

LEGISLATIVE REFERENCE BUREAU

AMENDMENTS TO HOUSE BILL NO. 1083

Sponsor:

Printer's No. 1256

1 Amend Bill, page 1, lines 1 through 33; page 2, lines 1
2 through 3; by striking out all of said lines on said pages and
3 inserting
4 Amending the act of April 9, 1929 (P.L.343, No.176), entitled
5 "An act relating to the finances of the State government;
6 providing for cancer control, prevention and research, for
7 ambulatory surgical center data collection, for the Joint
8 Underwriting Association, for entertainment business
9 financial management firms, for private dam financial
10 assurance and for reinstatement of item vetoes; providing for
11 the settlement, assessment, collection, and lien of taxes,
12 bonus, and all other accounts due the Commonwealth, the
13 collection and recovery of fees and other money or property
14 due or belonging to the Commonwealth, or any agency thereof,
15 including escheated property and the proceeds of its sale,
16 the custody and disbursement or other disposition of funds
17 and securities belonging to or in the possession of the
18 Commonwealth, and the settlement of claims against the
19 Commonwealth, the resettlement of accounts and appeals to the
20 courts, refunds of moneys erroneously paid to the
21 Commonwealth, auditing the accounts of the Commonwealth and
22 all agencies thereof, of all public officers collecting
23 moneys payable to the Commonwealth, or any agency thereof,
24 and all receipts of appropriations from the Commonwealth,
25 authorizing the Commonwealth to issue tax anticipation notes
26 to defray current expenses, implementing the provisions of
27 section 7(a) of Article VIII of the Constitution of
28 Pennsylvania authorizing and restricting the incurring of
29 certain debt and imposing penalties; affecting every
30 department, board, commission, and officer of the State
31 government, every political subdivision of the State, and
32 certain officers of such subdivisions, every person,
33 association, and corporation required to pay, assess, or
34 collect taxes, or to make returns or reports under the laws
35 imposing taxes for State purposes, or to pay license fees or
36 other moneys to the Commonwealth, or any agency thereof,
37 every State depository and every debtor or creditor of the

1 Commonwealth," in bonus and tax reports and returns and
2 reports and records relating to tax collections, repealing
3 provisions relating to capital stock and franchise tax
4 reports and payment of tax; in financially distressed
5 municipalities, providing for emergency plan extension, in
6 oil and gas wells, further providing for Oil and Gas Lease
7 Fund; in transportation network companies, motor carrier
8 companies and parking authority of a city of the first class,
9 further providing for transportation network company
10 extension; providing for assessments; in additional special
11 funds and restricted accounts, further providing for
12 establishment of special fund and account, for use of fund
13 and for distributions from Pennsylvania Race Horse
14 Development Fund; in general budget implementation, further
15 providing for reports to General Assembly, for Pennsylvania
16 Gaming Control Board, for Department of Health, for State
17 Employees' Retirement System, for surcharges, for Multimodal
18 Transportation Fund and for Liquor Code term; providing for
19 2020-2021 budget implementation and for 2020-2021
20 restrictions on appropriations for funds and accounts; and
21 making related repeals.

22 Amend Bill, page 2, lines 6 through 30, by striking out all
23 of said lines and inserting

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

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

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

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

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

48 (5) Section 11 of Article III of the Constitution of
49 Pennsylvania requires the adoption of a general appropriation

1 act that embraces "nothing but appropriations." While actual
2 items of appropriation can be contained in a General
3 Appropriation Act, the achievement and implementation of a
4 comprehensive budget involves more than subjects of
5 appropriations and dollar amounts. Ultimately, the budget has
6 to be balanced under section 13 of Article VIII of the
7 Constitution of Pennsylvania. This may necessitate changes to
8 sources of funding and enactment of statutes to achieve full
9 compliance with these constitutional provisions.

10 (6) For the reasons set forth in paragraphs (1), (2),
11 (3), (4) and (5), it is the intent of the General Assembly
12 through this act to provide for the implementation of the
13 2020-2021 Commonwealth budget.

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

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

29 [Section 707. Capital Stock and Franchise Tax Reports and
30 Payment of Tax.--Except in the case of corporations of the first
31 class, and cooperative agricultural associations not having
32 capital stock and not conducted for profit, banks, savings
33 institutions, title insurance or trust companies, building and
34 loan associations, and foreign insurance companies, every
35 corporation, joint-stock association, limited partnership, and
36 other company, liable to pay to the Commonwealth a capital stock
37 tax upon the value of all or a part of its capital stock, or a
38 franchise tax with respect to its capital or property employed
39 or used in this Commonwealth, shall make, annually, a capital
40 stock report to the Department of Revenue, on or before the
41 fifteenth day of April, for the calendar year next preceding.
42 With such report, shall be filed any statement necessary to
43 enable the Department of Revenue to determine the amount of any
44 deduction or exemption to which any such taxpayer is entitled.
45 Every corporation, joint-stock association, limited partnership,
46 and other company, at the time of making every report required
47 by this section, shall compute and pay to the department the
48 capital stock tax or franchise tax, as the case may be, due to
49 the Commonwealth upon or with respect to the value of its
50 capital stock.]

51 Section 2.1. The act is amended by adding a section to read:

1 Section 1604-D.1. Emergency plan extension.

2 A municipality operating pursuant to a recovery plan under
3 the act of July 10, 1987 (P.L.246, No.47), known as the
4 Municipalities Financial Recovery Act, shall be eligible for an
5 18-month extension beyond the time limit imposed under section
6 254 of the Municipalities Financial Recovery Act.

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

10 Section 1601.2-E. Oil and Gas Lease Fund.

11 * * *

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

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

18 (ii) No amount shall be transferred from the fund to
19 the Marcellus Legacy Fund for distribution to the
20 Environmental Stewardship Fund for the 2019-2020 and
21 2020-2021 fiscal year.

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

26 Section 1606-M. Transportation network company extension.

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

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

31 ARTICLE XVI-O

32 ASSESSMENTS

33 Section 1601-O. Managed care organization assessment.

34 Notwithstanding any other provision of law, the assessment
35 authorized and implemented under Article VIII-I of the act of
36 June 13, 1967 (P.L.31, No.21), known as the Human Services Code,
37 shall continue and remain in effect until June 30, 2025.

38 Beginning July 1, 2020, the fixed fee required under section
39 803-I(b) of the Human Services Code shall be \$24.95 and remain
40 in effect until June 30, 2025. The assessment, including the
41 fixed fee, shall remain subject to the provisions of Article
42 VIII-I of the Human Services Code.

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

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

47 (a) Tobacco Settlement Fund.--

48 * * *

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

51 * * *

1 (ii) For [the] fiscal years 2019-2020 [fiscal year]
2 and 2020-2021, an amount equal to the annual debt service
3 due in the [2019-2020] fiscal year as certified by the
4 Secretary of the Budget pursuant to section 2804 of the
5 Tax Reform Code of 1971, as published in the Pennsylvania
6 Bulletin on March 3, 2018, at 48 Pa.B. 1406, shall be
7 transferred to the fund from the taxes collected under
8 Article XII of the Tax Reform Code of 1971 by April 30[,
9 2020.] following the beginning of the fiscal year. A
10 deposit under this paragraph shall occur prior to the
11 deposits and transfers under section 1296 of the Tax
12 Reform Code of 1971.

13 * * *

14 Section 1713-A.1. Use of fund.

15 * * *

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

17 * * *

18 (1.7) For fiscal [year] years 2019-2020 and 2020-2021,
19 the General Assembly appropriates money in the fund in
20 accordance with the following percentages based on the sum of
21 the portion of the annual payment deposited and the amount
22 deposited under section 1712-A.1(a)(2)(ii) in the fiscal
23 year:

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

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

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

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

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

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

41 * * *

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

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

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

50 * * *

51 (2) Distributions from the fund shall be allocated as

1 follows:

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

6 (i.1) In addition to the transfer under subparagraph
7 (i), for a total of 14 weeks from the effective date of
8 this subparagraph, each week, \$300,000 shall be
9 transferred from the fund, for a total amount of
10 \$4,200,000, to the State Racing Fund to be used
11 exclusively for the enforcement of the act of December
12 17, 1981 (P.L.435, No.135), known as the Race Horse
13 Industry Reform Act. Moneys transferred pursuant to this
14 subparagraph shall not be transferred subsequently to any
15 other State fund or account for any purpose.

16 (i.2) For fiscal year 2015-2016, beginning on the
17 effective date of this subparagraph, the sum of
18 \$25,759,000 in the fund shall be transferred to the
19 account in equal weekly amounts sufficient to complete
20 the transfer by June 30, 2016.

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

25 (i.4) For fiscal year 2017-2018, the sum of
26 \$19,659,000 in the fund shall be transferred to the
27 account in 22 equal weekly amounts beginning on the
28 effective date of this subparagraph.

29 (i.5) For fiscal year 2018-2019, the sum of
30 \$19,659,000 in the fund shall be transferred to the
31 account in 22 equal weekly amounts beginning on the
32 effective date of this subparagraph.

33 (i.6) For fiscal year 2019-2020, the sum of
34 \$19,659,000 in the fund shall be transferred to the
35 account in 22 equal weekly amounts beginning on the
36 effective date of this subparagraph.

37 (i.7) For fiscal year 2020-2021, the sum of
38 \$19,659,000 in the fund shall be transferred to the
39 account in 22 weekly amounts beginning on September 1,
40 2020.

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

47 (A) Divide:

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

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

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

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

9 (A) The greater of 4% of the amount to be
10 distributed under subparagraph (ii) or \$220,000 shall
11 be used to fund health and pension benefits for the
12 members of the horsemen's organizations representing
13 the owners and trainers at the racetrack at which the
14 licensed racing entity operates for the benefit of
15 the organization's members, their families, employees
16 and others in accordance with the rules and
17 eligibility requirements of the organization, as
18 approved by the commission. This amount shall be
19 deposited within five business days of the end of
20 each week into a separate account to be established
21 by each respective horsemen's organization at a
22 banking institution of its choice. Of this amount, a
23 minimum of \$250,000 shall be paid annually by the
24 horsemen's organization to the thoroughbred jockeys
25 or standardbred drivers organization at the racetrack
26 at which the licensed racing entity operates for
27 health insurance, life insurance or other benefits to
28 active and disabled thoroughbred jockeys or
29 standardbred drivers in accordance with the rules and
30 eligibility requirements of that organization. The
31 total distribution under this clause in any fiscal
32 year shall not exceed \$11,400,000.

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

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

47 (II) For thoroughbred tracks, 16 and 2/3% of
48 the money to be distributed under this clause
49 shall be deposited on a weekly basis into the
50 Pennsylvania Breeding Fund. For standardbred
51 tracks, 8 and 1/3% of the money to be distributed

1 under this clause shall be deposited on a weekly
2 basis into the Pennsylvania Sire Stakes Fund; and
3 8 and 1/3% of the money to be distributed under
4 this clause shall be deposited on a weekly basis
5 into a restricted account in the State Racing
6 Fund to be known as the Pennsylvania Standardbred
7 Breeders Development Fund. The commission shall,
8 in consultation with the Secretary of
9 Agriculture, promulgate regulations adopting a
10 standardbred breeders program that will include
11 the administration of the Pennsylvania Stallion
12 Award, the Pennsylvania Bred Award and the
13 Pennsylvania Sired and Bred Award.

14 (3) The following shall apply:

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

19 (ii) For fiscal year 2017-2018, the department shall
20 transfer \$10,066,000 from the fund to the State Racing
21 Fund pursuant to 3 Pa.C.S. § 9374 (relating to costs of
22 enforcement of medication rules or regulations).

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

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

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

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

35 Section 1706-E. Reports to General Assembly.

36 * * *

37 (d) State of emergency.--The General Assembly or a local
38 governmental body or agency may not enact or enforce a law,
39 rule, regulation or ordinance imposing a tax on or relating to
40 the use, disposition, sale, prohibition or restriction of
41 single-use plastics, auxiliary containers, wrappings or
42 polystyrene containers, until July 1, 2021, or 6 months after
43 the order issued by the Governor on March 6, 2020, published at
44 50 Pa.B. 1644 (March 21, 2020), and any renewal of the state of
45 disaster emergency, whichever is later.

46 Section 1724.1-E. Pennsylvania Gaming Control Board.

47 * * *

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

50 (1) In addition to the locations provided under 4
51 Pa.C.S. §§ 13C11 (relating to authorization to conduct sports

1 wagering) and 13C21 (relating to authorized locations for
2 operation), a Category 1, Category 2 or Category 3 slot
3 machine licensee that holds a sports wagering certificate and
4 is an affiliate of a Category 4 slot machine licensee may
5 conduct sports wagering at a Category 4 licensed facility
6 under the Category 1, Category 2 or Category 3 slot machine
7 licensee's sports wagering certificate.

8 (2) For purposes of this subsection, the term
9 "affiliate" shall have the same meaning as under 4 Pa.C.S. §
10 1103.

11 * * *

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

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

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

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

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

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

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

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

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

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

41 (B) A person with an ownership interest in a
42 slot machine licensee as defined under 4 Pa.C.S. §
43 1103 that satisfies the following:

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

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

1 (III) the person agrees to locate a Category
2 4 licensed facility as provided under 4 Pa.C.S. §
3 1305.1(b)(1), (3), (4), (5), (6) and (7).

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

8 (4) A winning bidder that is not an existing slot
9 machine licensee shall follow the procedures set forth under
10 4 Pa.C.S. § 1305.1(d)(3)(iii) by filing a petition with the
11 board to operate slot machines and paying the authorization
12 fee per authorized slot machine.

13 Section 8. Sections 1725-E(a) and (b) and 1748-E of the act
14 are amended to read:

15 Section 1725-E. Department of Health.

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

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

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

29 (i) The following apply:

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

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

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

40 (iii) One dollar shall be transmitted to the
41 Department of Health for distribution to the county
42 coroner or medical examiner as provided for under section
43 206 of the act of June 29, 1953 (P.L.304, No.66), known
44 as the Vital Statistics Law of 1953.

45 (3) The following shall apply:

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

50 (ii) Fees received from certificates of death issued
51 after March 6, 2020, and during the duration of the

1 proclamation of disaster emergency issued by the Governor
2 on March 6, 2020, published at 50 Pa.B. 1644 (March 21,
3 2020), and any renewal of the state of disaster
4 emergency, shall not apply to the limitation on
5 compensation under subparagraph (i).

6 (b) [(Reserved).] If a person holds a permit to operate as a
7 medical marijuana grower/processor under the act of April 17 ,
8 2016 (P.L.84, No.16), known as the Medical Marijuana Act, and
9 the permit is surrendered, revoked or otherwise forfeited
10 because the permittee misrepresented information on its initial
11 or renewal permit application, the Department of Health shall
12 issue the grower/processor permit to the next most qualified
13 applicant in the same region according to the department's
14 ranking and scoring in the application phase during which the
15 initial permit was issued. This provision does not apply to
16 permits issued under section 2002 of the Medical Marijuana Act.

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

19 (a) Per-participant charge.--In addition to the State
20 Employees' Retirement Board's authority to allocate
21 proportionately the administrative fees, costs and expenses of
22 the State Employees' Defined Contribution Plan charged against
23 participants' individual investment accounts under 71 Pa.C.S. §
24 5812(2) (relating to powers and duties of board), the State
25 Employees' Retirement Board may assess, and each employer shall
26 pay in the form, manner, time, and amount as the State
27 Employees' Retirement Board shall determine, an annual per-
28 participant charge for the payment of administrative fees, costs
29 and expenses of managing, investing and administering the State
30 Employees' Defined Contribution Plan, the State Employees'
31 Defined Contribution Trust and the participants' individual
32 investment accounts.

33 (b) (Reserved).

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

37 Section 1795.1-E. Surcharges.

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

42 (b) Imposition.--

43 (1) In addition to the [fee under section 2802-E(a)(1)
44 of the act of April 9, 1929 (P.L.177, No.175), known as The
45 Administrative Code of 1929] surcharge under subsection (c),
46 an additional surcharge of \$10 shall be charged and collected
47 by a division of the Unified Judicial System. The provisions
48 of [section 2802-E(b) of The Administrative Code of 1929]
49 subsection (c)(2) shall not apply to this [subsection]
50 paragraph. This paragraph shall expire December 31, [2020]
51 2021.

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

8 (c) Other surcharge and fees.--

9 (1) In addition to the fees imposed under 42 Pa.C.S. §§
10 3733(a.1) and 3733.1 (relating to surcharge), except as set
11 forth in paragraph (2), the following apply:

12 (i) A surcharge of \$11.25 shall be charged and
13 collected. This subparagraph shall expire December 31,
14 2021.

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

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

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

25 (3) The following apply:

26 (i) The separate reserve account within the Judicial
27 Computer System Augmentation Account established under 42
28 Pa.C.S. § 3733.1(c)(1) is continued, and the surcharge
29 under paragraph (1)(i) shall be deposited into the
30 separate reserve account. Notwithstanding 42 Pa.C.S. §
31 3732 (relating to utilization of funds in account), money
32 deposited under this paragraph is appropriated to the
33 Supreme Court, upon compliance with Article XV, for the
34 operation of the Judicial Department.

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

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

43 Section 1798.3-E. Multimodal Transportation Fund.

44 * * *

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

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

51 "Port authority." A port authority as established under the

1 act of July 10, 1989 (P.L.291, No.50), known as the Philadelphia
2 Regional Port Authority Act.

3 (d) Expiration.--This section shall expire December 31,
4 [2020] 2021.

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

7 Notwithstanding any provision of law to the contrary[, the
8 term "best selling items"] the following terms when used in the
9 act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code,
10 shall have the following meanings:

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

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

19 Section 11. Repeals are as follows:

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

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

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

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

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

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

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

32 ARTICLE XVII-L
33 2020-2021 BUDGET IMPLEMENTATION
34 SUBARTICLE A
35 PRELIMINARY PROVISIONS

36 Section 1701-L. Applicability.

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

40 Section 1702-L. Definitions.

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

44 "General Appropriation Act of 2020." The act of 2020
45 (P.L. , No.), known as the General Appropriation Act of 2020.

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

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

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

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

3 Section 1703-L. Department of Criminal Justice.

4 For the purposes of the General Appropriation Act of 2020, a
5 reference to the Department of Criminal Justice shall be deemed
6 to be a reference to the Department of Corrections or the
7 Pennsylvania Board of Probation and Parole, or both, as
8 applicable.

9 SUBARTICLE B

10 EXECUTIVE DEPARTMENTS

11 Section 1711-L. Governor (Reserved).

12 Section 1712-L. Executive offices.

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

15 (1) Money appropriated for intermediate punishment
16 treatment programs shall be distributed competitively to
17 counties for offenders sentenced to intermediate punishment
18 programs. The portion of money for drug and alcohol and
19 mental health treatment programs shall be based on national
20 statistics that identify the percentage of incarcerated
21 individuals that are in need of treatment for substance
22 issues but in no case shall be less than 80% of the amount
23 appropriated.

24 (2) The following apply:

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

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

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

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

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

1 Section 1713-L. Lieutenant Governor (Reserved).

2 Section 1714-L. Attorney General (Reserved).

3 Section 1715-L. Auditor General.

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

12 Section 1716-L. Treasury Department (Reserved).

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

14 Section 1718-L. Department of Agriculture.

15 The following apply to appropriations for the Department of
16 Agriculture:

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

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

26 (3) From money appropriated for agricultural
27 preparedness and response, an amount equal to \$416,667 shall
28 be used for agricultural preparedness and response purposes
29 as provided by legislation enacted by the General Assembly
30 after the effective date of this clause.

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

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

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

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

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

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

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

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

20 (1) From money appropriated for general government
21 operations:

22 (i) No less than five-twelfths of the amount used in
23 the 2019-2020 fiscal year shall be used to build capacity
24 and support for economic development initiatives related
25 to the rehabilitation and marketing of commercial
26 districts by a county economic development authority in a
27 county of the sixth class with a population of at least
28 45,950, but not more than 46,500, under the 2010 Federal
29 decennial census.

30 (ii) No less than five-twelfths of the amount used
31 in the 2019-2020 fiscal year shall be used to support a
32 manufacturing technology development effort in a county
33 of the fourth class with a population of at least
34 143,679, but not more than 144,200, under the 2010
35 Federal decennial census.

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

38 (i) \$1,695,000 to fund the activities of the tourism
39 office within the department;

40 (ii) the remaining money includes an allocation, not
41 to exceed five-twelfths of the amount allocated in the
42 2019-2020 fiscal year, to be used to plan, market and
43 conduct a series of arts and cultural activities that
44 generate Statewide and regional economic impact, and no
45 less than five-twelfths of the amount used in the 2019-
46 2020 fiscal year shall be used for an annual Statewide
47 competition serving approximately 2,000 athletes with
48 intellectual disabilities from across this Commonwealth
49 to be held in a county of the fourth class.

50 (3) From money appropriated for Keystone Communities:

51 (i) \$2,649,000 shall be used to fund the Main Street

1 Program, Elm Street Program, Enterprise Zone Program and
2 accessible housing. The allocation for the Main Street
3 Program, Elm Street Program, Enterprise Zone Program and
4 accessible housing shall be distributed in the same
5 proportion as amounts allocated in fiscal year 2012-2013.

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

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

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

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

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

41 (5) Notwithstanding section 4(1) of the act of October
42 11, 1984 (P.L.906, No.179), known as the Community
43 Development Block Grant Entitlement Program for Nonurban
44 Counties and Certain Other Municipalities, the Commonwealth
45 may use up to 3% of the funds received pursuant to the
46 Housing and Community Development Act of 1974 (Public Law 93-
47 383, 88 Stat. 633), for administrative costs.

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

50 Section 1721-L. Department of Corrections.

51 The following apply to appropriations for the Department of

1 Corrections:

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

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

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

21 Section 1722-L. Department of Education.

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

24 (1) From an appropriation for adult and family literacy
25 programs, summer reading programs and the adult high school
26 diplomas program, no less than five-twelfths of the amount
27 used in the 2019-2020 fiscal year shall be used for an after-
28 school learning program servicing low-income students located
29 in a county of the sixth class with a population, based on
30 the most recent Federal decennial census, of at least 60,000
31 but not more than 70,000, no less than five-twelfths of the
32 amount used in the 2019-2020 fiscal year shall be used for an
33 after-school learning program servicing low-income students
34 located in a county of the third class with a population,
35 based on the 2010 Federal decennial census, of at least
36 320,000 but not more than 321,000.

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

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

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

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

5 (4) Notwithstanding any other provision of law, money
6 from the set-aside under section 2509.8 of the Public School
7 Code of 1949 shall be allocated to each approved private
8 school with a day tuition rate determined to be less than
9 \$32,000 during the 2010-2011 school year. The allocation
10 shall be no less than the amount allocated in the 2015-2016
11 fiscal year.

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

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

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

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

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

39 Section 1724-L. Department of General Services.

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

44 Section 1725-L. Department of Health.

45 The following apply to appropriations for the Department of
46 Health:

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

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

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

15 (4) From money appropriated for Lyme disease no less
16 than five-twelfths of the amount used in 2019-2020 fiscal
17 year shall be used for costs related to free tick testing for
18 residents performed in conjunction with a university that is
19 part of the State System of Higher Education, including
20 outreach and marketing.

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

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

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

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

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

47 (10) Funds appropriated for adult cystic fibrosis and
48 other chronic respiratory illnesses shall be distributed to
49 grantees in the same proportion as distributed in fiscal year
50 2019-2020.

51 (11) Funds appropriated for diagnosis and treatment for

1 Cooley's anemia shall be distributed to grantees in the same
2 proportion as distributed in fiscal year 2019-2020.

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

6 Section 1726-L. Insurance Department (Reserved).

7 Section 1727-L. Department of Labor and Industry.

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

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

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

17 (ii) (Reserved).

18 (2) (Reserved).

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

21 Section 1729-L. Department of Human Services.

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

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

28 (i) The operation and maintenance of a network of
29 web portals that provide comprehensive referral services,
30 support and information relating to early intervention,
31 prevention and support for individuals with mental health
32 or substance abuse issues, county mental health offices,
33 providers and others that provide mental and behavioral
34 health treatment and related services.

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

42 (2) From money appropriated for mental health services,
43 no less than five-twelfths of the amount used in the 2019-
44 2020 fiscal year shall be used for expanded services for a
45 pediatric mental health hospital and an adolescent
46 residential treatment program in a county of the third class
47 with a population of at least 349,000, but not more than
48 350,000, under the 2010 Federal Decennial Census.

49 (3) The following shall apply:

50 (i) Payments to hospitals for Community Access Fund
51 grants shall be distributed under the formulas utilized

1 for these grants in fiscal year 2014-2015. If the total
2 funding available under this subparagraph is less than
3 that available in fiscal year 2014-2015, payments shall
4 be made on a pro rata basis.

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

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

17 (A) normal newborn care; and

18 (B) mothers' obstetrical delivery.

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

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

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

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

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

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

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

47 (G) No less than five-twelfths of the amount
48 used in the 2019-2020 fiscal year shall be
49 distributed to an enrolled outpatient therapy service
50 provider located in a city of the second class in a
51 county of the second class that provides behavioral

1 health and medical rehabilitation pediatric
2 outpatient services.

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

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

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

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

24 (vii) From money appropriated for medical assistance
25 long-term care, no less than five-twelfths of the amount
26 used in the 2019-2020 fiscal year shall be distributed to
27 a special rehabilitation facility in Peer Group Number 13
28 in a city of the third class with a population between
29 115,000 and 120,000 based upon the 2010 Federal decennial
30 census, and an additional, at least, five-twelfths of the
31 amount used in the 2019-2020 fiscal year shall be paid in
32 equal payments to nursing facilities that qualified for
33 supplemental ventilator care and tracheostomy care
34 payments in fiscal year 2014-2015 with a percentage of
35 medical assistance recipient residents who required
36 medically necessary ventilator care or tracheostomy care
37 greater than 90%.

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

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

50 (x) Qualifying physician practice plans that
51 received money for fiscal year 2019-2020 shall receive no

1 less than five-twelfths of the State appropriation made
2 available to those physician practice plans during fiscal
3 year 2019-2020.

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

8 (xii) Subject to Federal approval of necessary
9 amendments of the Title XIX State Plan, from funds
10 appropriated for medical assistance long-term care,
11 \$16,000,000 is allocated for medical assistance day-one
12 incentive payments to qualified nonpublic nursing
13 facilities under methodology and criteria under section
14 443.1(7)(vi) of the Human Services Code.

15 (4) The following apply:

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

19 (ii) (Reserved).

20 (5) The following apply:

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

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

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

45 (i) no less than five-twelfths of the amount used in
46 the 2019-2020 fiscal year shall be distributed to a
47 behavioral health facility located in a county of the
48 fifth class with a population between 130,000 and 135,000
49 under the 2010 Federal decennial census and shall be
50 distributed to a health system that operates both a
51 general acute care hospital and a behavioral health

1 facility that has a center for autism and developmental
2 disabilities located in a county of the fifth class with
3 a population between 130,000 and 135,000 under the 2010
4 Federal decennial census;

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

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

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

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

25 (vi) no less than five-twelfths of the amount used
26 in the 2019-2020 fiscal year shall be distributed for an
27 entity that provides alternative educational services to
28 individuals with autism and developmental disabilities in
29 a county of the third class with a population of at least
30 519,000, but not more than 519,500, under the 2010
31 Federal decennial census.

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

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

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

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

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

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

12 (11) The provisions of 8 U.S.C. §§ 1611 (relating to
13 aliens who are not qualified aliens ineligible for Federal
14 public benefits), 1612 (relating to limited eligibility of
15 qualified aliens for certain Federal programs) and 1642
16 (relating to verification of eligibility for Federal public
17 benefits) shall apply to payments and providers.

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

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

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

26 Section 1732-L. Department of Transportation.

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

29 (1) From money appropriated for infrastructure projects,
30 no less than five-twelfths of the amount used in the 2019-
31 2020 fiscal year shall be used for costs related to capital
32 equipment for a rural transit service headquartered in this
33 Commonwealth that provides intercity line-run service with at
34 least six different line-runs.

35 (2) (Reserved).

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

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

38 Section 1735-L. Pennsylvania Emergency Management Agency.

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

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

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

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

1 Section 1737-L. State System of Higher Education (Reserved).
2 Section 1737.1-L. State-related institutions (Reserved).
3 Section 1738-L. Pennsylvania Higher Education Assistance
4 Agency.
5 The following shall apply to appropriations for the
6 Pennsylvania Higher Education Assistance Agency:
7 (1) The Pennsylvania Higher Education Assistance Agency
8 shall allocate no less than the amount allocated in the 2019-
9 2020 fiscal year from the Higher Education Assistance Fund
10 for the Cheyney University Keystone Academy.
11 (2) From funds appropriated for payment of education
12 assistance grants, no less than the amount allocated in the
13 2019-2020 fiscal year shall be allocated to a State-owned
14 university located in Tioga County for merit scholarships.
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. (Reserved).
23 Section 1744-L. (Reserved).
24 Section 1745-L. (Reserved).
25 Section 1746-L. (Reserved).
26 Section 1747-L. (Reserved).
27 Section 1748-L. Commonwealth Financing Authority (Reserved).
28 Section 1749-L. Thaddeus Stevens College of Technology
29 (Reserved).
30 Section 1750-L. Pennsylvania Housing Finance Agency (Reserved).
31 Section 1751-L. LIHEABG (Reserved).
32 SUBARTICLE C
33 STATE GOVERNMENT SUPPORT AGENCIES
34 Section 1761-L. Health Care Cost Containment Council
35 (Reserved).
36 Section 1762-L. State Ethics Commission (Reserved).
37 Section 1763-L. Legislative Reference Bureau (Reserved).
38 Section 1764-L. Legislative Budget and Finance Committee
39 (Reserved).
40 Section 1765-L. Legislative Data Processing Committee
41 (Reserved).
42 Section 1766-L. Joint State Government Commission (Reserved).
43 Section 1767-L. Joint Legislative Air and Water Pollution
44 Control and Conservation Committee (Reserved).
45 Section 1768-L. Legislative Audit Advisory Commission
46 (Reserved).
47 Section 1769-L. Independent Regulatory Review Commission
48 (Reserved).
49 Section 1770-L. Capitol Preservation Committee (Reserved).
50 Section 1771-L. Pennsylvania Commission on Sentencing
51 (Reserved).

1 Section 1772-L. Center for Rural Pennsylvania (Reserved).
2 Section 1773-L. Commonwealth Mail Processing Center (Reserved).
3 Section 1774-L. Transfers (Reserved).
4 SUBARTICLE D
5 JUDICIAL DEPARTMENT
6 Section 1781-L. Supreme Court (Reserved).
7 Section 1782-L. Superior Court (Reserved).
8 Section 1783-L. Commonwealth Court (Reserved).
9 Section 1784-L. Courts of common pleas (Reserved).
10 Section 1785-L. Community courts; magisterial district judges
11 (Reserved).
12 Section 1786-L. Philadelphia Traffic Court (Reserved).
13 Section 1787-L. Philadelphia Municipal Court (Reserved).
14 Section 1788-L. Judicial Conduct Board (Reserved).
15 Section 1789-L. Court of Judicial Discipline (Reserved).
16 Section 1790-L. Juror cost reimbursement (Reserved).
17 Section 1791-L. County court reimbursement (Reserved).
18 Section 1792-L. Senior judges (Reserved).
19 Section 1793-L. Transfer of money by Supreme Court (Reserved).
20 SUBARTICLE E
21 GENERAL ASSEMBLY
22 (Reserved)
23 ARTICLE XVII-M
24 2020-2021 RESTRICTIONS ON APPROPRIATIONS
25 FOR FUNDS AND ACCOUNTS
26 Section 1701-M. Applicability.
27 Except as specifically provided in this article, this article
28 applies to the act of (P.L. , No.), known as the General
29 Appropriation Act of 2020, and all other appropriation acts of
30 2020.
31 Section 1702-M. State Lottery Fund.
32 The following apply:
33 (1) Money appropriated for PENNCARE shall not be
34 utilized for administrative costs by the Department of Aging.
35 (2) (Reserved).
36 Section 1703-M. Tobacco Settlement Fund (Reserved).
37 Section 1704-M. Judicial Computer System Augmentation Account
38 (Reserved).
39 Section 1705-M. Emergency Medical Services Operating Fund
40 (Reserved).
41 Section 1706-M. The State Stores Fund (Reserved).
42 Section 1707-M. Motor License Fund (Reserved).
43 Section 1708-M. Aviation Restricted Account (Reserved).
44 Section 1709-M. Hazardous Material Response Fund (Reserved).
45 Section 1710-M. Milk Marketing Fund (Reserved).
46 Section 1711-M. HOME Investment Trust Fund (Reserved).
47 Section 1712-M. Tuition Account Guaranteed Savings Program Fund
48 (Reserved).
49 Section 1713-M. Banking Fund (Reserved).
50 Section 1714-M. Firearm Records Check Fund (Reserved).
51 Section 1715-M. Ben Franklin Technology Development Authority

1 Fund (Reserved).
2 Section 1716-M. Oil and Gas Lease Fund (Reserved).
3 Section 1717-M. Home Improvement Account (Reserved).
4 Section 1718-M. Cigarette Fire Safety and Firefighter
5 Protection Act Enforcement Fund (Reserved).
6 Section 1719-M. Insurance Regulation and Oversight Fund
7 (Reserved).
8 Section 1720-M. Pennsylvania Race Horse Development Restricted
9 Receipts Account (Reserved).
10 Section 1721-M. Justice Reinvestment Fund (Reserved).
11 Section 1722-M. Multimodal Transportation Fund (Reserved).
12 Section 1723-M. State Racing Fund (Reserved).
13 Section 1724-M. ABLE Savings Program Fund (Reserved).
14 Section 1725-M. Restricted receipt accounts.
15 (a) General provisions.--The Secretary of the Budget may
16 create restricted receipt accounts for the purpose of
17 administering Federal grants only for the purposes designated in
18 this section.
19 (b) Department of Community and Economic Development.--The
20 following restricted receipt accounts may be established for the
21 Department of Community and Economic Development:
22 (1) ARC Housing Revolving Loan Program.
23 (2) (Reserved).
24 (c) Department of Conservation and Natural Resources.--The
25 following restricted receipt accounts may be established for the
26 Department of Conservation and Natural Resources:
27 (1) Federal Aid to Volunteer Fire Companies.
28 (2) Land and Water Conservation Fund Act of 1965 (Public
29 Law 88-578, 16 U.S.C. § 4601-4 et seq.).
30 (3) National Forest Reserve Allotment.
31 (d) Department of Education.--The following restricted
32 receipt accounts may be established for the Department of
33 Education:
34 (1) Education of the Disabled - Part C.
35 (2) LSTA - Library Grants.
36 (3) The Pennsylvania State University Federal Aid.
37 (4) Emergency Immigration Education Assistance.
38 (5) Education of the Disabled - Part D.
39 (6) Homeless Adult Assistance Program.
40 (7) Severely Handicapped.
41 (8) Medical Assistance Reimbursements to Local Education
42 Agencies.
43 (e) Department of Environmental Protection.--The following
44 restricted receipt accounts may be established for the
45 Department of Environmental Protection:
46 (1) Federal Water Resources Planning Act.
47 (2) Flood Control Payments.
48 (3) Soil and Water Conservation Act - Inventory of
49 Programs.
50 (f) Department of Drug and Alcohol Programs.--The following
51 restricted receipt accounts may be established for the

1 Department of Drug and Alcohol Programs:

2 (1) Share Loan Program.

3 (2) (Reserved).

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

7 (1) Capital Assistance Elderly and Handicapped Programs.

8 (2) Railroad Rehabilitation and Improvement Assistance.

9 (3) Ridesharing/Van Pool Program - Acquisition.

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

13 (1) Receipts from Federal Government - Disaster Relief -
14 Disaster Relief Assistance to State and Political
15 Subdivisions.

16 (2) (Reserved).

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

20 (1) Federal Grant - National Historic Preservation Act.

21 (2) (Reserved).

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

24 (1) Retired Employees Medicare Part D.

25 (2) Justice Assistance.

26 (3) Juvenile Accountability Incentive.

27 (4) Early Retiree Reinsurance Program.

28 Section 1726-M. Fund transfers.

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

33 (b) Transfer to Environmental Stewardship Fund.--From funds
34 received under the authority of Article III of the Tax Reform
35 Code of 1971, the sum of \$13,782,000 shall be transferred to the
36 Environmental Stewardship Fund.

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

38 (1) If the Secretary of the Budget determines the May
39 19, 2020, revised certification under section 503 of the act
40 of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the
41 Taxpayer Relief Act, is insufficient to generate \$621,000,000
42 for Statewide property tax relief, the Secretary of the
43 Budget is authorized to transfer up to \$300,000,000 from the
44 COVID-19 Response Restricted Account to the Property Tax
45 Relief Fund. If the Secretary of the Budget determines a
46 transfer is necessary, the Secretary of the Budget shall
47 issue a revised certification under section 503 of the
48 Taxpayer Relief Act.

49 (2) The amount transferred from the COVID-19 Response
50 Restricted Account by the Secretary of the Budget is
51 appropriated to the Department of Education. The Department

1 of Education shall combine the amount appropriated from the
2 account with other funds available for property tax relief
3 payments and shall make distributions to school districts
4 under sections 324 and 505 of the Taxpayer Relief Act. The
5 Secretary of the Budget may not transfer an amount more than
6 is necessary to provide \$621,000,000 of Statewide property
7 tax relief, including other funds available for property tax
8 relief payments.

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

13 Section 14. Repeals are as follows:

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

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

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

23 (4) 3 Pa.C.S. § 9374(b) is repealed.

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

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

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

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

36 Section 15. This act shall take effect as follows:

37 (1) This section shall take effect immediately.

38 (2) The remainder of this act shall take effect July 1,
39 2020, or immediately, whichever is later.