

No. 1996-53

AN ACT

HB 406

Amending the act of April 9, 1929 (P.L.177, No.175), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," providing for additional duties of the Department of Corrections in relation to prison inmate medical needs, for seasonal farm labor, for powers and duties of the Department of Health relating to anatomical gifts and for a study of pharmacy prices; further providing for the duties of the Department of General Services relating to certain contracts for modular facilities; and making repeals.

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

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

Section 903-B. Payment of Inmate Medical Needs.—(a) *The Department of Corrections consistent with and as a supplement to the act of May 16, 1996 (P.L.220, No.40), known as the "Prison Medical Services Act," shall devise and implement a program whereby inmates of State correctional institutions who have medical insurance shall pay for their own medical needs through that insurance.*

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

Section 1715. Seasonal Farm Labor.—(a) *The Department of Agriculture shall have the power and its duties shall be:*

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

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

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

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

(1) *To exercise the powers and perform the duties imposed upon the Secretary of Environmental Resources in Chapter 3 of the "Seasonal Farm Labor Act."*

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

Section 2125. Anatomical Gifts.—In addition to the powers and duties of the Department of Health relating to anatomical gifts, the Department of Health shall continue the rotation of referrals to tissue procurement providers started under 20 Pa.C.S. Ch. 86 (relating to anatomical gifts). Adjustments to such rotation may be made to accommodate new, quality tissue procurement providers accredited by the American Association of Tissue Banks as adjudged under the guidelines published in 26 Pa.B. 2044 (April 27, 1996), and that any hospital may discontinue such rotation for cause.

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

Section 2211.1. Investigation of State Workmen's Insurance Fund.—* *

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

(e) This section shall expire [~~June 30, 1996~~] *November 30, 1996*.

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

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

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

Section 2408. Procedure for Construction of all Capital Improvements, Repairs or Alterations under the Control of the Department of General Services.—Whenever the General Assembly has made an appropriation or authorized borrowing under the act of July 20, 1968 (P.L.550, No.217), known as the "Capital Facilities Debt Enabling Act," in any budget to the Department of General Services or to any department, board, commission, agency or State supported institution for the construction of a capital

improvement, or for the repair or alteration of a capital improvement to be completed by the Department of General Services, to cost more than twenty-five thousand dollars (\$25,000), the following procedure shall apply, unless the work is to be done by State employes, or by inmates or patients of a State institution or State institutions, or unless the department, board, or commission to which the General Assembly has appropriated money for the foregoing purposes is, by this act or by the act making the appropriation, authorized to erect, alter, or enlarge buildings independently of the Department of General Services, or under a different procedure:

* * *

(7) (i) The department may invite proposals, either for completely erecting, altering, or adding to any building, or separately for parts of the work, or both on all projects under twenty-five thousand dollars (\$25,000) base construction cost. [All] *Except as provided in paragraph (ii), all projects exceeding twenty-five thousand dollars (\$25,000) shall be subject to the act of May 1, 1913 (P.L.155, No.104), entitled "An act regulating the letting of certain contracts for the erection, construction, and alteration of public buildings."* Whenever the department enters into a single contract for a project, in the absence of good and sufficient reasons, the contractor shall pay each subcontractor within fifteen days of receipt of payment from the department, an amount equal to the percentage of completion allowed to the contractor on account of such subcontractor's work. The contractor shall also require such subcontractor to make similar payments to his subcontractors.

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

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

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

* * *

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

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

(b) Section 506 of the Conservation and Natural Resources Act is repealed.

Section 7. This act shall take effect immediately.

APPROVED—The 12th day of June, A.D. 1996.

THOMAS J. RIDGE