

No. 2006-66

AN ACT

HB 1992

Amending the act of April 9, 1929 (P.L.343, No.176), entitled, as amended, "An act relating to the finances of the State government; 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;" further providing, in Local Government Capital Project Loan Fund provisions, for assistance to municipalities; providing for budget implementation, for restrictions on appropriations for funds and accounts and for family planning funding limitations.

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

Section 1. Section 1603-D(a) of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, added October 6, 1997 (P.L.387, No.46), is amended to read:

Section 1603-D. Assistance to Municipalities.—(a) The department is hereby authorized, upon application of a municipality, to make loans to the municipality for the following purposes and in the following amounts:

1. Purchasing equipment. The amount of a loan made for purchasing equipment shall not exceed twenty-five thousand dollars (\$25,000) for any single piece of equipment or fifty per centum of the total cost of the piece of equipment, whichever is less.

2. Purchasing, constructing, renovating or rehabilitating facilities. The amount of a loan made for purchasing, constructing, renovating or rehabilitating facilities shall not exceed fifty thousand dollars (\$50,000) for any single facility or fifty per centum of the total cost for purchasing, constructing, renovating or rehabilitating the facility, whichever is less.

3. *Temporary increase in loan limits.* For the fiscal year commencing July 1, 2006, loans issued pursuant to paragraph 1 shall not exceed fifty thousand dollars (\$50,000) and issued pursuant to paragraph 2 shall not exceed one hundred thousand dollars (\$100,000).

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Section 2. The act is amended by adding articles to read:

**ARTICLE XVII-B
BUDGET IMPLEMENTATION**

**SUBARTICLE A
PRELIMINARY PROVISIONS**

Section 1701-B. Applicability.

Except as specifically provided in this article, this article applies to the General Appropriation Act of 2006.

Section 1702-B. Definitions and abbreviations.

(a) *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.” The act of July 2, 2006 (P.L.1640, No.2A), known as the General Appropriation Act of 2006.

“Secretary.” The Secretary of the Budget of the Commonwealth.

(b) *Abbreviations.—The following abbreviations when used in this article shall have the meanings given to them in this section:*

“AIDS.” Acquired Immune Deficiency Syndrome.

“ARC.” Appalachian Regional Commission.

“BG.” Block grant.

“CCDFBG.” Child Care and Development Fund Block Grant.

“CSBG.” Community Services Block Grant.

“DCSI.” Drug Control and Systems Improvement Formula Grant Program.

“DFSC.” Drug Free Schools and Communities Act.

“DOE.” Department of Energy.

“EEOC.” Equal Employment Opportunity Commission.

“EPA.” Environmental Protection Agency.

“ESEA.” Elementary and Secondary Education Act.

“FEMA.” Federal Emergency Management Agency.

“FTA.” Federal Transit Administration.

“HUD.” Department of Housing and Urban Development.

“LIHEABG.” Low-Income Home Energy Assistance Block Grant.

“LSTA.” Library Services and Technology Act.

“MCHSBG.” Maternal and Child Health Services Block Grant.

“MHBSBG.” Mental Health Services Block Grant.

“MR.” Mental Retardation.

“PAFE.” Pennsylvania Agricultural Food Exposition.

“PHHSBG.” Preventive Health and Health Services Block Grant.

“RSAT.” Residential Substance Abuse Treatment.

“SABG.” Substance Abuse Block Grant.

“SCDBG.” Small Communities Development Block Grant.

“SDA.” Service Delivery Area.

“SSBG.” Social Services Block Grant.

“TANF.” Temporary Assistance for Needy Families.

“TANFBG.” Temporary Assistance for Needy Families Block Grant.

“TEFAP.” Temporary Emergency Food Assistance Program.

“WIA.” Workforce Investment Act.

“WIC.” Women, Infants and Children Program.

Section 1703-B. Warrants.

(Reserved).

SUBARTICLE B EXECUTIVE DEPARTMENT

Section 1711-B. Governor.

(Reserved).

Section 1712-B. Executive Offices.

The following shall apply to appropriations for the Executive Offices in the General Appropriation Act:

(1) Pennsylvania Commission on Crime and Delinquency.

(i) Funds remaining after application of section 202 of the General Appropriation Act for the appropriation for grants-in-aid for intermediate punishment programs shall be distributed to counties based on the following formula:

(A) Fifty percent shall be based on the proportion of offenders diverted from the county prison system to county intermediate punishment programs.

(B) Fifty percent shall be based on the proportion of offenders diverted from the State correctional system to the county prison system.

(2) Grants for specialized probation services, including school-based, community-based, intensive supervision and aftercare services, shall be provided in accordance with standards adopted by the Juvenile Court Judges Commission.

(3) The appropriation for the integrated enterprise system may be distributed upon approval of the Secretary of the Budget to other State agencies. The secretary shall provide notice ten days prior to a distribution under this paragraph to the chairman and the minority chairman of the Appropriations Committee of the Senate and the chairman and the minority chairman of the Appropriations Committee of the House of Representatives.

Section 1713-B. Lieutenant Governor.

(Reserved).

Section 1714-B. Attorney General.

(Reserved).

Section 1715-B. Auditor General.

Funds appropriated to the Department of the Auditor General shall be for the purpose of performing postaudits in accordance with generally accepted government auditing standards.

Section 1716-B. Treasury Department.

The following shall apply to appropriations to the Treasury Department in the General Appropriation Act:

(1) Payments for the Commonwealth's portion of expenses of councils, commissions, conferences, boards, associations, coalitions and institutes shall be made only on requisition of the Governor on behalf of the organization, which shall file an accounting of expenses with the Auditor General.

(2) (Reserved).

Section 1717-B. Department of Aging.

(Reserved).

Section 1718-B. Department of Agriculture.

The following shall apply to appropriations for the Department of Agriculture in the General Appropriation Act:

(1) No expenditures may be made from the appropriation for the payment to the State Farm Products Show Fund or from the State Farm Products Show Fund for any activities associated with the Pennsylvania Agricultural Foods Exposition (PAFE) unless such activities take place on the premises of the Farm Show Complex, Harrisburg, Pennsylvania.

(2) The department may make allocations of appropriations for development and operation of an open livestock show, for planning and staging of an open dairy show and for promotion and holding of annual local, regional and State 4H Clubs and Future Farmers of America dairy shows as it deems appropriate, to an association whose purposes are in accord with the purposes and intent of the appropriations. Allocations under this paragraph shall be used for the development and operation of livestock, dairy and junior dairy shows in the Pennsylvania Farm Show Complex, provided that the funds allocated by the department shall only be used for the specific items approved by the department in advance.

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

The following shall apply to appropriations for the Department of Community and Economic Development in the General Appropriation Act:

(1) Grants from funds appropriated for community revitalization and assistance shall be awarded only after program guidelines, schedules and application procedures are established by the department and published in the Pennsylvania Bulletin.

(2) No more than 20% of funds appropriated for grants under the act of May 20, 1949 (P.L.1633, No.493), known as the Housing and

Redevelopment Assistance Law, shall be allocated to any one political subdivision.

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

Section 1721-B. Department of Corrections.

The following shall apply to appropriations for the Department of Corrections in the General Appropriation Act:

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

(2) (Reserved).

Section 1722-B. Department of Education.

The following shall apply to appropriations of the Department of Education in the General Appropriation Act:

(1) Annual payments from the appropriation to institutions of higher learning for defraying the expenses of deaf or blind students shall not exceed \$500 per student.

(2) Grants to engineering schools approved by the Accreditation Board of Engineering and Technology prorated based upon full-time equivalent student enrollment may only be used for the acquisition or upgrading of engineering instructional equipment. At least \$2 of private funds shall be required for each \$1 of grant funds.

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

Section 1724-B. Department of General Services.
(Reserved).

Section 1725-B. Department of Health.

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

(1) Recipients of funds appropriated for lupus programs shall receive no less than received in Fiscal Year 2005-2006.

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

Section 1726-B. Insurance Department.
(Reserved).

Section 1727-B. Department of Labor and Industry.

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

(1) The appropriation for payment to the Vocational Rehabilitation Fund for work of the State Board of Vocational Rehabilitation includes \$2,584,000 for a Statewide professional service provider association for

the blind to provide specialized services and prevention of blindness services.

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

Section 1728-B. Department of Military and Veterans Affairs.

(Reserved).

Section 1729-B. Department of Public Welfare.

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

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

(i) The department, upon approval of the secretary, may transfer Federal funds appropriated for TANFBG Cash Grants to the CCDFBG Child-Care Services appropriation to provide child-care services to additional low-income families if the transfer of funds will not result in a deficit in the appropriation. The secretary shall provide notice ten days prior to a transfer under this subparagraph to the chairman and minority chairman of the Appropriations Committee of the Senate and the chairman and minority chairman of the Appropriations Committee of the House of Representatives.

(ii) The department, upon approval of the secretary, may transfer Federal funds appropriated for CCDFBG Cash Grants to the CCDFBG Child-Care Services appropriation to provide child-care services to additional low-income families provided that the transfer of funds will not result in a deficit in the appropriation. The secretary shall provide notice ten days prior to a transfer under this subparagraph to the chairman and minority chairman of the Appropriations Committee of the Senate and the chairman and the minority chairman of the Appropriations Committee of the House of Representatives.

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

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

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

(iii) For Fiscal Year 2006-2007, the department shall not make application for an approval of modification to its State plan or a

waiver or an amendment to a waiver for medical assistance as provided under the Social Security Act (49 Stat. 620, 42 U.S.C. § 301 et seq.) regarding pharmaceutical services provided through the Commonwealth's HealthChoices Program or take any other action to remove pharmaceutical services as a covered benefit from the HealthChoices Program. Funds appropriated for pharmaceutical services provided through contracts with managed care contractors under the HealthChoices Program shall remain in the HealthChoices Program to provide such services for individuals participating in the program.

(iv) For Fiscal Year 2006-2007, additional Federal and State inpatient funding is included to provide for Medical Education, Disproportionate Share and Community Access Fund payments. Payments to hospitals for Community Access Fund Grants shall be distributed under the formulas utilized for these grants in Fiscal Year 2005-2006.

(v) Qualifying State-related academic medical centers shall not receive any less funding than received for the Fiscal Year 2004-2005 State appropriation level if Federal funding for academic medical centers is not made available to those academic medical centers during Fiscal Year 2006-2007.

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

(vii) The following shall apply to eligibility determinations for services under medical assistance:

(A) Unless the custodial parent or legally responsible adult has provided to the department, at application or redetermination, information required by the department for inclusion in the annual report under clause (B), no funds from an appropriation for medical assistance shall be used to pay for medical assistance services for a child under 21 years of age:

(I) who has a Supplemental Security Income (SSI) level of disability; and

(II) whose parental income is not currently considered in the eligibility determination process.

(B) The department shall submit to the Public Health and Welfare Committee of the Senate and the Health and Human Services Committee of the House of Representatives an annual report including the following data:

(I) Family size.

(II) Household income.

(III) County of residence.

(IV) Length of residence in this Commonwealth.

(V) Third-party insurance information.

(VI) Diagnosis and type and cost of services paid for by the medical assistance program on behalf of each eligible and enrolled child described in clause (A).

(C) The provisions of this paragraph shall not be subject to section 1701-B.

(3) Any rule, regulation or policy for the Federal or State appropriations for the cash assistance, outpatient, inpatient, capitation, behavioral health, long-term care and Supplemental Grants to the Aged, Blind and Disabled, Child Care and Attendant Care programs adopted by the Secretary of Public Welfare during the Fiscal Year 2006-2007 which adds to the cost of any public assistance program shall be effective only from and after the date upon which it is approved as to the availability of funds by the Governor.

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

(i) Funds appropriated for women's service programs grants to nonprofit agencies whose primary function is to 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 which operate projects designed specifically to provide all or a portion of these services. Projects receiving funds 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) Funds appropriated for women's service programs shall be used for women's medical services, including noninvasive contraception supplies.

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

(5) Behavioral health services. All available intergovernmental transfer funds appropriated to augment appropriations, including prior year carryover funds, shall be spent prior to Commonwealth funds.

(6) County children and youth programs. The following shall apply:

(i) No more than 50% of funds allocated from the State appropriation for county children and youth programs to each county shall be expended until each county submits to the department data for the prior State fiscal year, and updated quarterly, on the unduplicated caseloads, unduplicated services and number of caseworkers by county program. Data shall be submitted in a form acceptable to the department. A copy of the data shall be

sent to the chairman and minority chairman of the Appropriations Committee of the Senate and to the chairman and the minority chairman of the Appropriations Committee of the House of Representatives.

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

(7) TANF transition. Funds appropriated for Child Welfare TANF transition may be disbursed by the department in accordance with section 205 of the Public Welfare Code as one-time grants to county children and youth agencies. The department shall utilize guidelines adopted in consultation with the County Commissioners Association of Pennsylvania to govern eligibility for a grant and the nature and extent of other unfunded child welfare expenditures for which grants may be used. The maximum one-time transition grant to a county in Fiscal Year 2006-2007 may be less than but shall not exceed the amount specified in a county's "State TANF Transition Funds" revenue line as reflected in the Fiscal Year 2005-2006 tentative county child welfare allocation, dated March 17, 2005.

(8) Behavioral health services transition. The department, upon approval of the secretary, may transfer Federal and State funds appropriated for behavioral health services transition to counties to provide for children and youth programs, child abuse and neglect prevention or medical assistance capitation.

(9) Community-based family centers. No funds appropriated for community-based family centers may be considered as part of the base for calculation of the county child welfare needs-based budget for a fiscal year.

Section 1730-B. Department of Revenue.

(Reserved).

Section 1731-B. Department of State.

(Reserved).

Section 1732-B. Department of Transportation.

(Reserved).

Section 1733-B. Pennsylvania State Police.

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

(1) During Fiscal Year 2006-2007, the Pennsylvania State Police may not close a barracks until the Pennsylvania State Police conduct a public hearing and provide 30 days' notice, which shall be published in the Pennsylvania Bulletin and in at least two local newspapers.

(2) (Reserved).

Section 1734-B. State Civil Service Commission.

Funds appropriated to the State Civil Service Commission shall include any funds collected by the commission for the administration of the merit system for employees under the act of August 5, 1941 (P.L.752, No.286), known as the Civil Service Act.

Section 1735-B. Pennsylvania Emergency Management Agency.

The Pennsylvania Emergency Management Agency shall provide semiannual reports of all grants awarded from Federal disaster assistance or relief funds, homeland security and defense funds, avian flu/pandemic preparedness or other public health emergency funds to the chairman and minority chairman of the Appropriations Committee of the Senate and the chairman and minority chairman of the Appropriations Committee of the House of Representatives. The reports shall include the name and address of the recipient, the amount of the grant, the date of issuance and the purpose of the grant. Reports shall be submitted on or before August 15 of each year for grants awarded during the period from January 1 through June 30 and on or before February 15 of each year for grants awarded during the period from July 1 through December 31.

Section 1736-B. Pennsylvania Fish and Boat Commission.

(Reserved).

Section 1737-B. State System of Higher Education.

(Reserved).

Section 1738-B. Pennsylvania Higher Education Assistance Agency.

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

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

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

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

Section 1739-B. Pennsylvania Historical and Museum Commission.

(Reserved).

Section 1740-B. Pennsylvania Infrastructure Investment Authority.

(Reserved).

Section 1741-B. Environmental Hearing Board.

(Reserved).

Section 1742-B. Pennsylvania Board of Probation and Parole.

The following shall apply to the appropriation for the Pennsylvania Board of Probation and Parole from the General Appropriation Act:

(1) Work performed under the drug offenders' work program appropriation for the board shall in no case replace jobs protected by a collective bargaining unit.

(2) (Reserved).

*Section 1743-B. Pennsylvania Public Television Network Commission.
(Reserved).*

*Section 1744-B. Pennsylvania Securities Commission.
(Reserved).*

*Section 1745-B. State Tax Equalization Board.
(Reserved).*

Section 1746-B. Health Care Cost Containment Council.

The Health Care Cost Containment Council shall submit a report to the chairman and minority chairman of the Appropriations Committee of the Senate and the chairman and minority chairman of the Appropriations Committee of the House of Representatives specifying the amount and source of proceeds received from the sale of data by the council. Proceeds received from the sale shall be deposited in the General Fund. The report shall supplement the annual report of financial expenditures required under section 17.1 of the act of July 8, 1986 (P.L.408, No.89), known as the Health Care Cost Containment Act.

*Section 1747-B. State Ethics Commission.
(Reserved).*

*Section 1748-B. State Employees' Retirement System.
(Reserved).*

*Section 1749-B. Thaddeus Stevens College of Technology.
(Reserved).*

*Section 1750-B. Pennsylvania Housing Finance Agency.
(Reserved).*

Section 1751-B. LIHEABG.

The following shall apply to expenditures:

(1) The Department of Public Welfare may, upon approval of the secretary, make transfers of Federal funds appropriated to the Department of Community and Economic Development from LIHEABG for weatherization and administration if the transfer will not result in a deficit in any appropriation from which funds are transferred.

(2) Unexpended weatherization funds which would result in LIHEABG funds being returned to the Department of Health and Human Services may be spent for assistance grants at the discretion of the secretary.

(3) The secretary shall provide ten days' prior notification of a transfer under paragraph (1) or (2) to the chairman and the minority chairman of the Appropriations Committee of the Senate and the chairman and minority chairman of the Appropriations Committee of the House of Representatives.

(4) The provisions of this section shall not be subject to section 1701-B.

Section 1752-B. Budget Stabilization Reserve Fund.

If sufficient funds are not available in Fiscal Year 2006-2007 from the State Appropriations for Outpatient, Inpatient, Capitation and Long-Term Care to ensure that all payment obligations to providers for Fiscal Year 2006-2007 are not deferred to Fiscal Year 2007-2008, the secretary shall notify the chairman and the minority chairman of the Appropriations Committee of the Senate and the chairman and the minority chairman of the Appropriations Committee of the House of Representatives by May 15, 2007, of the deficiency and certify the amount of the deficiency. Notwithstanding section 1703-A, by June 15, 2007, the secretary may transfer funds from the Budget Stabilization Reserve Fund in an amount not more than the amount certified and not to exceed \$290,000,000 to ensure that payment obligations referred to in this section are not deferred.

**SUBARTICLE C
LEGISLATIVE DEPARTMENT**

Section 1761-B. Senate.

(Reserved).

Section 1762-B. House of Representatives.

(Reserved).

Section 1763-B. Legislative Reference Bureau.

(1) Notwithstanding any other provision of law to the contrary, including 62 Pa.C.S. (relating to procurement), the Pennsylvania Consolidated Statutes, advance copies of statutes, volumes of the Laws of Pennsylvania and other publications shall be printed under contracts entered into by the Legislative Reference Bureau and distributed as determined by the bureau. Money from sales shall be paid to the bureau or the Department of General Services, as the bureau shall determine, and that money shall be paid into the State Treasury to the credit of the General Fund. Money from sales is hereby appropriated from the General Fund to the Legislative Reference Bureau for the editing, printing and distribution of the Pennsylvania Consolidated Statutes, advance copies of statutes, volumes of the Laws of Pennsylvania and other publications and for related expenses.

(2) Contingent expenses connected with the work of the bureau shall be paid on warrants of the State Treasurer in favor of the director on the presentation of the director's requisitions.

(3) The director shall file an accounting of the contingent expenses, together with supporting documents whenever possible, in the office of the bureau.

Section 1764-B. Legislative Budget and Finance Committee.

(Reserved).

Section 1765-B. Legislative Data Processing Committee.

(Reserved).

Section 1766-B. Joint State Government Commission.

(Reserved).

Section 1767-B. Local Government Commission.

(Reserved).

Section 1768-B. Joint Legislative Air and Water Pollution Control and Conservation Committee.

(Reserved).

Section 1769-B. Legislative Audit Advisory Commission.

(Reserved).

Section 1770-B. Independent Regulatory Review Commission.

(Reserved).

Section 1771-B. Capitol Preservation Committee.

(Reserved).

Section 1772-B. Pennsylvania Commission on Sentencing.

(Reserved).

Section 1773-B. Center for Rural Pennsylvania.

(Reserved).

Section 1774-B. Commonwealth Mail Processing Center.

(Reserved).

Section 1775-B. Chief Clerks of Senate and House of Representatives.

(Reserved).

SUBARTICLE D JUDICIAL DEPARTMENT

Section 1781-B. Supreme Court.

(a) Administrative Office.—Funds appropriated for the Administrative Office of Pennsylvania Courts may be used for the operation of the Pennsylvania Board of Law Examiners. Funds provided to the board shall be repaid in full to the office, without interest or charges, from revenues of the board.

(b) County court administrators.—No funds from any appropriation other than the appropriation for county court administrators for the Unified Judicial System may be used to supplement payments to county court administrators.

Section 1782-B. Superior Court.

(Reserved).

Section 1783-B. Commonwealth Court.

(Reserved).

Section 1784-B. Courts of common pleas.

The following shall apply to appropriations for the courts of common pleas in the General Appropriation Act.

(1) No payment may be made from the appropriation for salaries and expenses of courts of common pleas judges for printing, postage, telephone or supplies.

(2) *No payment may be made for expenses of any kind relating to education.*

Section 1785-B. Community courts - magisterial district judges.

All of the following apply to the appropriation in the General Appropriation Act for salaries and expenses of community court judges and magisterial district judges:

(1) *Except for printing costs related to 42 Pa.C.S. § 3532 (relating to expenses), no other costs for printing, postage, telephone or supplies may be paid for from the appropriation.*

(2) *No expenses of any kind relating to education may be paid for from the appropriation.*

Section 1786-B. Philadelphia Traffic Court.

(Reserved).

Section 1787-B. Philadelphia Municipal Court.

(Reserved).

Section 1788-B. Judicial Conduct Board.

(Reserved).

Section 1789-B. Court of Judicial Discipline.

(Reserved).

Section 1790-B. Juror cost reimbursement.

(Reserved).

Section 1791-B. County court reimbursement.

County court reimbursements shall be as follows:

(1) *Reimbursement to counties for costs incurred in the administration and operation of courts of common pleas shall be paid as follows:*

(i) *For each common pleas court judge, filled or vacant, \$70,000 per authorized position.*

(ii) *Judicial districts comprising more than one county shall receive \$70,000 per authorized position. The amount payable to each county shall be determined by the proportion of the county's population in relation to the population of the entire judicial district.*

(iii) *No county shall be reimbursed for costs above the actual direct costs, excluding capital outlays, incurred to operate the courts of common pleas.*

(iv) *No county shall receive less than 77.5% of the actual reimbursement for court costs appropriated in Fiscal Year 1980-1981.*

(v) *Reimbursement shall be made to the county treasurer and, in cities of the first class coterminous with counties of the first class, to the city treasurer.*

(2) *(Reserved).*

Section 1792-B. Senior judges.

(a) *Health benefits.—Subject to subsection (b), appropriations for the Superior Court, Commonwealth Court, courts of common pleas,*

community courts, magisterial district judges, the Philadelphia Municipal Court and the Philadelphia Traffic Court may be used to pay for health benefits for senior judges working as active or senior judges for a minimum of 75 days in the prior calendar year.

(b) Limitation.—Senior judges of the courts of common pleas shall not be assigned unless adequate funds are appropriated to provide compensation. A senior judge assigned in excess of existing appropriations shall be compensated from the appropriation for the Supreme Court.

Section 1793-B. Transfer of funds by Supreme Court.

The Supreme Court may transfer to the Judicial Department during the fiscal year funds appropriated in sections 281, 282, 283, 284, 285, 286, 287, 290 and 291 of the General Appropriation Act among any of the line items contained within those sections. In order to avoid a deficit in any line items in those sections, the Supreme Court may also transfer funds deposited into the Judicial Computer System Augmentation Account to any line items in those sections. The Supreme Court may also transfer excess funds appropriated in those sections to the Judicial Computer System Augmentation Account during the month of June 2007. If the Supreme Court makes a transfer under this section, the Supreme Court shall give written notification to the secretary and chairman and minority chairman of the Appropriations Committee of the Senate and the chairman and minority chairman of the Appropriations Committee of the House of Representatives ten days prior to any transfer. This section shall not apply to the appropriation in section 291 of the General Appropriation Act for gun courts.

ARTICLE XVII-C.

RESTRICTIONS ON APPROPRIATIONS FOR FUNDS AND ACCOUNTS

Section 1701-C. Applicability.

Except as specifically provided in this article, this article applies to the General Appropriation Act of 2006.

Section 1702-C. State Lottery Fund.

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

(2) (Reserved).

Section 1703-C. Energy Conservation and Assistance Fund.

No less than 75% of the appropriation for energy conservation programs under the act of July 10, 1986 (P.L.1398, No.122), known as the Energy Conservation and Assistance Act, shall be used for programs listed as priorities in section 7(b) of the Energy Conservation and Assistance Act.

Section 1704-C. Judicial Computer System Augmentation Account.

The Supreme Court and the Court Administrator of Pennsylvania are prohibited from augmenting the amount appropriated to the Judicial Computer System Augmentation Account by billings to other

appropriations to the judicial branch for the Statewide Judicial Computer System or for any other purpose.

Section 1705-C. Emergency Medical Services Operating Fund.

(Reserved).

Section 1706-C. State Stores Fund.

(Reserved).

Section 1707-C. Motor License Fund.

(Reserved).

Section 1708-C. Hazardous Material Response Fund.

(Reserved).

Section 1709-C. Milk Marketing Fund.

(Reserved).

Section 1710-C. Home Investment Trust Fund.

(Reserved).

Section 1711-C. Tuition Payment Fund.

(Reserved).

Section 1712-C. Banking Department Fund.

(Reserved).

Section 1713-C. Firearm Records Check Fund.

(Reserved).

Section 1714-C. Ben Franklin Technology Development Authority Fund.

Funds allocated from the appropriation for the Ben Franklin Centers for Fiscal Year 2006-2007 shall not be less than the allocation for Fiscal Year 2004-2005.

Section 1715-C. Tobacco Settlement Fund.

(a) Deposits.—

(1) Notwithstanding sections 303(b)(3) and (4) and 306(b)(1)(iii) and (vi) of the act of June 26, 2001 (P.L. 755, No. 77), known as the Tobacco Settlement Act, the following shall apply:

(i) For Fiscal Year 2006-2007, funds derived pursuant to section 303(b)(3) of the Tobacco Settlement Act shall be deposited into the Tobacco Settlement Fund.

(ii) For Fiscal Year 2006-2007, funds derived pursuant to section 303(b)(4) of the Tobacco Settlement Act during Fiscal Year 2005-2006 shall be deposited into the fund.

(iii) For Fiscal Year 2006-2007, one-fourth of the money appropriated pursuant to section 306(b)(1)(iii) of the Tobacco Settlement Act may not be expended, transferred or lapsed but shall remain in the fund.

(iv) For Fiscal Year 2006-2007, one-eighth of the funds appropriated pursuant to section 306(b)(1)(vi) of the Tobacco Settlement Act may not be expended, transferred or lapsed but shall remain in the fund.

(2) Money deposited into the fund under paragraph (1) shall be appropriated for health-related purposes in the general appropriations

act for the fiscal year commencing July 1, 2006. If applicable, the amount appropriated under this subsection shall be matched by appropriate Federal augmenting funds.

(b) Community Health Reinvestment Restricted Account.—

(1) There is established a restricted receipts account in the fund to be known as the Community Health Reinvestment Restricted Account. Interest earned on money in the account shall remain in the account.

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

(3) The money in the account, including all interest earned, is appropriated to the Insurance Department to be used in accordance with the agreement on community health reinvestment described in paragraph (2).

Section 1716-C. Health Care Provider Retention Account.

(Reserved).

Section 1717-C. (Reserved).

Section 1718-C. Restricted Receipt Accounts.

(a) General provisions.—The secretary 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) Federal Land and Water Conservation Fund Act.

(3) National Forest Reserve Allotment.

(4) Federal Land and Water Conservation Fund Act - Conservation and Natural Resources.

(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 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.*

(g) *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).*

(h) *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 (Public Law 89-665, 80 Stat. 915).*
- (2) *(Reserved).*

(i) *Executive Offices.—The following restricted receipt accounts may be established for the Executive Offices:*

- (1) *Retired Employees Medicare Part D.*
- (2) *Justice Assistance.*

Section 1719-C. (Reserved).

Section 1720-C. State Gaming Fund.

(a) *Repayment of General Fund loans.—In Fiscal Year 2006-2007, transfers from the State Gaming Fund shall be made to the General Fund for repayment of the following:*

(1) *All funds appropriated from the General Fund pursuant to the provisions of 4 Pa.C.S. § 1901 (relating to appropriations), notwithstanding the time for repayment set forth in section 1901.*

(2) *All funds appropriated from the General Fund in Fiscal Year 2005-2006 to the Volunteer Fire Company Grant Program established under the act of July 31, 2003 (P.L. 73, No.17), known as the Volunteer*

Fire Company and Volunteer Ambulance Service Grant Act, pursuant to section 2 of the act of February 21, 2006 (P.L.38, No.13), entitled "An act amending the act of July 31, 2003 (P.L.73, No.17), entitled 'An act establishing a grant program for volunteer fire companies and volunteer ambulance services; and providing for grant funding,' further providing for award of grants and for expiration of authority; and making an appropriation."

(b) Repayments to State Gaming Fund.—Funds repaid to the General Fund from the State Gaming Fund pursuant to subsection (a)(1) shall be repaid from the accounts established under 4 Pa.C.S. § 1401 (relating to slot machine licensee deposits) in accordance with 4 Pa.C.S. § 1402 (relating to gross terminal revenue deductions). The Pennsylvania Gaming Control Board shall defer assessing slot machine licensees for repayments to the State Gaming Fund for loans under this section until all slot machine licenses have been issued and all licensed gaming entities have commenced the operation of slot machines. The board shall adopt a repayment schedule which assesses to each slot machine licensee costs for the repayment of the loans under this section in an amount which is proportional to each slot machine licensee's gross terminal revenue.

(c) Transfers for Volunteer Fire Company Grant Program.—Commencing with Fiscal Year 2006-2007 and continuing annually thereafter, the sum of \$25,000,000 shall be transferred from the State Gaming Fund to the General Fund and is hereby appropriated to the Volunteer Fire Company Grant Program on a continuing basis.

(d) Transfer to Property Tax Relief Fund.—Notwithstanding the provisions of 4 Pa.C.S. § 1408(e) (relating to transfers from State Gaming Fund), the State Treasurer shall transfer monthly the remaining balance in the State Gaming Fund that is not allocated in subsection (c) or in 4 Pa.C.S. § 1408(a) and (c) to the Property Tax Relief Fund established in 4 Pa.C.S. § 1409 (relating to Property Tax Relief Fund).

(e) Lapse.—Notwithstanding the provisions of 4 Pa.C.S. § 1901, the appropriations provided in 4 Pa.C.S. § 1901 shall lapse June 30, 2007.

ARTICLE XVII-D

FAMILY PLANNING FUNDING LIMITATIONS

Section 1701-D. Scope.

This article relates to family planning funding limitations.

Section 1702-D. 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:

"Abortion." As defined in 18 Pa.C.S. § 3203 (relating to definitions).

"Abortion-related activities." Activities that consist of any of the following:

- (1) Performing or directly assisting in abortions.*

(2) Referring a pregnant woman to an abortion provider for an abortion.

(3) Counseling that advocates for or promotes abortion, including counseling that advocates abortion as an option for dealing with an unwanted pregnancy.

“Family planning appropriation.” Moneys appropriated by the General Assembly from Commonwealth revenue sources and Federal revenue sources for the purpose of funding family planning services or a combination of family planning services and other programs. In the case of a general appropriation or any other appropriation containing more than one line item, the term “family planning appropriation” shall only refer to those line items that may be expended for family planning services.

“Family planning services.” Diagnosis, treatment, tests, drugs, supplies, counseling and other contraceptive services which are provided to an individual of childbearing age to enable that individual to prevent pregnancy. The term does not include abortion-related activities.

“Family planning services provider.” A person that receives a grant or other payment or reimbursement from the Department of Public Welfare or the Department of Health, as appropriate, from a family planning appropriation for the purpose of providing family planning services, including, but not limited to, any appropriation for women’s medical services, family planning service programs authorized under Medicaid and any programs funded through a Social Services Block Grant or a Temporary Assistance for Needy Families Block Grant.

“Person.” Includes a corporation, partnership, limited liability company, business trust, other association, government entity, estate, trust, foundation or natural person.

“Project.” A group or set of family planning services or a combination of family planning services and other services which are funded in whole or in part from a family planning appropriation and which are furnished pursuant to a grant, contract or other agreement between a family planning services provider and the Department of Public Welfare or the Department of Health, as appropriate, or furnished by a subcontractor of such provider pursuant to such grant, contract or other agreement.

“Subcontractor.” A person who furnishes family planning services directly to individuals pursuant to a grant, contract or other agreement between that person and a family planning services provider or other entity that contracts with such provider for the purpose of providing family planning services, if family planning services furnished to such individuals are funded from a family planning appropriation.

“Women’s medical services.” A line item appropriation for a program that expressly authorizes the expenditure of funds for women’s medical services and contraceptives.

Section 1703-D. Ban on use of family planning funds for abortion-related activities.

Except as provided in section 1705-D, no family planning services provider or subcontractor shall expend any funds received from a family planning services appropriation on abortion-related activities.

Section 1704-D. Duties of family planning services providers and subcontractors.

(a) Physical and financial separation of abortion and family planning activities.—Each family planning services provider and subcontractor shall keep a project physically and financially separate from abortion-related activities conducted by that family planning services provider or subcontractor.

(b) Inclusion of restrictions in contracts.—The restrictions and conditions specified in this article shall be made a part of every grant, contract or other agreement between the Department of Public Welfare or the Department of Health, as appropriate, and each family planning services provider and every grant, contract or other agreement between a family planning services provider and a subcontractor.

(c) Inspections and audits.—A family planning services provider who also performs abortion-related activities shall obtain an annual independent audit of its facilities to assure compliance with the physical and financial separation requirements of this article. The audit shall be conducted in accordance with standards prescribed by the Department of Public Welfare or the Department of Health, as appropriate, and shall be submitted to the department no later than January 30 of each year. Further evidence of such physical and financial separation shall be supplied through such documentation as the Department of Public Welfare or the Department of Health, as appropriate, shall request. The Department of Public Welfare or the Department of Health, as appropriate, shall make the audits required by this subsection available for public inspection and copying.

Section 1705-D. Exclusions.

(a) Certain exclusions.—This article does not apply to any of the following:

(1) A licensed hospital.

(2) A family planning services provider who is a natural person, who is licensed to provide medical services in this Commonwealth and whose only public funding is through a medical assistance appropriation.

(b) Certain abortions.—No abortion, abortion counseling or abortion referral directly related thereto shall be deemed to fall within the definition of an abortion-related activity if:

(1) on the basis of the physician's good faith clinical judgment, the abortion is necessary to prevent the death of the mother or to prevent the serious risk of substantial and irreversible impairment of a major bodily function; or

(2) the abortion is performed in the case of a pregnancy caused by rape or incest.

(c) Certain Title X requirements.—The requirements of this article shall not apply to a family planning services provider or subcontractor that receives Federal funds pursuant to Title X of the Public Health Service Act (58 Stat. 682, 42 U.S.C. § 201 et seq.) to the extent that:

- (1) the family planning services provider or subcontractor performs only those nondirective abortion counseling and referral services required under Title X; and*
- (2) failure to perform those services will result in the withholding of Federal funds.*

Section 1706-D. Reports to General Assembly.

No later than March 30 of each year, the Department of Public Welfare and the Department of Health shall submit a report to the chairman and minority chairman of the Appropriations Committee of the Senate, to the chairman and minority chairman of the Appropriations Committee of the House of Representatives, to the chairman and minority chairman of the Public Health and Welfare Committee of the Senate and to the chairman and minority chairman of the Health and Human Services Committee of the House of Representatives regarding the audits obtained pursuant to section 1704-D(c), including the number and findings of such audits, the adequacy of the documentation submitted and any recommendations to revise the verification process.

Section 1707-D. Construction.

Nothing in this article shall be construed to:

- (1) Repeal or otherwise restrict any provision of 18 Pa.C.S. Ch. 32 (relating to abortion).*
- (2) Prohibit the use of appropriations for which funding is permitted under 18 Pa.C.S. § 3215(c) (relating to publicly owned facilities; public officials and public funds) if funding for abortions is otherwise permitted under that appropriation and for any counseling or referral directly related thereto.*
- (3) Preclude, in addition to any remedy or penalty prescribed in this article, the exercise of any other civil or criminal remedy or penalty that is applicable to a failure to comply with this article.*

Section 1708-D. Expiration.

This article shall expire immediately upon enactment of legislation which expressly imposes additional substantive programmatic or fiscal restrictions on the funding or delivery of any State-funded family planning services or on the funding or delivery of any family planning services authorized under section 1115 of the Social Security Act (49 Stat. 620, 42 U.S.C. § 1315).

Section 3. This act shall take effect immediately.

APPROVED—The 5th day of July, A.D. 2006.

EDWARD G. RENDELL