Stallion Award, the Pennsylvania Bred Award and the Pennsylvania Sired and Bred Award.

(3) The following shall apply:

(i) For fiscal year 2016-2017, the department shall transfer \$8,555,255 from the fund to the State Racing Fund pursuant to section 2874-D of The Administrative Code of 1929.

(ii) For fiscal year 2017-2018, the department shall transfer \$10,066,000 from the fund to the State Racing

Fund pursuant to 3 Pa.C.S. § 9374 (relating to costs of enforcement of medication rules or regulations).

(iii) For fiscal year 2018-2019, the department shall transfer \$10,066,000 from the fund to the State Racing Fund pursuant to 3 Pa.C.S. § 9374.

(iv) For fiscal year 2019-2020, the department shall transfer \$10,066,000 from the fund to the State Racing Fund pursuant to 3 Pa.C.S. § 9374.

**(v) For fiscal year 2020-2021, the department shall transfer \$10,066,000 from the fund to the State Racing Fund pursuant to 3 Pa.C.S. § 9374(a). 3 Pa.C.S. § 9374(a) shall expire June 30, 2022.**

Section 7. Sections 1706-E and 1724.1-E of the act are amended by adding subsections to read:

Section 1706-E. Reports to General Assembly.

\* \* \*

**(d) State of emergency.--The General Assembly or a local governmental body or agency may not enact or enforce a law, rule, regulation or ordinance imposing a tax on or relating to the use, disposition, sale, prohibition or restriction of single-use plastics, auxiliary containers, wrappings or polystyrene containers, until July 1, 2021, or six months after the order issued by the Governor on March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020), and any renewal of the state of disaster emergency, whichever is later.**

Section 1724.1-E. Pennsylvania Gaming Control Board.

\* \* \*

**(c.1) Sports wagering certificate holders.--The following apply:**

(1) In addition to the locations provided under 4 Pa.C.S. §§ 13C11 (relating to authorization to conduct sports wagering) and 13C21 (relating to authorized locations for operation), a Category 1, Category 2 or Category 3 slot machine licensee that holds a sports wagering certificate and is an affiliate of a Category 4 slot machine licensee may conduct sports wagering at a Category 4 licensed facility under the Category 1, Category 2 or Category 3 slot machine licensee's sports wagering certificate.

(2) For purposes of this subsection, the term "affiliate" shall have the same meaning as under 4 Pa.C.S. § 1103.

\* \* \*

**(e) Category 4 slot machine license auction.--Notwithstanding 4 Pa.C.S. Pt. II or any other provision of law to the contrary, the following shall apply:**

(1) Within 90 days of the effective date of this subsection, the board shall conduct an auction pursuant to 4 Pa.C.S. § 1305.2(c)(12) of any Category 4 slot machine license for which the board has denied the application filed by the winning bidder of an initial auction, subject to the limitations under paragraphs (2), (3) and (4).

(2) In conducting the auction under this subsection, the following shall apply:

(i) The board shall conduct the auction according to the procedures under 4 Pa.C.S. § 1305.2(c).

(ii) The board shall set the date, time and location of the auction at least two weeks prior to the auction and make auction information available on the board's publicly accessible Internet website.

(iii) If the auction fails to generate a bid, further auctions may not be conducted.

(iv) Eligible bidders must be one of the following:

(A) A slot machine licensee as defined under 4 Pa.C.S. § 1103 that satisfies the following:

(I) the slot machine licensee's license and table games operation certificate are in good standing with the board; and

(II) the slot machine licensee agrees to locate a Category 4 licensed facility as provided under 4 Pa.C.S. § 1305.1(b)(1), (3), (4), (5), (6) and (7).

(B) A person with an ownership interest in a slot machine licensee as defined under 4 Pa.C.S. § 1103 that satisfies the following:

(I) the person holds a license in good standing issued by the board;

(II) the person satisfies the requirements of 4 Pa.C.S. Part II and any criteria established by the board for licensure, including, but not limited to, financial and character suitability requirements, and has been approved by the board; and

(III) the person agrees to locate a Category 4 licensed facility as provided under 4 Pa.C.S. § 1305.1(b)(1), (3), (4), (5), (6) and (7).

(3) A winning bidder's Category 4 location may not be located within 40 linear miles of a licensed facility, as defined under 4 Pa.C.S. § 1103, or a proposed Category 4 licensed facility.

(4) A winning bidder that is not an existing slot machine licensee shall follow the procedures set forth under 4 Pa.C.S. § 1305.1(d)(3)(iii) by filing a petition with the board to operate slot machines and paying the authorization fee per authorized slot machine.

Section 8. Sections 1725-E and 1748-E of the act are amended to read:

Section 1725-E. Department of Health.

(a) Issuance of certificates of death.--For the issuance of certificates of death by a local registrar under section 609-A(a)(6)(ii) of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, the following shall apply:

(1) A local registrar shall issue certificates of death from original certificates of death in its possession upon completion of a period of instruction on the preparation of certificates by representatives of the Division of Vital Records.

(2) Each fee received by the local registrar under section 609-A(a)(6)(ii) of The Administrative Code of 1929 shall be distributed, retained or transmitted to the Department of Health as follows:

(i) The following apply:

(A) Except as provided under clause (B), \$3 shall be retained by the local registrar.

(B) If the limitation under [section 304(c)(1) of the act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953,] **paragraph (3)** has been reached, \$3 shall be transmitted to the Department of Health for deposit in the General Fund.

(ii) Sixteen dollars shall be transmitted to the Department of Health for deposit in the Vital Statistics Improvement Account.

(iii) One dollar shall be transmitted to the Department of Health for distribution to the county



coroner or medical examiner as provided for under section 206 of the act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953.

(3) The following shall apply:

(i) Notwithstanding section 304(c)(1) of the Vital Statistics Law of 1953, a local registrar may not be compensated in excess of \$85,000 in any one calendar year.

(ii) Fees received from certificates of death issued after March 6, 2020, and during the duration of the proclamation of disaster emergency issued by the Governor on March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020), and any renewal of the state of disaster emergency, shall not apply to the limitation on compensation under subparagraph (i).

(b) [(Reserved).] **Grower/operator permit.**--If a person holds a permit to operate as a medical marijuana grower/processor under the act of April 17, 2016 (P.L.84, No.16), known as the Medical Marijuana Act, and the permit is surrendered, revoked or otherwise forfeited because the permittee misrepresented information on its initial or renewal permit application, the Department of Health shall issue the grower/processor permit to the next most-qualified applicant in the same region according to the department's ranking and scoring in the application phase during which the initial permit was issued. This provision does not apply to permits issued under section 2002 of the Medical Marijuana Act.

Section 1748-E. State Employees' Retirement System  
[(Reserved)].

(a) **Per-participant charge.**--In addition to the State Employees' Retirement Board's authority to allocate proportionately the administrative fees, costs and expenses of the State Employees' Defined Contribution Plan charged against participants' individual investment accounts under 71 Pa.C.S. § 5812(2) (relating to powers and duties of board), the State Employees' Retirement Board may assess, and each employer shall pay in the form, manner, time and amount as the State Employees' Retirement Board shall determine, an annual per-participant charge for the payment of administrative fees, costs and expenses of managing, investing and administering the State Employees' Defined Contribution Plan, the State Employees' Defined Contribution Trust and the participants' individual investment accounts.

(b) (Reserved).

Section 9. Sections 1795.1-E and 1798.3-E(c) and (d) of the act, amended June 28, 2019 (P.L.173, No.20), are amended to read:

Section 1795.1-E. Surcharges.

(a) **Legislative finding.**--Due to reductions in revenue available to the Commonwealth, it is necessary to increase certain fees or surcharges to adequately fund the Unified Judicial System.

(b) **Imposition.**--

(1) In addition to the [fee under section 2802-E(a)(1) of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929] **surcharge under subsection (c)**, an additional surcharge of \$10 shall be charged and collected by a division of the Unified Judicial System. The provisions of [section 2802-E(b) of The Administrative Code of 1929] **subsection (c)(2)** shall not apply to this [subsection]

**paragraph.** This paragraph shall expire December 31, [2020] 2021.

(2) In addition to the [fee] **fees** under **subsection (c) and** 42 Pa.C.S. § 3733(a.1)(1) and (2)(iii) (relating to deposits into account), an additional surcharge of \$2 shall be charged and collected by a division of the Unified Judicial System and deposited into the Access to Justice Account under 42 Pa.C.S. § 4904 (relating to establishment of Access to Justice Account).

**(c) Other surcharge and fees.--**

(1) In addition to the fees imposed under 42 Pa.C.S. §§ 3733(a.1) and 3733.1 (relating to surcharge), except as set forth in paragraph (2), the following apply:

(i) A surcharge of \$11.25 shall be charged and collected. This subparagraph shall expire December 31, 2021.

(ii) A permanent fee of \$2.50 shall be charged and collected.

(iii) An additional permanent fee of \$2.50 shall be charged and collected.

(2) Paragraph (1) does not apply to a conviction or guilty plea based on the filing of a traffic citation charging an offense under 75 Pa.C.S. (relating to vehicles) that is classified as a summary offense under a State statute or local ordinance as provided in the Pennsylvania Rules of Criminal Procedure.

(3) The following apply:

(i) The separate reserve account within the Judicial Computer System Augmentation Account established under 42 Pa.C.S. § 3733.1(c)(1) is continued, and the surcharge under paragraph (1)(i) shall be deposited into the separate reserve account. Notwithstanding 42 Pa.C.S. § 3732 (relating to utilization of funds in account), money deposited under this paragraph is appropriated to the Supreme Court, upon compliance with Article XV, for the operation of the Judicial Department.

(ii) The fee under paragraph (1)(ii) shall be deposited into the Criminal Justice Enhancement Account.

(iii) The fee under paragraph (1)(iii) shall be deposited in a restricted account established in the General Fund. Money in the restricted account is appropriated to the Office of Attorney General on a continuing basis to supplement general government operations.

Section 1798.3-E. Multimodal Transportation Fund.

\* \* \*

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

"Municipality." A county, city, borough, incorporated town [or], township **or local, regional or metropolitan transportation authority.**

"Port authority." A port authority as established under the act of July 10, 1989 (P.L.291, No.50), known as the Philadelphia Regional Port Authority Act.

(d) Expiration.--This section shall expire December 31, [2020] 2021.

Section 10. Section 1799.4-E of the act is amended to read: Section 1799.4-E. Liquor Code [term] **terms.**

Notwithstanding any provision of law to the contrary[, the term "best selling items"] **the following terms** when used in the

act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, shall have the following meanings:

(1) "Best selling items" shall mean the 150 most sold brands and product types of wine and the 150 most sold brands and product types of liquor as measured by the total number of units sold on a six-month basis calculated every January 1 and July 1.

(2) "Commercial and mixed-use overlay project" shall include an existing or proposed hotel with at least ninety rooms.

Section 11. Repeals are as follows:

(1) The General Assembly finds and declares as follows:

(i) Each year, articles on budget implementation are added to the act.

(ii) These articles are temporary in nature but are placed permanently into the act, utilizing article numbers and section numbers.

(iii) Reusing article numbers and section numbers will keep the text of the act more concise.

(iv) The repeals under paragraph (2) are necessary to effectuate subparagraph (iii).

(2) Articles XVII-L and XVII-M of the act are repealed.

Section 12. The act is amended by adding articles to read:

#### ARTICLE XVII-L

#### 2020-2021 BUDGET IMPLEMENTATION

#### SUBARTICLE A

#### PRELIMINARY PROVISIONS

Section 1701-L. Applicability.

Except as specifically provided in this article, this article applies to the General Appropriation Act of 2020 and all other appropriation acts of 2020.

Section 1702-L. Definitions.

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

"General Appropriation Act of 2020." The act of May 29, 2020 (P.L. , No.1A), known as the General Appropriation Act of 2020.

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

"Public School Code of 1949." The act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949.

"Secretary." The Secretary of the Budget of the Commonwealth.

"TANFBG." Temporary Assistance for Needy Families Block Grant.

Section 1703-L. Department of Criminal Justice.

For the purposes of the General Appropriation Act of 2020, a reference to the Department of Criminal Justice shall be deemed to be a reference to the Department of Corrections or the Pennsylvania Parole Board, or both, as applicable.

#### SUBARTICLE B

#### EXECUTIVE DEPARTMENTS

Section 1711-L. Governor (Reserved).

Section 1712-L. Executive offices.

The following apply to appropriations for the Pennsylvania Commission on Crime and Delinquency:

(1) Money appropriated for intermediate punishment treatment programs shall be distributed competitively to counties for offenders sentenced to intermediate punishment programs. The portion of money for drug and alcohol and mental health treatment programs shall be based on national

statistics that identify the percentage of incarcerated individuals that are in need of treatment for substance issues but in no case shall be less than 80% of the amount appropriated.

(2) The following apply:

(i) No less than five-twelfths of the amount used in the 2019-2020 fiscal year shall be used to support the Statewide Automated Victim Information and Notification System (SAVIN) to provide offender information through county jails.

(ii) No less than five-twelfths of the amount used in the 2019-2020 fiscal year shall be used for a residential treatment community facility for at-risk youth located in a county of the fifth class.

(iii) No less than five-twelfths of the amount used in the 2019-2020 fiscal year shall be used for an innovative police data sharing pointer index system that will allow participating law enforcement agencies access to incident report data.

(iv) No less than five-twelfths of the amount used in the 2019-2020 fiscal year shall be used for a diversion program for first-time nonviolent offenders facing prison sentences. The diversion program must include education and employment services, case management and mentoring.

(3) From money appropriated for violence and delinquency prevention programs, no less than five-twelfths of the amount used in the 2019-2020 fiscal year shall be used for programs in a city of the second class, and no less than five-twelfths of the amount used in the 2019-2020 fiscal year shall be used for blueprint mentoring programs that address reducing youth violence in cities of the first, second and third class.

Section 1713-L. Lieutenant Governor (Reserved).

Section 1714-L. Attorney General (Reserved).

Section 1715-L. Auditor General.

From money appropriated for special financial audits, no less than five-twelfths of the amount used in the 2019-2020 fiscal year shall be used for the financial auditing of entities that receive funds through contracts with the Department of Human Services from money appropriated for Medical Assistance - Capitation, Medical Assistance Community HealthChoices, Medical Assistance - Long-term Care, Mental Health Services or the Intellectual Disabilities - Community Waiver Program.

Section 1716-L. Treasury Department (Reserved).

Section 1717-L. Department of Aging (Reserved).

Section 1718-L. Department of Agriculture.

The following apply to appropriations for the Department of Agriculture:

(1) From money appropriated for general government operations, no less than five-twelfths of the amount transferred in the 2019-2020 fiscal year shall be transferred to the Dog Law Restricted Account.

(2) From money appropriated for general government operations, no less than five-twelfths of the amount used in the 2019-2020 fiscal year shall be used for the Commission of Agricultural Education Excellence to assist in development and implementation of agricultural education programming.

(3) From money appropriated for agricultural preparedness and response, an amount equal to \$416,667 shall be used for agricultural preparedness and response purposes

as provided by legislation enacted by the General Assembly after the effective date of this clause.

(4) From money appropriated for agricultural research, the following apply:

(i) No less than five-twelfths of the amount used in the 2019-2020 fiscal year shall be used for an agricultural resource center.

(ii) No less than five-twelfths of the amount used in the 2019-2020 fiscal year shall be used for agricultural law research programs, including those addressing energy development, in conjunction with a land-grant university.

(5) The appropriation for agriculture promotion, education and exports includes no less than five-twelfths of the amount used in the 2019-2020 fiscal year shall be used for costs related to supporting the expansion of hemp farming, including program development, outreach and education.

(6) From money appropriated for hardwoods research and promotion, at least 80% of the money shall be equally distributed among the hardwood utilization groups of this Commonwealth established prior to the effective date of this section.

(7) In addition to the uses provided in section 7.3 of the act of June 18, 1982 (P.L.549, No.159), entitled "An act providing for the administration of certain Commonwealth farmland within the Department of Agriculture," the department may use up to a total of \$165,000 in the Agricultural Conservation Easement Purchase Fund under section 7.1 of the act of June 18, 1982 (P.L.549, No.159), entitled "An act providing for the administration of certain Commonwealth farmland within the Department of Agriculture," to issue grants not to exceed \$5,000 each for succession planning to ensure that agricultural operations continue on land subject to agricultural conservation easements. The department, in consultation with the State Agricultural Land Preservation Board, shall establish eligibility criteria for awarding grants under this paragraph.

Section 1719-L. Department of Community and Economic Development.

The following apply to appropriations for the Department of Community and Economic Development:

(1) From money appropriated for general government operations:

(i) No less than five-twelfths of the amount used in the 2019-2020 fiscal year shall be used to build capacity and support for economic development initiatives related to the rehabilitation and marketing of commercial districts by a county economic development authority in a county of the sixth class with a population of at least 45,950, but not more than 46,500, under the 2010 Federal decennial census.

(ii) No less than five-twelfths of the amount used in the 2019-2020 fiscal year shall be used to support a manufacturing technology development effort in a county of the fourth class with a population of at least 143,679, but not more than 144,200, under the 2010 Federal decennial census.

(2) From money appropriated for marketing to attract tourists:

(i) \$1,695,000 shall be used to fund the activities of the tourism office within the department; and

(ii) the remaining money includes an allocation, not to exceed five-twelfths of the amount allocated in the 2019-2020 fiscal year, to be used to plan, market and conduct a series of arts and cultural activities that generate Statewide and regional economic impact, and no less than five-twelfths of the amount used in the 2019-2020 fiscal year shall be used for an annual Statewide competition serving approximately 2,000 athletes with intellectual disabilities from across this Commonwealth to be held in a county of the fourth class.

(3) From money appropriated for Keystone Communities:

(i) \$2,649,000 shall be used to fund the Main Street Program, Elm Street Program, Enterprise Zone Program and accessible housing. The allocation for the Main Street Program, Elm Street Program, Enterprise Zone Program and accessible housing shall be distributed in the same proportion as amounts allocated in fiscal year 2012-2013.

(ii) No less than five-twelfths of the amount used in the 2019-2020 fiscal year shall be used for an antiviolence task force, in consultation with the Office of Attorney General, in a county of the second class A that is also a home rule county.

(iii) No less than five-twelfths of the amount used in the 2019-2020 fiscal year shall be used to establish a broadband expansion pilot program that is a joint venture between two Local Development Districts operating in the North Central and North Western regions of this Commonwealth.

(iv) No less than five-twelfths of the amount used in the 2019-2020 fiscal year shall be used to provide funding for innovative pilot programs to provide or expand cost-effective broadband services to underserved, rural areas. Pilot programs under this paragraph shall be implemented by the regional economic development entities that serve the Appalachia area of this Commonwealth.

(v) The remaining money shall be used for projects supporting economic growth, community development and municipal assistance throughout this Commonwealth.

(4) Funds appropriated for local municipal relief shall include an allocation to provide State assistance to individuals, persons or political subdivisions directly affected by natural or man-made disasters, public safety emergencies, other situations that pose a public safety danger or other situations at the discretion of the department. State assistance may be limited to grants for projects that do not qualify for Federal assistance to help repair damages to primary residences, personal property and public facilities and structures. Grants shall be made available for reimbursement in a disaster emergency area only when a Presidential disaster declaration does not cover the area or when the department determines that a public safety emergency has occurred.

(5) Notwithstanding section 4(1) of the act of October 11, 1984 (P.L.906, No.179), known as the Community Development Block Grant Entitlement Program for Nonurban Counties and Certain Other Municipalities, the Commonwealth may use up to 3% of the funds received pursuant to the Housing and Community Development Act of 1974 (Public Law 93-383, 88 Stat. 633) for administrative costs.

Section 1720-L. Department of Conservation and Natural Resources (Reserved).

Section 1721-L. Department of Corrections.

The following apply to appropriations for the Department of Corrections:

(1) From the appropriation to the Department of Criminal Justice for general government operations under the General Appropriation Act of 2020, no less than five-twelfths of the amount used in the 2019-2020 fiscal year shall be used by the Department of Corrections for nonnarcotic medication substance use disorder treatment, which may include the establishment and administration of a nonnarcotic medication assisted substance abuse treatment grant program.

(2) Notwithstanding any other provision of law to the contrary, for the purposes of any program funded under paragraph (1) and established under 61 Pa.C.S. Ch. 46 (relating to nonnarcotic medication assisted substance abuse treatment grant pilot program), "eligible offender" means a defendant or inmate convicted of a criminal offense who will be committed to the custody of the county and who meets the clinical criteria for an opioid and or alcohol use disorder as determined by a physician.

Section 1721.1-L. Department of Drug and Alcohol Programs  
(Reserved).

Section 1722-L. Department of Education.

The following shall apply to appropriations to the Department of Education:

(1) From an appropriation for adult and family literacy programs, summer reading programs and the adult high school diplomas program, no less than five-twelfths of the amount used in the 2019-2020 fiscal year shall be used for an after-school learning program servicing low-income students located in a county of the sixth class with a population, based on the most recent Federal decennial census, of at least 60,000 but not more than 70,000, and no less than five-twelfths of the amount used in the 2019-2020 fiscal year shall be used for an after-school learning program servicing low-income students located in a county of the third class with a population, based on the 2010 Federal decennial census, of at least 320,000 but not more than 321,000.

(2) From money appropriated for the Pre-K Counts Program, the per-student grant award amount for grants made pursuant to section 1514-D of the Public School Code of 1949 shall be paid at the same rate as the amount paid in fiscal year 2019-2020.

(3) From money appropriated for Pennsylvania Chartered Schools for the Deaf and Blind:

(i) Upon distribution of the final tuition payment for fiscal year 2020-2021, the balance of the appropriation, excluding funds for capital-related costs and deferred maintenance, shall be used to pay the schools' increased share of required contributions for public school employees' retirement and shall be distributed pro rata based on each school's contributions for the 2019-2020 fiscal year.

(ii) No less than five-twelfths of the amount used in the 2019-2020 fiscal year shall be used for capital-related costs and deferred maintenance to be divided equally between each school.

(4) Notwithstanding any other provision of law, money from the set-aside under section 2509.8 of the Public School Code of 1949 shall be allocated to each approved private school with a day tuition rate determined to be less than

\$32,000 during the 2010-2011 school year. The allocation shall be no less than the amount allocated in the 2015-2016 fiscal year.

(5) Money appropriated for regional community college services shall be distributed to each entity that received funding in fiscal year 2019-2020 in an amount equal to the amount it received in that fiscal year.

(6) Money appropriated for community education councils shall be distributed to each entity that received funding in fiscal year 2019-2020 in an amount equal to the amount it received in that fiscal year.

(7) Notwithstanding section 1724-A of the Public School Code of 1949 or 24 Pa.C.S. § 8329 (relating to payments on account of social security deductions from appropriations), no payments shall be made to charter schools, regional charter schools or cyber charter schools authorized under Article XVII-A of the Public School Code of 1949 to provide for Social Security and Medicare contributions from money appropriated for basic education funding or school employees' Social Security.

(8) Notwithstanding section 1724-A of the Public School Code of 1949 or 24 Pa.C.S. §§ 8326 (relating to contributions by the Commonwealth) and 8535 (relating to payments to school entities by Commonwealth), no payments shall be made to charter schools, regional charter schools or cyber charter schools authorized under Article XVII-A of the Public School Code of 1949 from money appropriated for payment of required contributions for public school employees' retirement.

Section 1723-L. Department of Environmental Protection  
(Reserved).

Section 1724-L. Department of General Services.

From money appropriated to the Department of General Services for Capitol fire protection, the City of Harrisburg shall use the money to support the provisions of fire services to the Capitol complex.

Section 1725-L. Department of Health.

The following apply to appropriations for the Department of Health:

(1) From money appropriated for general government operations, sufficient money shall be included for the coordination of donated dental services, and no less than five-twelfths of the amount used in the 2019-2020 fiscal year shall be used for outreach for Charcot-Marie-Tooth syndrome.

(2) From money appropriated for diabetes programs, no less than five-twelfths of the amount used in the 2019-2020 fiscal year shall be used for Type I diabetes awareness, education and outreach.

(3) From money appropriated for adult cystic fibrosis and other chronic respiratory illnesses, no less than five-twelfths of the amount used in the 2019-2020 fiscal year shall be used for a program promoting cystic fibrosis research in a county of the second class and no less than five-twelfths of the amount used in the 2019-2020 fiscal year shall be used for research related to childhood cystic fibrosis in a city of the first class with a hospital that is nationally accredited as a cystic fibrosis treatment center and specializes in the treatment of children.

(4) From money appropriated for Lyme disease, no less than five-twelfths of the amount used in the 2019-2020 fiscal year shall be used for costs related to free tick testing for residents performed in conjunction with a university



that is part of the State System of Higher Education, including outreach and marketing.

(5) Money appropriated for lupus programs shall be distributed proportionately to each entity that received funding in fiscal year 2018-2019.

(6) Money appropriated for biotechnology research shall include allocations for regenerative medicine research, for regenerative medicine medical technology, for hepatitis and viral research, for drug research and clinical trials related to cancer, pulmonary embolism and deep vein thrombosis, for genetic and molecular research for disease identification and eradication, for nanotechnology and for the commercialization of applied research.

(7) From the appropriation for leukemia and lymphoma, no less than five-twelfths of the amount used in the 2019-2020 fiscal year shall be distributed to a branch of an eastern Pennsylvania chapter of a nonprofit organization, where the branch is located within a city of the third class that is located in two counties of the third class, dedicated to awareness, education, patient assistance and outreach related to blood cancer.

(8) Funds appropriated for hemophilia services shall be distributed to grantees in the same proportion as distributed in fiscal year 2019-2020.

(9) Funds appropriated for sickle cell anemia services, including camps for children with sickle cell anemia, shall be distributed to grantees in the same proportion as distributed in fiscal year 2019-2020.

(10) Funds appropriated for adult cystic fibrosis and other chronic respiratory illnesses shall be distributed to grantees in the same proportion as distributed in fiscal year 2019-2020.

(11) Funds appropriated for diagnosis and treatment for Cooley's anemia shall be distributed to grantees in the same proportion as distributed in fiscal year 2019-2020.

(12) Funds appropriated for services for children with special needs shall be distributed to grantees in the same proportion as distributed in fiscal year 2019-2020.

Section 1726-L. Insurance Department (Reserved).

Section 1727-L. Department of Labor and Industry.

The following apply to appropriations to the Department of Labor and Industry:

(1) From money appropriated to the Department of Labor and Industry for Industry Partnerships:

(i) No less than five-twelfths of the amount used in the 2019-2020 fiscal year shall be used for a work force development program that links veterans with employment in a home rule county that was formerly a county of the second class A.

(ii) (Reserved).

(2) (Reserved).

Section 1728-L. Department of Military and Veterans Affairs (Reserved).

Section 1729-L. Department of Human Services.

The following apply to appropriations for the Department of Human Services:

(1) From money appropriated for mental health services or from Federal money, no less than five-twelfths of the amount used in the 2019-2020 fiscal year shall be used for the following:

(i) The operation and maintenance of a network of web portals that provide comprehensive referral services,

support and information relating to early intervention, prevention and support for individuals with mental health or substance abuse issues, county mental health offices, providers and others that provide mental and behavioral health treatment and related services.

(ii) The expansion of the existing web portals, including services and resources for military veterans and their families, including comprehensive referral services for transitional, temporary and permanent housing, job placement and career counseling and other services for military veterans returning to civilian life.

(2) From money appropriated for mental health services, no less than five-twelfths of the amount used in the 2019-2020 fiscal year shall be used for expanded services for a pediatric mental health hospital and an adolescent residential treatment program in a county of the third class with a population of at least 349,000, but not more than 350,000, under the 2010 Federal Decennial Census.

(3) The following shall apply:

(i) Payments to hospitals for Community Access Fund grants shall be distributed under the formulas utilized for these grants in fiscal year 2014-2015. If the total funding available under this subparagraph is less than that available in fiscal year 2014-2015, payments shall be made on a pro rata basis.

(ii) Amounts allocated from money appropriated for fee-for-service used for the Select Plan for Women's Preventative Health Services shall be used for women's medical services, including noninvasive contraception supplies.

(iii) Notwithstanding any other law, money appropriated for medical assistance payments for fee-for-service care, exclusive of inpatient services provided through capitation plans, shall include sufficient money for two separate All Patient Refined Diagnostic Related Group payments for inpatient acute care general hospital stays for:

(A) normal newborn care; and

(B) mothers' obstetrical delivery.

(iv) From money appropriated for medical assistance fee-for-service care, the following apply:

(A) No less than five-twelfths of the amount used in the 2019-2020 fiscal year shall be used for cleft palates and other craniofacial anomalies.

(B) No less than five-twelfths of the amount used in the 2019-2020 fiscal year shall be distributed to a hospital for clinical ophthalmologic services located in a city of the first class.

(C) No less than five-twelfths of the amount used in the 2019-2020 fiscal year shall be distributed for improvements to an acute care hospital located in a city of the first class.

(D) No less than five-twelfths of the amount used in the 2019-2020 fiscal year shall be distributed to a hospital in a city of the third class in a home rule county that was formerly a county of the second class A.

(E) No less than five-twelfths of the amount used in the 2019-2020 fiscal year shall be distributed to a university located in a city of the first class to expand research and treatment protocols for combating opioid addiction.

(F) No less than five-twelfths of the amount used in the 2019-2020 fiscal year shall be used for an acute care hospital located in a city of the third class in a county of the third class for a regional breast cancer center.

(G) No less than five-twelfths of the amount used in the 2019-2020 fiscal year shall be distributed to an enrolled outpatient therapy service provider located in a city of the second class in a county of the second class that provides behavioral health and medical rehabilitation pediatric outpatient services.

(v) From money appropriated for medical assistance capitation, no less than five-twelfths of the amount used in the 2019-2020 fiscal year shall be used for prevention and treatment of depression and its complications in older Pennsylvanians in a county of the second class.

(vi) From money appropriated for medical assistance long-term care:

(A) No less than five-twelfths of the amount used in the 2019-2020 fiscal year shall be distributed to a nonpublic nursing home located in a county of the first class with more than 395 beds and a Medicaid acuity at 1.17 as of August 1, 2019, to ensure access to necessary nursing care in that county.

(B) No less than five-twelfths of the amount used in the 2019-2020 fiscal year shall be distributed to a nonpublic nursing home located in a county of the eighth class with more than 119 beds and a Medicaid acuity at 1.09 as of August 1, 2019, to ensure access to necessary nursing home care in that county.

(vii) From money appropriated for medical assistance long-term care, no less than five-twelfths of the amount used in the 2019-2020 fiscal year shall be distributed to a special rehabilitation facility in Peer Group Number 13 in a city of the third class with a population between 115,000 and 120,000 based upon the 2010 Federal decennial census, and an additional, at least, five-twelfths of the amount used in the 2019-2020 fiscal year shall be paid in equal payments to nursing facilities that qualified for supplemental ventilator care and tracheostomy care payments in fiscal year 2014-2015 with a percentage of medical assistance recipient residents who required medically necessary ventilator care or tracheostomy care greater than 90%.

(viii) Federal or State money appropriated under the General Appropriation Act of 2019 in accordance with 35 Pa.C.S. § 8107.3 (relating to funding) not used to make payments to hospitals qualifying as Level III trauma centers or seeking accreditation as Level III trauma centers shall be used to make payments to hospitals qualifying as Levels I and II trauma centers.

(ix) Qualifying academic medical centers that received money for fiscal year 2019-2020 shall receive no less than five-twelfths of the State appropriation made available to those academic medical centers during fiscal year 2019-2020.

(x) Qualifying physician practice plans that received money for fiscal year 2019-2020 shall receive no less than five-twelfths of the State appropriation made available to those physician practice plans during fiscal year 2019-2020.

(xi) Money appropriated for medical assistance transportation shall only be utilized as a payment of last resort for transportation for eligible medical assistance recipients.

(xii) Subject to Federal approval of necessary amendments of the Title XIX State Plan, from funds appropriated for medical assistance long-term care, \$16,000,000 is allocated for medical assistance day-one incentive payments to qualified nonpublic nursing facilities under methodology and criteria under section 443.1(7)(vi) of the Human Services Code.

(4) The following apply:

(i) Money appropriated for breast cancer screening may be used for women's medical services, including noninvasive contraception supplies.

(ii) (Reserved).

(5) The following apply:

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

(ii) Federal funds appropriated for TANF BG Alternatives to Abortion shall be utilized solely for services to women whose gross family income is below 185% of the Federal poverty guidelines.

(6) From money appropriated for autism intervention and services:

(i) no less than five-twelfths of the amount used in the 2019-2020 fiscal year shall be distributed to a behavioral health facility located in a county of the fifth class with a population between 130,000 and 135,000 under the 2010 Federal decennial census and shall be distributed to a health system that operates both a general acute care hospital and a behavioral health facility that has a center for autism and developmental disabilities located in a county of the fifth class with a population between 130,000 and 135,000 under the 2010 Federal decennial census;

(ii) no less than five-twelfths of the amount used in the 2019-2020 fiscal year shall be distributed to an institution of higher education that provides autism education and diagnostic curriculum located in a city of the first class that operates a center for autism in a county of the second class A;

(iii) no less than five-twelfths of the amount used in the 2019-2020 fiscal year shall be distributed to an institution of higher education that provides autism education and diagnostic curriculum and is located in a county of the second class;

(iv) no less than five-twelfths of the amount used in the 2019-2020 fiscal year shall be used for programs to promote the health and fitness of persons with developmental disabilities located in a city of the first class;

(v) no less than five-twelfths of the amount used in the 2019-2020 fiscal year shall be distributed for the expansion of an adult autism program in a county of the third class; and

(vi) no less than five-twelfths of the amount used in the 2019-2020 fiscal year shall be distributed for an entity that provides alternative educational services to individuals with autism and developmental disabilities in a county of the third class with a population of at least 519,000, but not more than 519,500, under the 2010 Federal decennial census.

(7) Money appropriated for community-based family centers may not be considered as part of the base for calculation of the county child welfare needs-based budget for a fiscal year.

(8) From the appropriation for 2-1-1 Communications, no less than five-twelfths of the amount used in the 2019-2020 fiscal year shall be used for a Statewide 2-1-1 System Grant Program.

(9) The appropriation for services for the visually impaired includes the following:

(i) an allocation of no less than five-twelfths of the amount allocated in the 2019-2020 fiscal year for Statewide professional services provider association for the blind to provide training and supportive services for individuals who are blind and preschool vision screenings and eye safety education; and

(ii) an allocation of no less than five-twelfths of the amount allocated in the 2019-2020 fiscal year to provide specialized services and prevention of blindness services in cities of the first class.

(10) To supplement the money appropriated to the department for medical assistance for workers with disabilities, in addition to the monthly premium established under section 1503(b)(1) of the act of June 26, 2001 (P.L.755, No.77), known as the Tobacco Settlement Act, the department may adjust the percentage of the premium upon approval of the Centers for Medicare and Medicaid Services as authorized under Federal requirements. Failure to make payments in accordance with this paragraph or section 1503(b)(1) of the Tobacco Settlement Act shall result in the termination of medical assistance coverage.

(11) The provisions of 8 U.S.C. §§ 1611 (relating to aliens who are not qualified aliens ineligible for Federal public benefits), 1612 (relating to limited eligibility of

qualified aliens for certain Federal programs) and 1642 (relating to verification of eligibility for Federal public benefits) shall apply to payments and providers.

(12) Subject to the availability of Federal funds and eligibility under Federal TANF rules, grantees who operated within the PA WorkWear program in fiscal year 2019-2020 shall be offered a fiscal year 2020-2021 grant to continue service delivery under substantially similar terms as previous PA WorkWear grants.

Section 1730-L. Department of Revenue (Reserved).

Section 1731-L. Department of State (Reserved).

Section 1732-L. Department of Transportation.

The following shall apply to appropriations for the Department of Transportation:

(1) From money appropriated for infrastructure projects, no less than five-twelfths of the amount used in the 2019-2020 fiscal year shall be used for costs related to capital equipment for a rural transit service headquartered in this Commonwealth that provides intercity line-run service with at least six different line runs.

(2) (Reserved).

Section 1733-L. Pennsylvania State Police (Reserved).

Section 1734-L. State Civil Service Commission (Reserved).

Section 1735-L. Pennsylvania Emergency Management Agency.

The following shall apply to appropriations for the Pennsylvania Emergency Management Agency:

(1) Money appropriated for search and rescue programs shall be used to support programs related to training working service dogs focusing on rescue and public safety.

(2) Money appropriated for the State Fire Commissioner includes funding for a Statewide recruitment and retention coordinator and regional technical advisors to develop, implement and deliver recruitment and retention training programs and provide technical assistance to local fire organizations and local governments.

Section 1736-L. Pennsylvania Fish and Boat Commission (Reserved).

Section 1737-L. State System of Higher Education (Reserved).

Section 1737.1-L. State-related institutions (Reserved).

Section 1738-L. Pennsylvania Higher Education Assistance Agency.

The following shall apply to appropriations for the Pennsylvania Higher Education Assistance Agency:

(1) The Pennsylvania Higher Education Assistance Agency shall allocate no less than the amount allocated in the 2019-2020 fiscal year from the Higher Education Assistance Fund for the Cheyney University Keystone Academy.

(2) From funds appropriated for payment of education assistance grants, no less than the amount allocated in the 2019-2020 fiscal year shall be allocated to a State-owned university located in Tioga County for merit scholarships.

Section 1739-L. Pennsylvania Historical and Museum Commission (Reserved).

Section 1740-L. Pennsylvania Infrastructure Investment Authority (Reserved).

Section 1741-L. Environmental Hearing Board (Reserved).

Section 1742-L. Pennsylvania Board of Probation and Parole (Reserved).

Section 1743-L. (Reserved).

Section 1744-L. (Reserved).

Section 1745-L. (Reserved).

Section 1746-L. (Reserved).

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

#### SUBARTICLE C

##### STATE GOVERNMENT SUPPORT AGENCIES

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

#### SUBARTICLE D

##### JUDICIAL DEPARTMENT

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

#### SUBARTICLE E

##### GENERAL ASSEMBLY

(Reserved)

#### ARTICLE XVII-M

##### 2020-2021 RESTRICTIONS ON APPROPRIATIONS FOR FUNDS AND ACCOUNTS

Section 1701-M. Applicability.

Except as specifically provided in this article, this article applies to the act of May 29, 2020 (P.L. , No.1A), known as the General Appropriation Act of 2020, and all other appropriation acts of 2020.

Section 1702-M. State Lottery Fund.

The following apply:

(1) Money appropriated for PENNCARE shall not be utilized for administrative costs by the Department of Aging.

(2) (Reserved).

Section 1703-M. Tobacco Settlement Fund (Reserved).

Section 1704-M. Judicial Computer System Augmentation Account (Reserved).

Section 1705-M. Emergency Medical Services Operating Fund (Reserved).

Section 1706-M. The State Stores Fund (Reserved).

Section 1707-M. Motor License Fund (Reserved).

Section 1708-M. Aviation Restricted Account (Reserved).

Section 1709-M. Hazardous Material Response Fund (Reserved).

Section 1710-M. Milk Marketing Fund (Reserved).

Section 1711-M. HOME Investment Trust Fund (Reserved).

Section 1712-M. Tuition Account Guaranteed Savings Program Fund (Reserved).

Section 1713-M. Banking Fund (Reserved).

Section 1714-M. Firearm Records Check Fund (Reserved).

Section 1715-M. Ben Franklin Technology Development Authority Fund (Reserved).

Section 1716-M. Oil and Gas Lease Fund (Reserved).

Section 1717-M. Home Improvement Account (Reserved).

Section 1718-M. Cigarette Fire Safety and Firefighter Protection Act Enforcement Fund (Reserved).

Section 1719-M. Insurance Regulation and Oversight Fund (Reserved).

Section 1720-M. Pennsylvania Race Horse Development Restricted Receipts Account (Reserved).

Section 1721-M. Justice Reinvestment Fund (Reserved).

Section 1722-M. Multimodal Transportation Fund (Reserved).

Section 1723-M. State Racing Fund (Reserved).

Section 1724-M. ABLE Savings Program Fund (Reserved).

Section 1725-M. Restricted receipt accounts.

(a) General provisions.--The Secretary of the Budget may create restricted receipt accounts for the purpose of administering Federal grants only for the purposes designated in this section.

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

- (1) ARC Housing Revolving Loan Program.
- (2) (Reserved).

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

- (1) Federal Aid to Volunteer Fire Companies.
- (2) Land and Water Conservation Fund Act of 1965 (Public Law 88-578, 16 U.S.C. § 4601-4 et seq.).
- (3) National Forest Reserve Allotment.

(d) Department of Education.--The following restricted receipt accounts may be established for the Department of Education:

- (1) Education of the Disabled - Part C.
- (2) LSTA - Library Grants.
- (3) The Pennsylvania State University Federal Aid.
- (4) Emergency Immigration Education Assistance.
- (5) Education of the Disabled - Part D.
- (6) Homeless Adult Assistance Program.
- (7) Severely Handicapped.
- (8) Medical Assistance Reimbursements to Local Education Agencies.

(e) Department of Environmental Protection.--The following restricted receipt accounts may be established for the Department of Environmental Protection:

- (1) Federal Water Resources Planning Act.
- (2) Flood Control Payments.



(3) Soil and Water Conservation Act - Inventory of Programs.

(f) Department of Drug and Alcohol Programs.--The following restricted receipt accounts may be established for the Department of Drug and Alcohol Programs:

- (1) Share Loan Program.
- (2) (Reserved).

(g) Department of Transportation.--The following restricted receipt accounts may be established for the Department of Transportation:

- (1) Capital Assistance Elderly and Handicapped Programs.
- (2) Railroad Rehabilitation and Improvement Assistance.
- (3) Ridesharing/Van Pool Program - Acquisition.

(h) Pennsylvania Emergency Management Agency.--The following restricted receipt accounts may be established for the Pennsylvania Emergency Management Agency:

- (1) Receipts from Federal Government - Disaster Relief - Disaster Relief Assistance to State and Political Subdivisions.
- (2) (Reserved).

(i) Pennsylvania Historical and Museum Commission.--The following restricted receipt accounts may be established for the Pennsylvania Historical and Museum Commission:

- (1) Federal Grant - National Historic Preservation Act.
- (2) (Reserved).

(j) Executive offices.--The following restricted receipt accounts may be established for the executive offices:

- (1) Retired Employees Medicare Part D.
- (2) Justice Assistance.
- (3) Juvenile Accountability Incentive.
- (4) Early Retiree Reinsurance Program.

Section 1726-M. Fund transfers.

(a) Transfer to School Safety and Security Fund.--Of the amount appropriated to the Department of Education for COVID - ESSER - SEA in fiscal year 2019-2020, \$49,762,000 shall be transferred to the School Safety and Security Fund.

(b) Transfer to Environmental Stewardship Fund.--From funds received under the authority of Article III of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, the sum of \$13,782,000 shall be transferred to the Environmental Stewardship Fund.

(c) Transfer to Property Tax Relief Fund.--

(1) If the Secretary of the Budget determines the May 19, 2020, revised certification under section 503 of the act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act, is insufficient to generate \$621,000,000 for Statewide property tax relief, the Secretary of the Budget is authorized to transfer up to \$300,000,000 from the COVID-19 Response Restricted Account to the Property Tax Relief Fund. If the Secretary of the Budget determines a transfer is necessary, the Secretary of the Budget shall issue a revised certification under section 503 of the Taxpayer Relief Act.

(2) The amount transferred from the COVID-19 Response Restricted Account by the Secretary of the Budget is appropriated to the Department of Education. The Department of Education shall combine the amount appropriated from the account with other funds available for property tax relief payments and shall make distributions to school districts under sections 324 and 505 of the Taxpayer Relief Act. The Secretary of the Budget may not transfer an amount more than is necessary to provide \$621,000,000 of Statewide property

**tax relief, including other funds available for property tax relief payments.**

Section 13. The amendment of section 1798.3-E of the act shall apply to applications submitted to the Department of Community and Economic Development or the Department of Transportation on or after March 1, 2020.

Section 14. Repeals are as follows:

(1) The General Assembly declares that the repeal under paragraph (2) is necessary to effectuate the addition of Article XVI-0 of the act.

(2) Section 811-I of the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code, is repealed.

(3) The General Assembly declares that the repeal under paragraph (4) is necessary to effectuate the addition of section 1723-A.1(3)(v) of the act.

(4) 3 Pa.C.S. § 9374(b) is repealed.

(5) The General Assembly declares that the repeal under paragraph (6) is necessary to effectuate the addition of section 1795.1-E(c) of the act.

(6) Section 2802-E of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, is repealed.

(7) The General Assembly declares that the repeal under paragraph (8) is necessary to effectuate the addition of section 1721-L(2) of the act.

(8) The definition of "eligible offender" under 61 Pa.C.S. § 4601 is repealed insofar as it is inconsistent with section 1721-L(2) of the act.

Section 15. This act shall take effect as follows:

(1) This section shall take effect immediately.

(2) The remainder of this act shall take effect July 1, 2020, or immediately, whichever is later.

APPROVED--The 29th day of May, A.D. 2020.

TOM WOLF