

## No. 2016-85

## AN ACT

## HB 1605

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," in cigarette sales and licensing, further providing for definitions, for retention of records and for violations and penalties and providing for preemption and for compliance checks; providing for cancer control, prevention and research; in disposition of abandoned and unclaimed property, further providing for definitions and for property held by fiduciaries, providing for notice given by holder and for United States savings bonds and further providing for certificate of finder registration and for notice and publication of lists of property subject to Commonwealth custody and control; providing for capital facilities; in oil and gas wells, further providing for Environmental Stewardship Fund and providing for oil and gas conservation; in heritage areas, further providing for program and providing for declaration of policy, for definitions and for Heritage Area Program; providing for Business in Our Sites Program account; providing for transportation network companies and motor carrier companies; in special funds, further providing for funding and for State Workers' Insurance Board; in additional special funds, further providing for use of fund, providing for hospital uncompensated care payments and reimbursements for extraordinary expense report and further providing for definitions, for Pennsylvania Race Horse Development Fund, for distributions from Pennsylvania Race Horse Development Fund, for drug and alcohol programs, for Natural Gas Infrastructure Development Fund and for transfer of funds; repealing provisions relating to 2011-2012 budget implementation and 2011-2012 restrictions on appropriations for funds and accounts; providing for 2016-2017 budget implementation and for 2016-2017 restrictions on appropriations for funds and accounts; in general budget implementation, further providing for executive offices and for Pennsylvania Gaming Control Board and providing for Commonwealth Financing Authority restricted revenue account, for Federal and Commonwealth use of forest land, for Motor License Fund, for Pennsylvania Liquor Control Board procedure, for restaurant liquor license

auction and for Liquor Code term; providing for general budget restrictions on appropriations for funds and accounts; providing for school district intercepts for the payment of debt service during budget impasse; in 2015-2016 budget implementation, further providing for Department of Human Services; and making related repeals.

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

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

(1) The intent of this act is to provide for the implementation of the 2016-2017 Commonwealth budget.

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

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

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

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

(6) For the reasons set forth in paragraphs (1), (2), (3), (4) and (5), it is the intent of the General Assembly through this act to provide for the implementation of the 2016-2017 Commonwealth budget.

(7) Every provision of this act relates to the implementation of the operating budget of the Commonwealth for this fiscal year, addressing in various ways the fiscal operations, revenues and potential liabilities of the Commonwealth. To that end, this act is intended to implement the 2016-2017 Commonwealth budget without specifically appropriating public money from the General Fund. This act provides accountability for spending and makes transfers or other changes necessary to impact the

availability of revenue in order to meet the requirements of section 13 of Article VIII of the Constitution of Pennsylvania and to implement the act of July 12, 2016 (P.L.1577, No.16A), known as the General Appropriation Act of 2016.

Section 2. The definition of "cost of the retailer" in section 202-A of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, added July 2, 1993 (P.L.250, No.46), is amended to read:

Section 202-A. Definitions.—As used in this article—

\* \* \*

"Cost of the Retailer" shall mean the basic cost of cigarettes to the retailer plus the cost of doing business by the retailer in excess of the basic cost of cigarettes, expressed as a percentage and applied to the basic cost of cigarettes. In the absence of filing of satisfactory proof of a lesser or higher cost of doing business by the retailer making the sale, the cost of doing business by the retailer shall be presumed to be ~~[six]~~ *seven* per centum of the basic cost of cigarettes to the retailer. When a retailer establishes a lesser cost of doing business than the presumptive ~~[six]~~ *seven* per centum cost of doing business, such lesser cost of doing business may be used to compute the cost of the retailer for a period of time no greater than twelve months, at the end of which time the cost to the retailer shall be computed using the presumptive ~~[six]~~ *seven* per centum cost of doing business, unless the retailer again establishes a lesser cost of doing business. Any fractional part of a cent in such cost per carton shall be rounded off to the next higher cent. In the case of any person who purchases cigarettes for sale at retail from any manufacturer of cigarettes without resort to a wholesaler as such, such person shall be deemed, for the purposes of this article, to be engaged in the sale of cigarettes as a stamping agent, wholesaler and retailer and as such shall be subject to all mark-up provisions of this article in the order named.

\* \* \*

Section 2.1. Section 214-A of the act, added July 2, 1993 (P.L.250, No.46), is amended to read:

Section 214-A. **[Retention of] Required** Records.—(a) Every licensed dealer shall keep and maintain for a period of four years such records in such form as the department shall by regulation prescribe. The records shall be maintained at the location for which the license is issued.

(b) *A contract of sale complying with the provisions of this article shall be signed by the parties to a sale of cigarettes and shall be kept on file by each party at the location for which the license is issued. In the case of a dealer having more than one location under common ownership, the contract of sale shall be kept at the business or corporate headquarters. A contract of sale shall include, but not be limited to, an actual document or Internet or electronic evidence indicating that a transaction for the sale of cigarettes has taken place.*

Section 2.2. Section 229-A of the act is amended by adding a subsection to read:

Section 229-A. Violations and Penalties.—\* \* \*

(g) *A licensee who fails to pay for cigarettes in full upon delivery by cash, check or electronic fund transfer or according to the contract of sale, requiring full payment no later than fourteen days after delivery, in*

*addition to any other violations provided by law, shall be in violation of this article.*

Section 2.3. The act is amended by adding sections to read:

*Section 232-A. Preemption.—(a) All powers and jurisdiction over dealers licensed under this article, and regarding or affecting the sale of tobacco products by dealers licensed under this article, shall reside in the Commonwealth unless any such power or jurisdiction is specifically granted to a political subdivision.*

*(b) This section shall not apply to a city of the first class.*

*(c) As used in this section, the term "tobacco product" shall have the same meaning as defined in 18 Pa.C.S. § 6305(k) (relating to sale of tobacco).*

*Section 233-A. Compliance checks.—Notwithstanding the provisions of any other law, a proceeding against a person that is alleged to have sold or otherwise furnished tobacco to an individual under 18 years of age in violation of the provisions of 18 Pa.C.S. § 6305(a) (relating to sale of tobacco) during a compliance check conducted under the provisions of 18 Pa.C.S. § 6305 may only be instituted by the issuance of a citation.*

Section 2.4. The act is amended by adding an article to read:

## **ARTICLE II-B CANCER CONTROL, PREVENTION AND RESEARCH**

*Section 201-B. Scope of article.*

*This article relates to cancer control, prevention and research.*

*Section 202-B. 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:*

*"Board." The Pennsylvania Cancer Control, Prevention and Research Advisory Board established under section 203-B.*

*"Cancer." All malignant neoplasms, regardless of the tissue of origin, including malignant lymphoma and leukemia.*

*"Department." The Department of Health of the Commonwealth.*

*"Secretary." The Secretary of Health of the Commonwealth.*

*Section 203-B. Pennsylvania Cancer Control, Prevention and Research Advisory Board.*

*(a) Board established.—*

*(1) There is established in the department the Pennsylvania Cancer Control, Prevention and Research Advisory Board.*

*(2) The board shall consist of 11 members, all of whom shall be Pennsylvania residents, 10 of whom the Governor shall appoint by and with the consent of a majority of the Senate. Of the 10 members appointed by the Governor:*

*(i) three shall be distinguished scientists and physicians in the field of cancer;*

*(ii) one shall be a qualified professional nurse engaged in the practice of oncological nursing;*

*(iii) one shall be skilled in health care administration;*

(iv) two shall have substantial experience in the field of public health, one of whom shall be a professional nurse engaged in the practice of community health nursing; and

(v) three shall be consumer members.

(3) The secretary shall be a member of the board.

(b) *Terms.*—The terms of the members shall be four years from the respective date of their appointment.

(c) *Chairperson.*—A chairperson of the board shall be appointed by the Governor for a term of four years.

(d) *Meetings and quorum.*—The board shall meet no less than four times annually at the call of the chairperson or, in the chairperson's absence or incapacity, at the call of the secretary. Six members of the board shall constitute a quorum for the purpose of exercising all of the powers of the board. A vote of the majority of the members present shall be sufficient for all actions of the board.

(e) *Expenses.*—Each board member, except the secretary, shall receive actual traveling expenses and other necessary expenses.

(f) *Conflict of interest.*—No member of the board may participate in any discussions and decisions to recommend grants or contracts to any qualified association or to any agency of the Commonwealth or its political subdivisions with which the member is associated as a member of the governing body or as an employee, or with which the member has entered into any contractual arrangement.

*Section 204-B. Responsibilities of board.*

(a) *Bylaws.*—The board shall have the power to prescribe, amend and repeal bylaws governing the manner in which the business of the board is conducted.

(b) *Duty to advise.*—The board shall advise the secretary with respect to cancer control, prevention and research in this Commonwealth.

(c) *Approval of program.*—The board shall approve each year a program for cancer control, prevention and research to be known as the Pennsylvania Cancer Plan.

(d) *Award of grants and contracts.*—In order to implement in whole or in part the Pennsylvania Cancer Plan, the board shall recommend to the secretary the awarding of grants and contracts to qualified associations, nonprofit organizations or governmental agencies in order to plan, establish or conduct programs in cancer control or prevention, cancer education and training and cancer clinical research.

(e) *Eligible programs.*—Grants and contracts may be recommended for:

(1) The cancer registry under section 206-B.

(2) Cancer screening, detection and prevention.

(3) Cancer epidemiology and biostatistical studies.

(4) Cancer community outreach programs, including, but not limited to, grants for the provision of facilities and personnel for conducting summer camps and other activities for cancer-afflicted children.

(5) Cancer rehabilitation.

(6) Communication and planning among cancer institutions.

*(7) Cancer education and information.*

*(8) Cancer training.*

*(9) Cancer clinical research.*

*(f) Funding priorities.—Consistent with the Pennsylvania Cancer Plan the board shall give its:*

*(1) first priority to funding grants and contracts relating to subsection (e)(1), (2), (3) and (4);*

*(2) second priority to funding grants and contracts relating to subsection (e)(5) and (6); and*

*(3) third priority to funding grants and contracts relating to subsection (e)(7), (8) and (9).*

*(g) Criteria.—The following criteria shall be given consideration for recommending grants and contracts for programs:*

*(1) The relevancy of the applicant's proposal to the Pennsylvania Cancer Plan.*

*(2) The feasibility of the applicant's proposal.*

*(h) Rules and regulations.—The board shall recommend to the secretary rules and regulations consistent with laws of this Commonwealth as it may deem necessary for the performance of its duties and the proper administration of this article.*

*(i) Report.—The board shall report annually to the Governor and the General Assembly. The report shall include, but not be limited to, the following:*

*(1) A full description of the grants and contracts funded pursuant to this article.*

*(2) The amount of grants and contracts.*

*(3) An outline of the proposal on which grants were based.*

*(4) The results achieved as a result of the grants.*

**Section 205-B. Responsibilities of secretary.**

*(a) Award of grants and contracts.—The secretary shall award grants and contracts only from among those recommended by the board to qualified associations in this Commonwealth and governmental agencies in order to plan, establish or conduct programs in cancer control and prevention, cancer education and training and cancer research. The secretary may request additional recommendations from the board.*

*(b) Assistance to board.—The secretary shall provide such staff, information and other assistance as the secretary may deem necessary for the completion of the board's responsibilities. The staff shall be responsible to the secretary.*

**Section 206-B. Cancer registry.**

*(a) Registry.—The department shall establish a system for the Statewide collection and dissemination of data on cases of cancer by anatomical site, medical and occupational history of patients, stage of disease and other data necessary to effectuate the provisions of this article as determined by the department.*

*(b) Required reporting.—Persons in charge of hospitals and laboratories shall be required by the department, in accordance with regulations adopted with the advice of the board to report cases of cancer on forms furnished by the department.*

*(c) Confidentiality of information.—The reports required under this article shall be confidential and not open to public inspection or dissemination. This subsection shall not restrict the collection and analysis of data by the department or those with which the department contracts, nor shall it restrict the department from permitting the use of the reports and data contained in the reports for research purposes, subject to strict supervision by the department to ensure that the use of the reports is limited to specific research purposes.*

*Section 207-B. Sunset provisions.*

*With the exception of section 206-B, this article shall expire on June 30, 2026, unless otherwise extended by an act of the General Assembly.*

Section 3. Section 1301.1 of the act is amended by adding a definition to read:

Section 1301.1. Definitions.—As used in this article, unless the context otherwise requires:

\* \* \*

*"United States savings bond" shall mean property, tangible or intangible, in the form of a savings bond issued by the United States Treasury, whether in paper, electronic or paperless form, along with all the proceeds of the savings bond.*

\* \* \*

Section 4. Section 1301.8 of the act, amended July 10, 2014 (P.L.1053, No.126), is amended to read:

**[Section 1301.8. Property Held by Fiduciaries.—The following property held by fiduciaries is presumed abandoned and unclaimed:**

**1. All property held in a fiduciary capacity for the benefit of another person, unless the owner, within three (3) years after it has or shall become payable or distributable, has increased or decreased the principal, accepted payment of principal or income or otherwise indicated an interest in the property or in other property of the owner in the possession, custody or control of the holder.**

**2. For an individual retirement account, a retirement plan for self-employed individuals or a similar account or plan created pursuant to Federal internal revenue law or to the law of this Commonwealth and not subject to a mandatory distribution requirement, three (3) years after the owner has:**

**(i) attained seventy and one-half (70.5) years of age; or**

**(ii) indicated an interest in the account or plan or in other property of the owner in the possession, custody or control of the holder.]**

*Section 1301.8. Property Held by Agents-in-Fact and Fiduciaries.—*  
*(a) The following property held by agents-in-fact or fiduciaries is presumed abandoned and unclaimed:*

*1. All property held by an agent-in-fact or in a fiduciary capacity for the benefit of another person, three (3) years after the holder has lost contact with the owner, unless the owner has, within that three (3) year period:*

*(i) increased or decreased the principal;*

*(ii) accepted payment of principal or income; or*

(iii) otherwise indicated an interest in the property or in other property of the owner in the possession, custody or control of the holder.

2. An individual retirement account, a retirement plan for self-employed individuals or similar account or a retirement plan created pursuant to Federal law or the laws of this Commonwealth, three (3) years after the holder has lost contact with the owner, unless the owner has, within that three (3) year period:

- (i) commenced receiving distributions of principal or income;
- (ii) increased or decreased the principal;
- (iii) received payment of principal or income; or
- (iv) otherwise indicated an interest in the account or plan or in other property of the owner in possession, custody or control of the holder.

(b) Except as provided under subsection (c), the date on which the holder has lost contact with the owner is:

1. the date a second consecutive communication sent by the holder by first class United States mail to the owner is returned to the holder undelivered by the United States Postal Service; or

2. if the second communication is made later than thirty (30) days after the first communication is returned, the date the first communication is returned undelivered to the holder by the United States Postal Service.

(c) If the owner does not receive communications from the holder by United States mail, the holder shall attempt to confirm the owner's interest in the property by sending the owner an electronic mail communication not later than two (2) years after the owner's last indication of interest in the property. If the holder receives notification that the electronic mail communication was not received or if the owner does not respond to the electronic mail communication within thirty (30) days after the communication was sent, the holder shall promptly attempt to contact the owner by first class United States mail. If the mail is returned to the holder undelivered by the United States Postal Service, the holder shall be deemed to have lost contact with the owner on the date of the owner's last indication of interest in the property.

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

**Section 1301.10a. Notice Given by Holder.**—(a) The holder of property presumed abandoned shall send notice to the owner, not more than one hundred twenty (120) days nor less than sixty (60) days prior to the date in which the corresponding report is to be submitted to the State Treasurer, stating that the holder is in possession of property subject to this article, if:

- 1. the holder of property has in its records an address for the owner which the holder's records do not disclose to be inaccurate; and
- 2. the value of the property is fifty dollars (\$50) or more.

(b) Written notice shall be sent by first class mail, unless the owner has previously agreed to a method of electronic notice that remains valid to contact the owner, and include:

- 1. A description of the property.
- 2. A description of the property ownership.
- 3. The value of the property, if known.
- 4. Any information necessary to contact the holder to prevent the reporting of the property to the State Treasurer.



*(c) In addition to the notice required under subsection (a), the holder of property may give additional notice at any time between the date of last activity by or communication with the owner of the property and the date the holder transfers the property to the custody and control of the State Treasurer.*

*(d) In addition to the verification required under section 1301.11, the holder of property shall include an affirmation of compliance with subsection (a).*

*(e) No cost or fee shall be imposed upon an owner associated with any notice under this section.*

*Section 1301.10b. United States Savings Bonds.—(a) It is the intent of the General Assembly to allow the State Treasurer to obtain possession of unredeemed and unclaimed United States savings bonds on behalf of residents of this Commonwealth but held by the Federal Government to permit and facilitate the right of Pennsylvania bond holders to be reunited with the bond holders' United States savings bonds proceeds.*

*(b) Any sum due as principal or interest on a United States savings bond or debenture, or coupons attached thereto, whenever the bond has remained unclaimed and unredeemed by the owner for more than three (3) years after its date of final maturity and in which the owner has not indicated an interest, shall be presumed abandoned and unclaimed.*

*(c) Notwithstanding any law to the contrary, United States savings bonds that are unclaimed property pursuant to section 1301.10(1) shall escheat to the Commonwealth three (3) years after becoming unclaimed property by virtue of the provisions of section 1301.2. All property rights and legal title to and ownership of United States savings bonds or proceeds from the bonds, including all rights, powers and privileges of survivorship of any owner, co-owner or beneficiary, shall vest solely in the Commonwealth according to procedures set forth in subsections (d), (e), (f), (g) and (h).*

*(d) Within one hundred eighty (180) days after becoming reportable as unclaimed property pursuant to section 1301.10(1), if no claim has been filed in accordance with the provisions of section 1301.19 for a United States savings bond, the State Treasurer may commence a civil action in Commonwealth Court for a determination that the United States savings bond shall escheat to the Commonwealth. The State Treasurer may postpone bringing the action until sufficient United States savings bonds have accumulated to justify, in the State Treasurer's opinion, the expense of the proceedings.*

*(e) The State Treasurer shall make service by publication of the proceeding in accordance with Pa.R.C.P. No. 430 (relating to Service Pursuant to Special Order of Court. Publication). In addition, the notice shall name any known owner, co-owner or beneficiary to be served and notify the person that:*

*1. the person has been sued in Commonwealth Court;*

*2. the person shall answer the petition or other pleading or otherwise defend, on or before a specified date, not less than forty-one (41) days after the date the notice is first published;*

**3. if the person does not answer or otherwise respond, the petition or other pleading shall be taken as true, and judgment, the nature of which shall be stated, shall be rendered accordingly.**

**(f) The Commonwealth Court, if satisfied by evidence that the State Treasurer has substantially complied with the laws of this Commonwealth, shall enter a judgment that the United States savings bond has escheated to the Commonwealth if:**

**1. no person files a claim or appears at the hearing to substantiate a claim; or**

**2. the Commonwealth Court determines that a claimant is not entitled to the property claimed by the claimant.**

**(g) The State Treasurer shall redeem the United States savings bonds escheated to the Commonwealth. The proceeds, minus administrative expenses and expenses incurred by the Commonwealth in securing title to the bonds, from the redemption of United States savings bonds shall be deposited in the General Fund in accordance with the provisions of section 1301.18.**

**(h) Notwithstanding any law to the contrary, a person making a claim for United States savings bonds escheated to the Commonwealth under this section, or for the proceeds from the bonds, may file a claim with the State Treasurer. Upon providing sufficient proof of the validity of the person's claim, the State Treasurer shall pay the claim. If payment has been made to a claimant, no action shall be maintained by any other claimant against the Commonwealth or any officer of the Commonwealth, for or on account of the funds.**

Section 6. Section 1301.11a(b) and (d) of the act, added July 10, 2014 (P.L.1053, No.126), is amended to read:

Section 1301.11a. Certificate of Finder Registration.—\* \* \*

(b) An application for a certificate of registration shall be in writing and on the form prescribed by the State Treasurer and accompanied by a recent full face color photograph of the applicant. In addition to information that may be requested by the State Treasurer, the application shall provide the following:

1. the applicant's full name, telephone number, e-mail address, home address and work address;

2. a statement that the applicant has not, during the ten-year (10) period immediately preceding the submission of the application, violated a provision of this article or [has] been convicted of a felony or an offense of:

(i) theft or other related offenses against property as enumerated under 18 Pa.C.S. Ch. 39 (relating to theft and related offenses) or its equivalent if committed in another jurisdiction;

(ii) forgery or other fraudulent practices as enumerated in 18 Pa.C.S. Ch. 41 (relating to forgery and fraudulent practices) or its equivalent if committed in another jurisdiction; or

(iii) perjury, false swearing, fraud or other offense as enumerated in 18 Pa.C.S. Ch. 49 Subch. A (relating to perjury and falsification in official matters) or its equivalent if committed in another jurisdiction;

3. A statement that, to the applicant's knowledge, the applicant is not the subject of an ongoing investigation or prosecution involving an alleged violation of a provision of this article or an offense of:

(i) theft or other related offenses against property as enumerated under 18 Pa.C.S. Ch. 39 or its equivalent if committed in another jurisdiction;

(ii) forgery or other fraudulent practices as enumerated in 18 Pa.C.S. Ch. 41 or its equivalent if committed in another jurisdiction; or

(iii) perjury, false swearing, fraud or other offense as enumerated in 18 Pa.C.S. Ch. 49 Subch. A or its equivalent if committed in another jurisdiction; and

4. The notarized signature of the applicant immediately following an acknowledgment that a false or perjured statement subjects the applicant to criminal liability.

\* \* \*

(d) A certificate of registration with a unique registration number may be issued to an applicant if the following conditions are met:

1. During the ten-year (10) period immediately preceding the submission of the application, the applicant has not violated a provision of this article or **[has]** been convicted of a felony or an offense of:

(i) theft or other related offenses against property as enumerated under 18 Pa.C.S. Ch. 39 or its equivalent if committed in another jurisdiction;

(ii) forgery or other fraudulent practices as enumerated in 18 Pa.C.S. Ch. 41 or its equivalent if committed in another jurisdiction; or

(iii) perjury, false swearing, fraud or other offense as enumerated in 18 Pa.C.S. Ch. 49 Subch. A or its equivalent if committed in another jurisdiction; and

2. The applicant has executed a sworn statement that is a commitment to conduct his actions as a finder of abandoned and unclaimed property in compliance with this article and the regulations promulgated under this article.

\* \* \*

Section 7. Section 1301.12 of the act, amended June 29, 2002 (P.L.614, No.91), November 9, 2006 (P.L.1335, No.138) and October 9, 2009 (P.L.537, No.50), is amended to read:

Section 1301.12. Notice and Publication of Lists of Property Subject to Custody and Control of the Commonwealth under this Article.—(a) Within twelve (12) months from the filing of the report required by section 1301.11, the State Treasurer shall cause notice to be published at least once in a legal newspaper as well as an English language newspaper of general circulation in the county in which the owner of the property had a last known address appearing from the verified report filed by the holder or, if there is no name or address or the owner is not a Pennsylvania resident, then at least one time in the Pennsylvania Bulletin. Notice shall also be posted on the Internet website of the Treasury Department.

(b) The published notice shall be entitled "Notice of Names of Persons Appearing to be Owners of Abandoned and Unclaimed Property," and shall contain:

1. The names **[and last known addresses, if any,]** of persons listed in the report and entitled to notice within the county as hereinbefore specified and the name and address of the holder;

2. A statement that information concerning the amount or description of the property and the name and address of the holder may be obtained by any persons possessing an interest in the property by addressing an inquiry to the holder;

3. A statement that a proof of claim should be presented by the owner to the holder within three (3) months from the date of the published notice, and that thereafter claims should be filed with the State Treasurer.

(c) The State Treasurer is not required to include in such notice published in an English language newspaper of general circulation any item of less than two hundred fifty dollars (\$250) or to include in such notice published in a legal newspaper any item of less than two hundred fifty dollars (\$250), unless the State Treasurer, in either instance, deems such publication to be in the public interest.

(d) Within nine (9) months from the receipt of the report required by section 1301.11, the State Treasurer shall mail a notice to each person having an address listed who appears to be entitled to property of the value of two hundred fifty dollars (\$250) or more subject to custody and control of the Commonwealth under this article. The mailed notice shall contain:

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

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

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

(e) This section is not applicable to sums payable on travelers checks and money orders or to property reported to be without a rightful or lawful owner.

*(f) Compliance with the publication requirements of this section shall be based on the best available commercial rates and subject to available appropriations.*

Section 8. The act is amended by adding an article to read:

#### **ARTICLE XVI-B.1 CAPITAL FACILITIES**

##### ***Section 1601-B.1. Applications.***

***Notwithstanding section 318 of the act of February 9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt Enabling Act, a redevelopment assistance capital project may receive funds if the project was itemized in a capital project itemization bill or a capital budget bill that was enacted more than 10 years before the date the project is approved under section 318 of the Capital Facilities Debt Enabling Act, provided that the Office of the Budget received an application or other written form of request for redevelopment assistance capital project grant funding for the project from***

*a prospective applicant during the time period from January 9, 2015, through May 18, 2015.*

Section 9. Section 1608-E heading and (a) of the act, added April 25, 2016 (P.L.168, No.25), are amended and the section is amended by adding a subsection to read:

Section 1608-E. **[Environmental Stewardship Fund] Transfers and allocations.**

(a) **[Transfer] Environmental Stewardship Fund transfer.**—Notwithstanding 58 Pa.C.S. § 2505(b)(1)(ii) (relating to funds), the amount transferred from the fund to the Marcellus Legacy Fund for distribution to the Environmental Stewardship Fund in fiscal year 2015-2016 *and fiscal year 2016-2017* shall be \$20,000,000.

(a.1) **Hazardous Sites Cleanup Fund transfer.**—*Notwithstanding 58 Pa.C.S. § 2505(b)(2)(ii), the amount transferred from the fund to the Marcellus Legacy Fund for distribution to the Hazardous Sites Cleanup Fund in fiscal year 2016-2017 shall be \$5,000,000.*

\* \* \*

Section 9.1. The act is amended by adding a section to read:  
**Section 1609-E. Oil and gas conservation.**

*Notwithstanding section 3(b) of the act of July 25, 1961 (P.L.825, No.359), known as the Oil and Gas Conservation Law, the Oil and Gas Conservation Law shall not apply to or affect any well or wells which do not penetrate the Onondaga horizon, or in those areas in which the Onondaga horizon is nearer to the surface than 3,800 feet, any well or wells which do not exceed a depth of 3,800 feet beneath the surface or any well or wells that unintentionally penetrate the Onondaga horizon and do not intentionally produce oil or gas from the Onondaga horizon. For the purposes of the Oil and Gas Conservation Law, the question whether a pool is covered by that law shall be determined by the depth of the producing interval in the discovery well in such pool, and if such producing interval is covered by that law, all wells drilled to such pool shall be covered by that law, even though some of the wells in the pool, if considered alone, would not be covered by that law.*

Section 9.2. Section 1601-J of the act, added July 6, 2010 (P.L.279, No.46), is amended to read:

Section 1601-J. **[Program.**

(a) **Establishment.**—The Heritage Area Program is established within the Department of Conservation and Natural Resources to identify, protect, enhance and promote the historic, recreational, natural, cultural and scenic resources of this Commonwealth.

(b) **Administration.**—The department shall adopt guidelines and policies for the implementation and administration of the program.

(c) **Funding.**—The department may allocate funds appropriated to the department for grants and investment programs within heritage areas, including administration and operation.] *Scope of article.*

*This article relates to the Heritage Area Program.*

Section 9.3. The act is amended by adding sections to read:  
**Section 1602-J. Declaration of policy.**

*The General Assembly finds and declares as follows:*

(1) *The act of June 28, 1995 (P.L.89, No.18), known as the Conservation and Natural Resources Act, created the department and empowered the department to administer State heritage conservation programs, such as the Pennsylvania Heritage Parks Program.*

(2) *The Pennsylvania Heritage Parks Program consists of heritage areas, which are multicounty regions located in this Commonwealth and designated by gubernatorial action that promotes an appreciation of the history and heritage of the regions.*

(3) *Since 1989, heritage areas assist communities in developing, restoring, preserving and conserving nationally, State and locally significant historic, cultural, natural and recreational resources through capital and programmatic investments.*

(4) *Heritage areas have successfully demonstrated the ability to create public, private and nonprofit investment partnerships leveraging significant investments for every dollar of Commonwealth funds.*

(5) *Heritage areas are a key catalyst in regions of this Commonwealth for economic growth and community development strategies and investments resulting in tourism promotion, small business development and the creation of jobs.*

(6) *The Commonwealth's program has long been recognized, studied and replicated by other states and the National Park Service as a model for successful heritage and community conservation and development.*

(7) *Due to the success of the program, a targeted effort should be made to promote this Commonwealth's heritage areas by providing dedicated funding.*

#### **Section 1603-J. 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:*

*"Department." The Department of Conservation and Natural Resources of the Commonwealth.*

*"Heritage area." A Commonwealth-designated region, managed by a nonprofit organization or governmental entity, which conserves nationally significant and State-significant landscapes and develops, protects, interprets and promotes its historical, cultural, natural and recreational resources to stimulate economic and community development.*

*"Program." The Heritage Area Program.*

*"Secretary." The Secretary of the Department of Conservation and Natural Resources of the Commonwealth.*

#### **Section 1604-J. Heritage Area Program.**

(a) *Establishment.—The Heritage Area Program is established within the department to identify, protect, develop, enhance and promote the historical, recreational, natural, cultural and scenic resources of this Commonwealth and to stimulate community revitalization and economic development through regional heritage conservation, recreation, tourism and partnerships.*

(b) *Administration.—*

*(1) The department shall adopt program guidelines and policies for the implementation and administration of the program.*

*(2) The department shall consult with the heritage areas on an annual basis to discuss program goals, guidelines and policies.*

*(c) Funding.—The department shall, under subsection (f), allocate funds appropriated to the department to the program for the following purposes:*

*(1) Management, administration, operation and marketing of heritage areas.*

*(2) Planning, implementation, technical assistance and educational projects and programs related to heritage areas.*

*(3) Development, construction, rehabilitation, repair, acquisition, preservation and enhancement of lands, buildings and other structures related to heritage areas.*

*(4) Protection, documentation, interpretation and promotion of the cultural, natural, scenic, recreational and historical resources of heritage areas.*

*(5) Establishment of partnerships and coalitions of governmental and nongovernmental agencies and organizations to assist heritage areas with the implementation of management action plans.*

*(6) Any other activities deemed appropriate by the department.*

*(d) Use.—A heritage area may use the funding allocated by the department for the program to provide a grant to another entity and organization, including a county, municipality, authority, nonprofit organization, other authorized organization, private sector firm or business, if the purpose of the grant meets the requirements of subsection (c).*

*(e) Eligibility.—In addition to any other funding provided to a heritage area, a heritage area shall be eligible to apply for a grant and loan program administered by the department or other Federal or State agency or entity.*

*(f) Amount.—*

*(1) The department shall distribute funds to the program based on established program goals, guidelines and policies.*

*(2) The department shall allocate all funds appropriated annually for the program and each State-designated heritage area shall receive a minimum amount established by the program goals, guidelines and policies.*

*(g) Administrative use.—The department may use no more than 5% of the funding appropriated annually for the program for administrative expenses, including the development of a strategic plan or other appropriate initiative related to the administration of the program.*

Section 9.4. The act is amended by adding articles to read:

**ARTICLE XVI-K  
BUSINESS IN OUR SITES PROGRAM ACCOUNT**

*Section 1601-K. 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:*

*"Authority." The Commonwealth Financing Authority established under 64 Pa.C.S. Ch. 15 (relating to Commonwealth Financing Authority). Section 1602-K. Transfers of funds.*

*The authority shall make all of the following transfers:*

*(1) \$50,000,000 from the First Industries Program account established under 64 Pa.C.S. § 1542(b) (relating to revolving loan program accounts) to the Business In Our Sites Program account established under 64 Pa.C.S. § 1542(a), subject to the provisions of any pledge to or agreement made by the authority with or for the benefit of obligees of the authority.*

*(2) \$25,000,000 from the trust account established under 64 Pa.C.S. § 1541 (relating to trust accounts) for the Building Pennsylvania program to the Business In Our Sites Program account established under 64 Pa.C.S. § 1542(a), subject to the provisions of any pledge to or agreement made by the authority with or for the benefit of obligees of the authority.*

*Section 1603-K. Business in Our Sites Program limitations.*

*A project grant awarded under 64 Pa.C.S. § 1551(f) (relating to Business in Our Sites Program) shall not exceed 40% of the total amount of financing awarded by the board of directors of the authority for the project or \$4,000,000, whichever is less. No more than one-third of the funds made available for the program authorized by 64 Pa.C.S. § 1551, including loan repayments and funds transferred pursuant to this act, may be used for all project grants.*

## **ARTICLE XVI-M TRANSPORTATION NETWORK COMPANIES AND MOTOR CARRIER COMPANIES**

*Section 1601-M. Transportation network companies.*

*(a) Certificate of public convenience.—A transportation network company operating pursuant to a certificate of public convenience for experimental service issued by the commission may operate in a city of the first class under this section.*

*(b) Regulations.—A parking authority of a city of the first class may adopt reasonable temporary regulations relating to enforcement under this section that do not impose additional burdens on the transportation network company and are consistent with those imposed by the commission on transportation network companies under the certificate of public convenience. Regulations under this subsection shall expire upon the expiration of this section. A transportation network company driver operating in a city of the first class may not solicit or accept a prearranged ride at any of the following locations:*

*(1) An international airport owned by the city and located in whole or in part in the city. Nothing under this paragraph may be construed to limit the ability of a municipality or other governing authority that owns*



*or operates an airport located, in whole or in part, in the city from adopting contracts, licenses and regulations relating to the duties and responsibilities on airport property of a transportation network service or a transportation network company driver, including the imposition of reasonable fees.*

*(2) A designated taxi stand, no stopping or standing zone or other area where a personal vehicle may not enter at a train station owned by AMTRAK located in the city.*

*(3) An organized line of taxis at a hotel utilized to provide services to patrons and visitors at the hotel.*

*(c) Disqualification of drivers.—The following shall apply to a parking authority of a city of the first class:*

*(1) The authority may issue an order to a transportation network company requiring disqualification of a driver from being a transportation network company driver if, prior to the expiration of this section, the driver commits five or more violations of the regulations promulgated under this section.*

*(2) An authority directive to the transportation network company to disqualify a driver from being a transportation network company driver may occur only after the filing and adjudication of a formal complaint pursuant to 52 Pa. Code Ch. 1005 (relating to formal proceedings), by which the transportation network company shall be afforded full due process, including notice and opportunity to be heard.*

*(3) The authority may adopt regulations to allow reinstatement of a driver following an appropriate disqualification period and compliance with any conditions imposed by the authority.*

*(4) The authority may only confiscate the vehicle of a driver if the driver continues to provide service while disqualified or following suspension or revocation of a transportation network company's license by the commission.*

*(d) Assessment.—A parking authority of a city of the first class shall require a transportation network company operating in a city of the first class to pay to the parking authority an assessment amount equal to 1% of the gross receipts from all fares charged to all passengers for prearranged rides that originate in the city. The amount assessed shall be remitted on a quarterly basis and deposited into a restricted receipts account in the State Treasury. The Treasurer shall distribute 66.67% to a school district of the first class and 33.33% to the parking authority on a quarterly basis. The authority may enter into a settlement with a transportation network company relating to legal disputes relating to the time period from October 24, 2014, through July 7, 2016.*

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

*"Commission." The Pennsylvania Public Utility Commission.*

*"Transportation network company." A motor carrier service that uses an online application, software or Internet website to provide prearranged rides to passengers.*

*(f) Expiration.—This section shall expire September 30, 2016, or upon enactment of enabling legislation, whichever is sooner.*

**Section 1602-M. Motor carrier companies.**

*(a) Regulation of taxis and limousines.—*

*(1) The Pennsylvania Public Utility Commission shall, within 150 days of the effective date of this section, promulgate temporary regulations. The temporary regulations shall not be subject to the following:*

*(i) Sections 201, 202, 203, 204 and 205 of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law.*

*(ii) Sections 204(b) and 301(10) of the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act.*

*(iii) The act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.*

*(2) The temporary regulations shall expire upon the promulgation of final-form regulations or two years following the effective date of this section, whichever is earlier.*

*(3) The temporary regulations under this subsection shall address all of the following:*

*(i) The use of log sheets and manifests, including the storage of information on digital or other electronic devices.*

*(ii) Metering addressing the use of a variety of technologies.*

*(iii) Vehicles' age and mileage, including procedures to petition for exceptions to age and mileage standards.*

*(iv) Marking of taxis, including advertising.*

*(v) The operation of lease-to-own taxi and limousine equipment subject to the following conditions:*

*(A) Providing required levels of insurance on the vehicle.*

*(B) Ensuring that the vehicle is subject to and complies with all vehicle inspection requirements.*

*(C) Ensuring that the driver complies with all the requirements of 52 Pa. Code Ch. 29 Subch. F (relating to driver regulations).*

*(D) Terminating insurance provided to a driver who completes the purchase of the vehicle or who no longer provides driver services to the taxi or limousine company.*

*(vi) Taxi tariffs, including rate and tariff change procedures for both meters and digital platforms. Regulations shall reflect reduced or flexible rates and tariffs as appropriate.*

*(vii) Procedures for cancellations, no-shows and cleaning fees.*

*(viii) Limousine tariffs, including rate and tariff change procedures. Regulations shall reflect reduced or flexible rates and tariffs as appropriate.*

*(ix) Driver requirements, including criminal history background check requirements and driving record requirements.*

*(x) Vehicle requirements, including compliance with environmental, cleanliness, safety and customer service standards, including special safety requirements for children.*

*(xi) Requirements for continuous service and exceptions for unexpected demand and personal health and safety.*

*(b) Dual dispatch.—A motor carrier that provides call or demand service under a certificate of public convenience and that is operating under a certificate of public convenience for experimental service issued by the Pennsylvania Public Utility Commission to provide transportation network service may dispatch either a call or demand vehicle or a personal vehicle driven by a transportation network company driver to provide service in the motor carrier's authorized service territory.*

Section 10. Section 1702-A of the act, amended April 25, 2016 (P.L.168, No.25), is amended to read:

Section 1702-A. Funding.

(a) Intent.—It is hereby declared as the intent and goal of the General Assembly to create a stabilization reserve in an eventual amount of 6% of the revenues of the General Fund of the Commonwealth.

(b) Transfer of portion of surplus.—

(1) Except as may be provided in paragraph (2), for fiscal years beginning after June 30, 2002, the following apply:

(i) Except as set forth in this paragraph, if the Secretary of the Budget certifies that there is a surplus in the General Fund for a specific fiscal year, 25% of the surplus shall be deposited by the end of the next succeeding quarter into the Budget Stabilization Reserve Fund.

(ii) If the Secretary of the Budget certifies, after June 30, 2005, that there is a surplus in the General Fund for the fiscal year 2004-2005, 15% of the surplus shall be deposited by the end of the next succeeding quarter into the Budget Stabilization Reserve Fund.

(iii) No amount of the surplus in the General Fund for fiscal year 2007-2008 may be deposited into the Budget Stabilization Reserve Fund.

(iv) No amount of the surplus in the General Fund for fiscal year 2010-2011 may be deposited into the Budget Stabilization Reserve Fund.

(v) No amount of the surplus in the General Fund for fiscal year 2011-2012 may be deposited into the Budget Stabilization Reserve Fund.

(vi) No amount of the surplus in the General Fund for fiscal year 2012-2013 may be deposited into the Budget Stabilization Reserve Fund.

(vii) No amount of the surplus in the General Fund for fiscal year 2013-2014 may be deposited into the Budget Stabilization Reserve Fund.

(viii) No amount of the surplus in the General Fund for fiscal year 2014-2015 may be deposited into the Budget Stabilization Reserve Fund.

*(ix) No amount of the surplus in the General Fund for fiscal year 2015-2016 may be deposited into the Budget Stabilization Reserve Fund.*

(2) If, at the end of any fiscal year, the ending balance of the Budget Stabilization Reserve Fund equals or exceeds 6% of the actual General Fund revenues received for the fiscal year in which the surplus occurs, 10% of the surplus shall be deposited by the end of the next succeeding quarter into the Budget Reserve Stabilization Fund.

(c) Appropriated funds.—The General Assembly may at any time provide additional amounts from any funds available to this Commonwealth as an appropriation to the Budget Stabilization Reserve Fund.

Section 11. Section 1731-A of the act is amended by adding a paragraph to read:

Section 1731-A. State Workers' Insurance Board.

Notwithstanding any inconsistent provisions of section 1512 of the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, section 504 of the act of November 30, 1965 (P.L.847, No.356), known as the Banking Code of 1965, and any other law of this Commonwealth, the power of the State Workers' Insurance Board to invest money shall include the power to hold, purchase, sell, assign, transfer and dispose of securities, including common stock with the following restrictions:

\* \* \*

***(2.1) The State Workers' Insurance Board may invest in financial institutions that are designated as a minority depository institution, as defined in section 808(b) of the Housing and Community Development Act of 1977 (Public Law 95-128, 91 Stat. 1111), or a community development financial institution, as defined in section 103 of the Riegel-Neal Interstate Banking and Branching Efficiency Act of 1994 (Public Law 103-328, 12 U.S.C. § 4702(5)), if the investment is consistent with authorized investments and prudent person standards applicable to the board.***

Section 12. Section 1713-A.1(b) of the act, amended April 25, 2016 (P.L.168, No.25), is amended to read:

Section 1713-A.1. Use of fund.

\* \* \*

(b) Appropriations.—

(1) Except as otherwise provided in paragraphs (1.1), (1.2), (1.3), (1.4) and (1.5), the General Assembly appropriates moneys in the fund in accordance with the following percentages based on the annual payment received in each year:

(i) Thirteen percent for home and community-based services pursuant to Chapter 5 of the Tobacco Settlement Act.

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

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

(iv) One percent for health and related research pursuant to section 909 of the Tobacco Settlement Act.

(v) Eight and eighteen one-hundredths percent for the uncompensated care payment program pursuant to Chapter 11 of the Tobacco Settlement Act.

(vi) Thirty percent for the purchase of Medicaid benefits for workers with disabilities pursuant to Chapter 15 of the Tobacco Settlement Act.

(vii) Eight percent for the expansion of the PACENET program pursuant to Chapter 23 of the Tobacco Settlement Act.

(viii) Twenty-two and seventy-two one-hundredths percent shall remain in the fund to be separately appropriated for health-related purposes.

(1.1) For fiscal year 2013-2014, the General Assembly appropriates money in the fund in accordance with the following percentage based on the annual payment received each year:

(i) Thirteen percent for home-based and community-based services under Chapter 5 of the Tobacco Settlement Act.

(ii) Two and ninety-three hundredths percent for tobacco use prevention and cessation programs under Chapter 7 of the Tobacco Settlement Act.

(iii) Six and three-tenths percent for health and related research under section 906 of the Tobacco Settlement Act.

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

(v) Four and nine-hundredths percent for the uncompensated care payment program under Chapter 11 of the Tobacco Settlement Act.

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

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

(1.2) For fiscal year 2014-2015, money in the fund from a payment received due to the recalculation of a prior annual payment shall remain in the fund to be separately appropriated for health-related purposes.

(1.3) For fiscal year 2014-2015, the General Assembly appropriates money in the fund in accordance with the following percentages based on the annual payment received each year:

(i) Thirteen percent for home-based and community-based services under Chapter 5 of the Tobacco Settlement Act.

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

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

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

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

(vi) Fifteen and twelve hundredths percent for the purchase of Medicaid benefits for workers with disabilities under Chapter 15 of the Tobacco Settlement Act.

(vii) Forty-five and six-tenths percent shall remain in the fund to be separately appropriated for health-related purposes.

(1.4) For fiscal year 2015-2016 *and fiscal year 2016-2017*, money in the fund from a payment received due to the recalculation of a prior annual payment shall remain in the fund to be separately appropriated for health-related purposes.

(1.5) For fiscal year 2015-2016 *and fiscal year 2016-2017*, the General Assembly appropriates money in the fund in accordance with the following percentages based on the annual payment received each year:

(i) Thirteen percent for home-based and community-based services under Chapter 5 of the Tobacco Settlement Act.

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

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

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

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

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

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

(2) In addition, any Federal funds received for any of these programs are specifically appropriated to those programs.

(3) All other payments and revenue received in the fund other than the annual payment shall remain in the fund and are available to be appropriated for health-related purposes.

\* \* \*

Section 13. The act is amended by adding a section to read:

***Section 1716-A.1. Hospital uncompensated care payments and reimbursements for extraordinary expense report.***

***(a) Report.—The following shall apply:***

***(1) On or before December 31, 2016, the Department of Human Services shall issue a report that compares the differences among the following:***

***(i) the payments made by the Department of Human Services to eligible hospitals under Chapter 11 of the act of June 26, 2001 (P.L. 755, No. 77), known as the Tobacco Settlement Act, for each fiscal year from fiscal year 2009-2010 through fiscal year 2014-2015;***

***(ii) the payments which would have been made by the Department of Human Services under Chapter 11 of the Tobacco Settlement Act for each fiscal year from fiscal year 2009-2010 through fiscal year 2014-2015 if the department had redistributed the payments based on reports issued by the Auditor General; and***

***(iii) the payments which would be made by the Department of Human Services to eligible hospitals under Chapter 11 of the Tobacco Settlement Act for each fiscal year from fiscal year 2009-***

*2010 through fiscal year 2014-2015 if the payments were to be recalculated based on the most current data for each fiscal year.*

*(2) The report shall analyze the impact, if any, to eligible hospitals and the Commonwealth if the redistribution for fiscal year 2009-2010 through fiscal year 2014-2015 was to occur on or prior to June 30, 2017. The analysis under this paragraph shall include analysis of payment changes to or from eligible hospitals and the Commonwealth from Medicaid Disproportionate Share Hospital payments or other Federal program payments.*

*(3) The Department of Human Services shall cause the report to be published on the department's publicly accessible Internet website and shall submit a copy of the report to the chairperson and minority chairperson of the Appropriations Committee of the Senate, the chairperson and minority chairperson of the Public Health and Welfare Committee of the Senate, the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives and the chairperson and minority chairperson of the Health Committee of the House of Representatives.*

*(b) (Reserved).*

Section 14. The definition of "Race Horse Industry Reform Act" in section 1721-A.1 of the act, added July 18, 2013 (P.L.574, No.71), is amended and the section is amended by adding definitions to read:

Section 1721-A.1. Definitions.

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

**\*\*\***

*"Administrative Code of 1929." The act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.*

**\*\*\***

*"Commission." The State Horse Racing Commission established under Article XXVIII-D of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.*

**\*\*\***

*"Pennsylvania Breeding Fund." The restricted account in the State Racing Fund established under section 2836-D of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.*

*"Pennsylvania Sire Stakes Fund." The restricted account in the State Racing Fund established under section 2837-D of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.*

*["Race Horse Industry Reform Act." The act of December 17, 1981 (P.L.435, No.135), known as the Race Horse Industry Reform Act.]*

Section 15. Section 1722-A.1(c) of the act, added July 18, 2013 (P.L.574, No.71), is amended to read:

Section 1722-A.1. Pennsylvania Race Horse Development Fund.

**\*\*\***

*(c) Distributions.—[In] Except as provided under sections 2813-D and 2874-D of the Administrative Code of 1929, and in accordance with section*

1723-A.1, the department shall make distributions from the fund to each of the active and operating Category 1 licensees conducting live racing.

Section 16. Sections 1723-A.1, 1733-A.1, 1742-A.1 and 1743-A.1 of the act, amended or added April 25, 2016 (P.L.168, No.25), are amended to read:

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

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

(1) An amount equal to 18% of the daily gross terminal revenue of each Category 1 licensee shall be distributed to each active and operating Category 1 licensee conducting live racing unless the daily assessments are affected by the daily assessment cap provided for in 4 Pa.C.S. § 1405(c) (relating to Pennsylvania Race Horse Development Fund). In cases in which the daily assessment cap affects daily assessments, the distribution to each active and operating Category 1 licensee conducting live racing for that day shall be a percentage of the total daily assessments paid into the fund for that day equal to the gross terminal revenue of each active and operating Category 1 licensee conducting live racing for that day divided by the total gross terminal revenue of all active and operating Category 1 licensees conducting live racing for that day. Except as provided in paragraphs (2) and (2.1), the distributions to licensed racing entities from the fund shall be allocated as follows:

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

(ii) For thoroughbred tracks, 16% shall be deposited on a monthly basis into the Pennsylvania Breeding Fund **[as defined in section 223 of the Race Horse Industry Reform Act]**. For standardbred tracks, 8% shall be deposited on a monthly basis in the Pennsylvania Sire Stakes Fund **[as defined in section 224 of the Race Horse Industry Reform Act]**, and 8% shall be deposited on a monthly basis into a restricted account in the State Racing Fund to be known as the Pennsylvania Standardbred Breeders Development Fund. The **[State Harness Racing Commission] commission** shall, in consultation with the Secretary of Agriculture, by rule or by regulation, adopt a standardbred breeders program that will include the administration of the Pennsylvania Stallion Award, the Pennsylvania Bred Award and the Pennsylvania Sired and Bred Award.

(iii) Four percent shall be used to fund health and pension benefits for the members of the horsemen's organizations representing the owners and trainers at the racetrack at which the licensed racing entity operates for the benefit of the organization's members, their



families, employees and others in accordance with the rules and eligibility requirements of the organization, as approved by the [State Horse Racing Commission or the State Harness Racing Commission] *commission*. This amount shall be deposited within five business days of the end of each month into a separate account to be established by each respective horsemen's organization at a banking institution of its choice. Of this amount, \$250,000 shall be paid annually by the horsemen's organization to the thoroughbred jockeys or standardbred drivers organization at the racetrack at which the licensed racing entity operates for health insurance, life insurance or other benefits to active and disabled thoroughbred jockeys or standardbred drivers in accordance with the rules and eligibility requirements of that organization.

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

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

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

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

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

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

(A) Divide:

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

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

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

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

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

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

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

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

(II) For thoroughbred tracks, 16 and 2/3% of the money to be distributed under this clause shall be deposited on a weekly basis into the Pennsylvania Breeding Fund **[established in section 223 of the Race Horse Industry Reform Act]**. For standardbred tracks, 8 and 1/3% of the money to be distributed under this clause shall be deposited on a weekly basis into the Pennsylvania Sire Stakes Fund **[as defined in section 224 of the Race Horse Industry Reform Act]**; and 8 and 1/3% of the money to be distributed under this clause shall be deposited on a weekly basis into a restricted account in the State Racing Fund to be known as the Pennsylvania Standardbred Breeders Development Fund. The **[State Horse Racing Commission] commission** shall, in consultation with the Secretary of Agriculture, promulgate regulations adopting a standardbred breeders program that will include the administration of the Pennsylvania Stallion Award, the Pennsylvania Bred Award and the Pennsylvania Sired and Bred Award.

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

Section 1733-A.1. Drug and Alcohol Programs.

For fiscal year 2015-2016 **and fiscal year 2016-2017**, \$2,500,000 from the sale of liquor and alcohol shall be transferred to the Department of Drug and Alcohol Programs for the purposes set forth in section 802(c) of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code.

Section 1742-A.1. Natural Gas Infrastructure Development Fund.

The Natural Gas Infrastructure Development Fund is established in the **[State Treasury] Commonwealth Financing Authority**.

Section 1743-A.1. Transfer of funds.

**[The] (a) Fiscal year 2015-2016.—For fiscal year 2015-2016, the sum of \$12,000,000 allocated under section 307(c) of the act of July 9, 2008 (1st Sp.Sess., P.L.1873, No.1), known as the Alternative Energy Investment Act, shall be transferred to the fund for use by the authority.**

**(b) Fiscal year 2016-2017.—For fiscal year 2016-2017, the sum of \$12,000,000 allocated under section 307(c) of the Alternative Energy Investment Act shall be transferred to the fund for use by the authority.**

Section 17. Repeals are as follows:

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

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

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

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

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

(2) Articles XVII-B and XVII-C of the act, repealed and added June 30, 2011 (P.L.159, No.26), are repealed.

Section 18. The act is amended by adding articles to read:

## **ARTICLE XVII-B 2016-2017 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 2016 and all other appropriation acts of 2016.**

**Section 1702-B. 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:**

**"CCDFBG." Child Care and Development Fund Block Grant.**

*"General Appropriation Act of 2016." The act of July 12, 2016 (P.L.1577, No.16A), known as the General Appropriation Act of 2016.*

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

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

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

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

## **SUBARTICLE B EXECUTIVE DEPARTMENTS**

**Section 1711-B. Governor (Reserved).**

**Section 1712-B. Executive offices.**

*The following apply:*

*(1) Funds appropriated to the Pennsylvania Commission on Crime and Delinquency for intermediate punishment treatment programs shall be distributed competitively to counties for offenders sentenced to intermediate punishment programs. The portion of funds for drug and alcohol treatment programs shall be based on national statistics that identify the percentage of incarcerated individuals that are in need of treatment for substance issues, but in no case shall be less than 80% of the amount appropriated.*

*(2) From funds appropriated to the commission, the following apply:*

*(i) No less than the amount used in the 2014-2015 fiscal year shall be used to support the Statewide Automated Victim Information and Notification System (SAVIN) to provide offender information through county jails.*

*(ii) No less than the amount used in the 2014-2015 fiscal year shall be used for a residential treatment community facility for at-risk youth located in a county of the fifth class.*

*(iii) From the amount appropriated, \$100,000 shall be used for an innovative police data sharing pointer index system that will allow participating law enforcement agencies access to incident report data.*

*(iv) From the amount appropriated, \$200,000 shall be used for a diversion program for first time nonviolent offenders facing prison sentences. The diversion program must include education and employment services, case management and mentoring.*

*(3) From funds appropriated for violence prevention programs, no less than the amount used in the 2014-2015 fiscal year shall be used for programs in a city of the second class, and no less than the amount used in the 2014-2015 fiscal year shall be used for blueprint mentoring programs that address reducing youth violence in cities of the first, second and third class.*

**Section 1713-B. Lieutenant Governor (Reserved).**

**Section 1714-B. Attorney General (Reserved).**

**Section 1715-B. Auditor General (Reserved).**

**Section 1716-B. Treasury Department.**

*From the funds appropriated for general government operations, no less than \$250,000 shall be used for a tuition assistance marketing campaign.*

**Section 1717-B. Department of Aging (Reserved).**

**Section 1718-B. Department of Agriculture.**

*The following apply:*

*(1) From funds appropriated for agricultural research, the following apply:*

*(i) No less than \$300,000 shall be used for an agricultural resource center and no less than \$100,000 shall be used for agricultural law research programs, including those addressing energy development, in conjunction with a land-grant university.*

*(ii) At least \$800,000 shall be used for an animal diagnostic laboratory affiliated with a university located in a city of the first class to increase the capacity to address avian flu and other animal disease outbreaks.*

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

*(3) From funds appropriated for general government operations, no less than the amount transferred in the 2014-2015 fiscal year shall be transferred to the Dog Law Restricted Account.*

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

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

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

*(1) From funds appropriated for general government operations, \$250,000 shall be used for the creation of an institute in a city of the second class to research and develop healthy building products and at least \$150,000 shall be used to support operations of locks and dams which are necessary to support economic growth and commercial navigation.*

*(2) Funds appropriated for marketing to attract tourists include the following:*

(i) *three million nine hundred sixty-four thousand dollars to fund the activities of the tourism office within the department; and*

(ii) *the remaining amount includes an allocation to plan and market a biennial arts and cultural activity which generates Statewide and regional economic impact, allocations to promote annual arts and cultural activities and an allocation of \$500,000 for an annual Statewide competition serving approximately 2,000 athletes with intellectual disabilities from across this Commonwealth to be held in a county of the fourth class.*

(3) *From funds appropriated for Keystone Communities, \$450,000 shall be distributed to a multimunicipal revitalization organization in a county of the sixth class with a population, based on the most recent Federal decennial census, of at least 88,000 to enhance community revitalization programs. The remaining funds include an allocation for the Main Street and Elm Street programs which are distributed in the same proportion as amounts allocated in fiscal year 2012-2013.*

(4) *Funds appropriated for regional event security shall be disbursed as grants or reimbursements for local costs incurred for a national convention and conference.*

(5) *Funds appropriated for local municipal emergency relief shall be used to provide assistance to individuals and political subdivisions directly affected by natural and man-made disasters or public safety emergencies. State assistance may be limited to grants for projects that do not qualify for Federal assistance to help repair damages to primary residences, personal property and public facilities. Grants will be made available for reimbursement in a disaster emergency area only when a Presidential disaster declaration is not covering the area or when the department determines that a public safety emergency has occurred.*

**Section 1720-B. Department of Conservation and Natural Resources.**

*The following shall apply to appropriations for the Department of Conservation and Natural Resources:*

(1) *From funds appropriated for State parks operations, no less than \$2,250,000 shall be used for the operation and maintenance of the Washington Crossing Historical Park.*

(2) *(Reserved).*

**Section 1721-B. Department of Corrections.**

*From the appropriation for general government operations of the Department of Corrections, at least \$1,500,000 shall be used for a nonnarcotic medication assisted substance abuse treatment grant pilot program.*

**Section 1721.1-B. Department of Drug and Alcohol Programs.**

*From the appropriation for general government operations, at least \$750,000 shall be used for programs providing treatment for posttraumatic stress disorder for veterans.*

**Section 1722-B. Department of Education.**

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

(1) *The Office for Safe Schools shall have the power and duty to develop, subject to the availability of funding, telephone hotlines and*

*Internet notification systems ensuring anonymity to be used by students, parents, teachers, school employees and members of the community to report potential or actual violence or possession of weapons on school property. In complying with this paragraph the office may contract with any State agency or intermediate unit for the provision of services.*

*(2) From the appropriation for mobile science and mathematics education programs, no less than the amount allocated in fiscal year 2014-2015 shall be allocated for a mathematics education program that targets middle school students, no less than the amount allocated in the 2014-2015 fiscal year shall be allocated to a nautical science center in a county of the second class, no less than the amount allocated in the 2014-2015 fiscal year shall be allocated for a mathematics laboratory in a school district in a city of the third class located in a county of the third class, no less than the amount allocated in the 2014-2015 fiscal year shall be allocated for a regional science, technology, engineering and mathematics center serving sixth through twelfth grade students located in a township of the first class in a county of the third class and \$100,000 shall be allocated for a research and development center associated with the Commonwealth's land grant institution located in a county of the sixth class for the promotion of economic development.*

*(3) From an appropriation for adult and family literacy programs, summer reading programs and the adult high school diplomas program, no less than the amount allocated in the 2014-2015 fiscal year shall be allocated for an after-school learning program servicing low-income students located in a county of the sixth class with a population, based on the most recent Federal decennial census, of at least 60,000 but not more than 70,000, and \$400,000 shall be allocated for an after-school learning program servicing low-income students located in a county of the third class with a population, based on the most recent Federal decennial census, of at least 320,000 but not more than 321,000.*

*(4) From funds appropriated for Pennsylvania Charter Schools for the Deaf and Blind, \$1,100,000 shall be distributed pro rata based on each school's increased share of required contributions for public school employees' retirement.*

*(5) For the purposes of funds appropriated for approved private schools, a payment made under section 1722-L(6) shall be considered part of the base allocation in section 1376(a.2) of the Public School Code of 1949.*

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

*(7) From the appropriation for regional community college services, \$600,000 shall be distributed to a community college in a county of the fourth class with a population, based on the most recent Federal decennial census, of at least 175,000 but not more than 190,000, \$500,000 for a dual enrollment program at a community*

*college in a city of the first class and \$1,200,000 shall be distributed to a nonprofit organization authorized under section 1705-E.1 establishing a rural regional college serving nine rural counties.*

*(8) Notwithstanding any other provision of law, funds appropriated for community education councils shall be distributed as follows:*

*(i) Each entity which received a distribution in the 2014-2015 fiscal year shall receive a distribution equal to the amount received in the 2014-2015 fiscal year.*

*(ii) An educational consortium serving Cameron, Clarion, Clearfield, Crawford, Elk, Forest, Jefferson, McKean, Potter, Venango and Warren Counties shall receive an additional distribution of \$125,000.*

*(9) The following shall apply:*

*(i) The Department of Education shall provide for an analysis of a proposed separation of a school district into more than one school district when all of the following apply:*

*(A) The board of school directors of the school district that is the subject of the proposed separation submits a written request for the analysis to the Department of Education following the unanimous vote of all school directors approving the request.*

*(B) The school district that is the subject of the proposed separation:*

*(I) was formed as the result of a consolidation of at least two former school districts that was required by the Commonwealth; and*

*(II) contains separate elementary and secondary school buildings or campuses located within the boundaries of, and serving students who reside in, each of the component former school districts that were consolidated to form the current school district that is the subject of the proposed separation.*

*(ii) The analysis required under subparagraph (i) shall include a description of the effect of the proposed separation on student academic and extracurricular opportunities, the immediate and long-term financial stability of the regions into which the school district would be separated, student transportation and any other information the Department of Education determines is relevant to the proposed separation.*

*(iii) The Department of Education shall provide for the submission of a written report of the analysis required under subparagraph (i) to the board of school directors within six months of the board's request.*

*(iv) For purposes of providing for an analysis under subparagraph (i), the Department of Education may use up to \$50,000 of undistributed funds not expended, encumbered or committed from appropriations for grants and subsidies made to the Department of Education. The funds shall be transferred by the Secretary of the Budget to a restricted account as necessary and,*



*when transferred, are hereby appropriated to carry out the provisions of this subparagraph.*

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

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

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

*Section 1724-B. Department of General Services.*

*From funds appropriated for capitol fire protection, the city of Harrisburg shall use the funds to support the provisions of fire services to the Capitol complex.*

*Section 1725-B. Department of Health.*

*The following apply:*

*(1) From funds appropriated for general government operations, sufficient funds are included for the coordination of donated dental services and \$100,000 is included for outreach for Charcot-Marie-Tooth syndrome.*

*(2) Funds appropriated for newborn screening shall include \$250,000 for the operation of a referral center for abnormal metabolic screenings at a children's hospital in a county of the eighth class.*

*(3) From funds appropriated for adult cystic fibrosis and other chronic respiratory illnesses, no less than the amount used in the 2014-2015 fiscal year shall be used for a program promoting cystic fibrosis research in a county of the second class, and no less than the amount used in the 2014-2015 fiscal year shall be used for research related to childhood cystic fibrosis in a city of the first class with a hospital that is nationally accredited as a cystic fibrosis treatment center and specializes in the treatment of children.*

*(4) Funds appropriated for lupus programs shall be distributed in the same proportion as distributed in fiscal year 2014-2015.*

*(5) Funds appropriated for biotechnology research include allocations for regenerative medicine research, for regenerative medicine medical technology, for hepatitis and viral research, for drug research and clinical trials related to cancer, for genetic and molecular research for disease identification and eradication, for nanotechnology and for the commercialization of applied research.*

*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:*

*(1) The appropriation for payment to the Vocational Rehabilitation Fund for work of the State Board of Vocational Rehabilitation Services includes allocations for a Statewide professional service provider association for the blind to provide specialized services and prevention of blindness services and for specialized services and prevention of blindness services in cities of the first class, in amounts used for those purposes in the 2014-2015 fiscal year.*

*(2) From funds appropriated to the department for transfer to the Vocational Rehabilitation Fund, the department shall allocate money to provide services under the act of May 17, 2016 (P.L.216, No.26), known as the Work Experience for High School Students with Disabilities Act.*

*(3) From funds appropriated for Industry Partnerships, no less than the amount allocated in the 2014-2015 fiscal year shall be allocated for a work force development program that links veterans with employment in a home rule county that was formerly a county of the second class A.*

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

*Section 1729-B. Department of Human Services.*

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

*(1) The following shall apply:*

*(i) The department, upon approval of the secretary, may transfer Federal funds appropriated for TANFBG Child Care Assistance 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 10 days prior to a transfer under this subparagraph to the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives.*

*(ii) The department, upon approval of the secretary, may transfer Federal funds appropriated for CCDFBG Child Care Assistance 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 10 days prior to a transfer under this subparagraph to the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives.*

*(2) From funds appropriated for mental health services or from Federal funds, \$580,000 shall be used for the following:*

*(i) The operation and maintenance of a network of web portals that provide comprehensive referral services, support and information relating to early intervention, prevention and support for individuals with mental health or substance abuse issues, county*

*mental health offices, providers and others that provide mental and behavioral health treatment and related services.*

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

*(3) The following shall apply:*

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

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

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

*(A) normal newborn care; and*

*(B) mothers' obstetrical delivery.*

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

*(A) No less than the amount used in the 2014-2015 fiscal year shall be used for cleft palates and other craniofacial anomalies.*

*(B) At least \$800,000 shall be distributed to a hospital for clinical ophthalmologic services located in a city of the first class.*

*(C) No less than the amount distributed in the 2014-2015 fiscal year shall be distributed for improvements to an intensive care facility in an acute care hospital located in a city of the first class.*

*(D) At least \$5,000,000 shall be distributed to a hospital in a city of the third class in a home rule county that was formerly a county of the second class A.*

*(E) Funds are provided for a \$5-per-hour increase in the fee-for-service fee schedule rate for pediatric shift nursing services provided by registered nurses and licensed practical nurses in a home care setting effective July 1, 2016.*

*(F) At least \$300,000 shall be distributed for equipment and diagnostic improvements to a health system located in a county of the fifth class.*

*(G) At least \$2,000,000 shall be distributed to a university located in a city of the first class to advance protocols related to the treatment and prevention of traumatic brain injury.*

*(v) From funds appropriated for medical assistance capitation, no less than the amount used in the 2014-2015 fiscal year shall be used for prevention and treatment of depression and its complications in older Pennsylvanians in a county of the second class and funds are provided for managed care organizations to provide an increase in the reimbursement rates for pediatric shift nursing services provided in a home care setting effective January 1, 2017. From funds appropriated for medical assistance capitation, no less than \$5,000,000 shall be used to treat heroin and opioid addiction.*

*(vi) From funds appropriated for medical assistance long-term care, no less than the amount distributed in the 2014-2015 fiscal year shall be distributed to a county nursing home located in a home rule county that was formerly a county of the second class A which has a medical assistance occupancy rate of at least 85%, \$2,000,000 shall be distributed to a nonpublic nursing home located in a county of the first class with more than 395 beds and a Medicaid acuity at 1.19 as of August 1, 2015, to ensure access to necessary nursing care in that county and \$4,000,000 shall be distributed to a nonpublic nursing home located in a county of the eighth class with more than 119 beds and a Medicaid acuity of 1.14 as of August 1, 2015, to ensure access to necessary nursing home care in that county.*

*(vii) From funds appropriated for medical assistance long-term care, no less than \$850,000 shall be allocated to a special rehabilitation facility in Peer Group Number 13 in a city of the third class with a population between 115,000 and 120,000 based upon 2010 census data, and an additional \$750,000 shall be paid in equal payments to nursing facilities that qualified for supplemental ventilator care and tracheostomy care payments in fiscal year 2014-2015 with a percentage of medical assistance recipient residents who required medically necessary ventilator care or tracheostomy care greater than 90%.*

*(viii) Federal or State funds appropriated under the General Appropriation Act in accordance with Article VIII-H of the Human Services Code, not used to make payments to hospitals qualifying as Level III trauma centers or seeking accreditation as Level III trauma centers shall be used to make payments to hospitals qualifying as Levels I and II trauma centers.*

*(ix) Qualifying academic medical centers which received funds for fiscal year 2014-2015 shall not receive any less than the State appropriation made available to those academic medical centers during fiscal year 2014-2015.*

*(ix.1) In addition to the funds under subparagraph (ix), the following shall apply:*

*(A) A qualifying academic medical center with a regional campus located in a county of the fourth class shall receive an additional \$1,000,000.*

*(B) A qualifying academic medical center located in a county of the third class with a population between 210,000 and 215,000 under the 2010 Federal decennial census shall receive an additional \$1,000,000.*

*(C) A qualifying academic medical center located in a county of the second class shall receive an additional \$500,000.*

*(D) A qualifying academic medical center located in a county of the third class with a population between 279,000 and 282,000 under the 2010 Federal decennial census shall receive an additional \$1,000,000 and an academic medical center located in a city of the first class that did not receive funding during fiscal year 2010-2011 shall receive an additional \$250,000.*

*(x) Qualifying university-affiliated physician practice plans which received funds for fiscal year 2014-2015 shall not receive any less than the State appropriation made available to those university-affiliated physician practice plans during fiscal year 2014-2015. From funds appropriated for physician practice plans:*

*(A) \$1,500,000 shall be distributed to a health system, containing a physician practice plan, located in a city of the first class and a contiguous county of the second class A which did receive funding during fiscal year 2015-2016;*

*(B) at least \$500,000 shall be distributed to a physician practice plan serving a health system located in a city of the first class and two contiguous counties of the second class A that has an independent academic center which did receive funding during fiscal year 2014-2015; and*

*(C) \$1,500,000 shall be distributed to an acute care hospital affiliated with an academic medical center located in a city of the second class in a county of the second class that provides services to Medicaid recipients and uninsured persons.*

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

*(4) The following shall apply:*

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

*(ii) (Reserved).*

*(5) The following shall apply:*

*(i) Funds appropriated for women's service programs grants to nonprofit agencies whose primary function is to promote childbirth and provide alternatives to abortion shall be expended to provide services to women until childbirth and for up to 12 months thereafter, including food, shelter, clothing, health care, counseling, adoption services, parenting classes, assistance for postdelivery*

*stress and other supportive programs and services and for related outreach programs. Agencies may subcontract with other nonprofit entities 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) Federal funds appropriated for TANFBG Alternatives to Abortion shall be utilized solely for services to women whose gross family income is below 185% of the Federal poverty guidelines.*

*(6) From funds appropriated for autism intervention and services, no less than the amount distributed in the 2014-2015 fiscal year shall be distributed to a behavioral health facility located in a fifth class county with a population between 130,000 and 135,000 under the 2010 Federal decennial census that operates a center for autism and developmental disabilities, an institution of higher education which provides autism education and diagnostic curriculum located in a city of the first class that operates a center for autism in a county of the second class A, an institution of higher education which provides autism education and diagnostic curriculum and is located in a county of the second class, programs to promote the health and fitness of persons with developmental disabilities located in a city of the first class and \$500,000 shall be allocated for the expansion of an adult autism program in a county of the third class.*

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

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

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

*(10) A Statewide organization administering domestic violence services on behalf of the department shall have until September 30, 2016, to file the audit required under section 5(f) of the act of December 19, 1990 (P.L.1200, No.202), known as the Solicitation of Funds for Charitable Purposes Act. Until such date, the organization shall continue under its prior year's registration with full rights and*

*permissions under the Solicitation of Funds for Charitable Purposes Act.*

**Section 1730-B. Department of Revenue.**

*The following shall apply to appropriations for the Department of Revenue:*

*(1) The Enhanced Revenue Collection Account shall continue through fiscal year 2019-2020. Revenues collected and the amount of refunds avoided as a result of expanded tax return reviews and tax collection activities shall be deposited into the account. The following shall apply:*

*(i) Of the funds in the account, for each of the fiscal years 2016-2017 through 2019-2020, up to \$25,000,000 is appropriated to the department to fund the costs associated with increased tax collection enforcement and reduction in tax refund errors. The balance of the funds in the account on June 15, 2014, and each June 15 thereafter, shall be transferred to the General Fund.*

*(ii) The department shall issue a report to the Governor, the chairperson and the minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives by June 1, 2017, and by each June 1 thereafter, with the following information:*

*(A) A detailed breakdown of the department's administrative costs in implementing the activities described under this section.*

*(B) The amount of revenue collected and the amount of refunds avoided as a result of the activities under this paragraph, including the type of tax generating the revenue and avoided refunds.*

*(2) (Reserved).*

**Section 1731-B. Department of State (Reserved).**

**Section 1732-B. Department of Transportation.**

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

*(1) From amounts appropriated or any other funds used by the department during the 2016-2017 fiscal year, the department may not use direct mail inserts in mailings from the department. As used in this paragraph, the term "direct mail inserts" includes coupons for commercial services, advertising materials for a private commercial entity and departmental documents which are sponsored by a private commercial entity.*

*(2) (Reserved).*

**Section 1733-B. Pennsylvania State Police (Reserved).**

**Section 1734-B. State Civil Service Commission (Reserved).**

**Section 1735-B. Pennsylvania Emergency Management Agency.**

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

*(1) Funds appropriated for search and rescue programs shall be used to support programs related to training working service dogs*

*focusing on rescue and public safety at a center located in a city of the first class.*

*(2) (Reserved).*

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

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

*Section 1737.1-B. State-related institutions (Reserved).*

*Section 1738-B. Pennsylvania Higher Education Assistance Agency (Reserved).*

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

*Section 1740-B. Pennsylvania Infrastructure Investment Authority.*

*For the 2016-2017 fiscal year, up to \$10,000,000 of funds of the Pennsylvania Infrastructure Investment Authority shall be used to fund grants for projects that install infrastructure to ensure clean drinking water in a township of the second class with a population between 26,000 and 27,000 based on the most recent Federal decennial census that is also located in a county of the second class A.*

*Section 1741-B. Environmental Hearing Board (Reserved).*

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

*Section 1743-B. (Reserved).*

*Section 1744-B. (Reserved).*

*Section 1745-B. (Reserved).*

*Section 1746-B. (Reserved).*

*Section 1747-B. (Reserved).*

*Section 1748-B. Commonwealth Financing Authority (Reserved).*

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

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

*Section 1751-B. LIHEABG (Reserved).*

*Section 1752-B. Pennsylvania Liquor Control Board.*

*Notwithstanding any law to the contrary, upon application of the chief executive of a national political party conducting its national convention in this Commonwealth, or the chief executive's designee, or the official host committee of the national convention, the Pennsylvania Liquor Control Board may issue one or more national event permits for events directly connected to the convention.*

*(1) The application shall include an application fee of \$5,000 which shall be deposited into The State Stores Fund. No additional fee shall be required for any subsequent application.*

*(2) The Pennsylvania Liquor Control Board shall approve the application unless doing so would clearly be against the public interest. If the Pennsylvania Liquor Control Board approves the application, the Pennsylvania Liquor Control Board shall determine the location, date and hours that the permit shall be in effect. More than one location may be licensed at one time.*

*(3) The permit shall have the same rights and restrictions as a special occasion permit issued under section 408.4 of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, except as follows:*

*(i) The permit shall not be subject to the hours restriction under section 408.4(k) of the Liquor Code, the days restrictions under*



*section 408.4(i) of the Liquor Code or the notice requirements under section 408.4(j) of the Liquor Code.*

*(ii) The permit may be issued to a location that is already licensed by the Pennsylvania Liquor Control Board so long as the Pennsylvania Liquor Control Board clearly states which permit or license is in effect.*

*(iii) The permit holder may accept, import, possess or resell donated alcohol acquired from licensed and unlicensed entities so long as it receives Pennsylvania Liquor Control Board approval prior to doing so. The donated alcohol does not need to come to rest at a Pennsylvania liquor store prior to its use by the permit holder, unless the Pennsylvania Liquor Control Board so directs. Malt or brewed beverages donated under this section shall not need to come to rest at a licensed importing distributor prior to their use by the permit holder, so long as the donated brands are registered with the Pennsylvania Liquor Control Board and the Pennsylvania Liquor Control Board approves the arrangement.*

*(iv) If the proposed location is subject to a conditional licensing agreement that imposes additional conditions on the sale and service of alcohol at that location, the Pennsylvania Liquor Control Board may in its discretion waive some or all of those conditions while the permit is in effect.*

*(v) No sales for off-premises consumption may occur unless the premises is already licensed by the Pennsylvania Liquor Control Board. In those cases, sales for off-premises consumption shall be subject to the same rights and restrictions as are imposed on the underlying license.*

*(4) A copy of each approved permit shall be made available to the public on the Pennsylvania Liquor Control Board's publicly accessible Internet website.*

*(5) This section shall expire on July 29, 2016, and no permit shall remain in effect after that date.*

### **SUBARTICLE C STATE GOVERNMENT SUPPORT AGENCIES**

*Section 1761-B. Health Care Cost Containment Council (Reserved).*

*Section 1762-B. State Ethics Commission (Reserved).*

*Section 1763-B. Legislative Reference Bureau (Reserved).*

*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. Joint Legislative Air and Water Pollution Control and Conservation Committee (Reserved).*

*Section 1768-B. Legislative Audit Advisory Commission (Reserved).*

*Section 1769-B. Independent Regulatory Review Commission (Reserved).*

*Section 1770-B. Capitol Preservation Committee (Reserved).*

*Section 1771-B. Pennsylvania Commission on Sentencing (Reserved).*

*Section 1772-B. Center for Rural Pennsylvania (Reserved).*

*Section 1773-B. Commonwealth Mail Processing Center (Reserved).*

*Section 1774-B. Transfers (Reserved).*

**SUBARTICLE D  
JUDICIAL DEPARTMENT**

*Section 1781-B. Supreme Court (Reserved).*

*Section 1782-B. Superior Court (Reserved).*

*Section 1783-B. Commonwealth Court (Reserved).*

*Section 1784-B. Courts of common pleas (Reserved).*

*Section 1785-B. Community courts; magisterial district judges (Reserved).*

*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 (Reserved).*

*Section 1792-B. Senior judges (Reserved).*

*Section 1793-B. Transfer of funds by Supreme Court (Reserved).*

**SUBARTICLE E  
GENERAL ASSEMBLY  
(Reserved)**

**ARTICLE XVII-C  
2016-2017 RESTRICTIONS ON APPROPRIATIONS  
FOR FUNDS AND ACCOUNTS**

*Section 1701-C. Applicability.*

*Except as specifically provided in this article, this article applies to the act of July 12, 2016 (P.L.1577, No.16A), known as the General Appropriation Act of 2016, and all other appropriation acts of 2016.*

*Section 1702-C. State Lottery Fund.*

*The following apply:*

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

*(2) (Reserved).*

*Section 1703-C. Tobacco Settlement Fund (Reserved).*

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

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

*Section 1706-C. The State Stores Fund (Reserved).*

*Section 1707-C. Motor License Fund (Reserved).*

*Section 1708-C. Aviation Restricted Account (Reserved).*

*Section 1709-C. Hazardous Material Response Fund (Reserved).*

*Section 1710-C. Milk Marketing Fund (Reserved).*

*Section 1711-C. HOME Investment Trust Fund (Reserved).*

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

*Section 1713-C. Banking Fund (Reserved).*

*Section 1714-C. Firearm Records Check Fund (Reserved).*

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

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

*Section 1717-C. Home Improvement Account (Reserved).*

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

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

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

*Section 1721-C. Justice Reinvestment Fund (Reserved).*

*Section 1722-C. Multimodal Transportation Fund (Reserved).*

*Section 1723-C. State Racing Fund (Reserved).*

*Section 1724-C. ABLE Savings Program Fund (Reserved).*

*Section 1725-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) *Land and Water Conservation Fund Act of 1965 (Public Law 88-578, 16 U.S.C. § 4601-4 et seq.).*

(3) *National Forest Reserve Allotment.*

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

(1) *Education of the Disabled - Part C.*

(2) *LSTA - Library Grants.*

(3) *The Pennsylvania State University Federal Aid.*

(4) *Emergency Immigration Education Assistance.*

(5) *Education of the Disabled - Part D.*

(6) *Homeless Adult Assistance Program.*

(7) *Severely Handicapped.*

(8) *Medical Assistance Reimbursements to Local Education Agencies.*

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

(1) *Federal Water Resources Planning Act.*

(2) *Flood Control Payments.*

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

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

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

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

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

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

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

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

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

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

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

**Section 1726-C. Fund transfers.**

*The following shall apply:*

*(1) From funds deposited in the Alternative Fuels Incentive Fund, \$5,000,000 shall be transferred into the General Fund.*

*(2) From funds available for Local Law Enforcement Block Grants in 4 Pa.C.S. (relating to amusements), \$2,000,000 shall be transferred into the General Fund.*

*(3) From funds deposited in the Recycling Fund, \$9,000,000 shall be transferred into the General Fund.*

*(4) From funds deposited in the Tobacco Settlement Fund under this act that are not an annual payment or a strategic contribution payment, \$28,500,000 shall be transferred into the General Fund.*

*(5) From funds deposited in the Volunteer Companies Loan Fund, \$9,000,000 shall be transferred into the General Fund.*

*(6) Notwithstanding Subchapter C of Chapter 7 of the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, the sum of \$200,000,000 shall be transferred from the unappropriated surplus of the Pennsylvania Professional Liability Joint Underwriting Association to the General Fund. The sum transferred under this section shall be repaid to the Pennsylvania Professional Liability Joint Underwriting Association over a five-year period commencing July 1, 2018. An annual payment*

*amount shall be included in the budget submission required under section 613 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.*

*(7) From funds available in an account established for the Building Pennsylvania Program established under 64 Pa.C.S. § 1555 (relating to Building Pennsylvania Program), \$12,000,000 shall be transferred into the General Fund.*

Section 19. Section 1712-E(c) of the act, amended June 30, 2011 (P.L.159, No.26), is amended to read:  
Section 1712-E. Executive Offices.

\* \* \*

(c) Treasury Offset Program.—

(1) The Office of the Budget is authorized to enter into an agreement with the United States to participate in the Treasury Offset Program under 31 U.S.C. § 3716 (relating to administrative offset) for the collection of any debts owed to Commonwealth agencies. The agreement may provide for the United States to submit debts owed to Federal agencies for offset against Commonwealth payments and provide for the Commonwealth to submit debts owed to Commonwealth agencies for offset against Federal payments.

(2) The Treasurer of the United States shall reduce any Commonwealth payment by the amount of any Federal debt submitted in accordance with the agreement authorized by this subsection and pay the amount to the appropriate Federal official in accordance with the procedures specified in the agreement.

*(3) Within 90 days of the effective date of this paragraph, the Office of the Budget shall begin discussions with the United States Department of the Treasury, Bureau of the Fiscal Service to establish a reciprocal offset agreement under paragraphs (1) and (2).*

Section 19.1. Section 1724.1-E of the act, added April 25, 2016 (P.L.168, No.25), is amended to read:

Section 1724.1-E. Pennsylvania Gaming Control Board.

(a) Notwithstanding 4 Pa.C.S. Pt. II (relating to gaming) or any other provision of law to the contrary, any payment of a slot machine license fee under 4 Pa.C.S. § 1209 (relating to slot machine license fee) received by the Pennsylvania Gaming Control Board after June 30, 2014, shall be deposited in and credited to the General Fund.

*(b) Notwithstanding 4 Pa.C.S. Pt. II or any other provision of law to the contrary, for any slot machine license issued in the 2016-2017 fiscal year the Pennsylvania Gaming Control Board shall require the slot machine license fee under subsection (a) and the fee under 4 Pa.C.S. § 13A61 (relating to table game authorization fee) to be paid in full no later than June 30, 2017.*

Section 20. The act is amended by adding sections to read:

*Section 1753.1-E. Commonwealth Financing Authority Restricted Revenue Account.*

*There is established a restricted revenue account within the General Fund for the purpose of making principal and interest payments coming due in each fiscal year, beginning July 1, 2016, or thereafter, for*

*outstanding indebtedness of the Commonwealth Financing Authority. The State Treasurer, upon consultation with the Secretary of the Budget, shall transfer from the general revenues of the Commonwealth collected under Article II of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, to the restricted revenue account such amounts, as may be necessary, to make payment for principal and interest obligations. The State Treasurer and the Secretary of the Budget shall consider the timing of principal and interest payments and General Fund cash flow when determining transfer amounts. Transfer of general revenues under this section shall not exceed the amount certified under 64 Pa.C.S. § 1543(e) (relating to indebtedness).*

**Section 1798.1-E. Federal and Commonwealth use of forest land.**

**(a) Scope.**—*This section applies to the following:*

**(1) Real property acquired for forest reserves by:**

- (i) the Federal Government; or**
- (ii) the Commonwealth.**

**(2) Tax-exempt real property acquired by the Federal Government or by the Commonwealth for the purpose of preserving, perpetuating and maintaining any portion of the original forests of this Commonwealth as public places and parks.**

**(3) Real property:**

- (i) which is acquired for the purpose of conservation of water or the prevention of flood conditions; and**
- (ii) upon which there is an imposed tax payable by the Commonwealth.**

**(b) Charge.**—

**(1) For land owned by the Department of Conservation and Natural Resources, subject to subsection (c), real property under subsection (a) shall be subject to an annual charge of:**

- (i) \$2 per acre for the benefit of each county where the real property is located;**
- (ii) \$2 per acre for the benefit of the schools in each school district where the real property is located; and**
- (iii) \$2 per acre for the benefit of the township where the real property is located.**

**(2) For land owned by the Pennsylvania Game Commission or the Pennsylvania Fish and Boat Commission:**

- (i) \$1.20 per acre for the benefit of each county where the real property is located;**
- (ii) \$1.20 per acre for the benefit of the schools in each school district where the real property is located; and**
- (iii) \$1.20 per acre for the benefit of the township where the real property is located.**

**(3) Subject to subsection (f), the charge under paragraph (1) shall be payable by the Commonwealth before September 2.**

**(c) Duration.**—

**(1) Except as set forth in paragraph (2), the annual charge payable by the Commonwealth on real property under subsection (a)(1)(i) shall continue only until the receipt of money by treasurers and township**

*supervisors of the political subdivisions under subsection (b)(1), in accordance with the act of April 27, 1925 (P.L.324, No.185), entitled "An act for the distribution by the Commonwealth and counties to townships and school districts of moneys received from the United States from Forest Reserves within the Commonwealth," equals or exceeds the amount paid by the Commonwealth in lieu of taxes.*

*(2) Paragraph (1) does not apply to:*

*(i) the annual charge per acre for the benefit of the county where real property under subsection (a)(1)(i) is located for calendar years 1953, 1954, 1955 and 1956; and*

*(ii) \$0.025 of the annual charge per acre for the benefit of the county where the real property under subsection (a)(1)(i) is located for each year after 1956.*

*(3) The Commonwealth shall annually pay the charges exempted under paragraph (2).*

*(d) Certification.—Upon application of the treasurer or township supervisor, the Secretary of Conservation and Natural Resources shall certify to the respective counties, school districts and townships where real property under subsection (a) is located and to the State Treasurer:*

*(1) the number of acres owned by the Federal Government and by the Commonwealth in the political subdivision; and*

*(2) the charge against the real property.*

*(e) Payment.—The State Treasurer shall pay to political subdivisions under subsection (d) the amount due under subsection (b) upon:*

*(1) requisition of the Secretary of Conservation and Natural Resources; and*

*(2) application by the appropriate treasurer or township supervisors.*

*(f) Source of payment.—For real property owned by the Department of Conservation and Natural Resources, the Pennsylvania Game Commission or the Pennsylvania Fish and Boat Commission, of the charge per acre under subsection (b):*

*(1) \$2.40 shall be paid from money available under 4 Pa.C.S. § 1403 (relating to establishment of State Gaming Fund and net slot machine revenue distribution); and*

*(2) the remainder shall be paid by the Commonwealth agency which owns the property.*

**Section 1798.2-E. Motor License Fund.**

*An appropriation from the Motor License Fund to the Pennsylvania State Police is restricted as follows:*

*(1) For fiscal year 2017-2018, the total amount of the appropriation shall not exceed the total amount appropriated for the same purpose in fiscal year 2016-2017.*

*(2) For fiscal year 2018-2019, the total amount of the appropriation shall not exceed 96% of the total amount appropriated for the same purpose in fiscal year 2016-2017.*

*(3) For fiscal year 2019-2020, the total amount of the appropriation shall not exceed 92% of the total amount appropriated for the same purpose in fiscal year 2016-2017.*

*(4) For fiscal year 2020-2021, the total amount of the appropriation shall not exceed 88% of the total amount appropriated for the same purpose in fiscal year 2016-2017.*

*(5) For fiscal year 2021-2022, the total amount of the appropriation shall not exceed 84% of the total amount appropriated for the same purpose in fiscal year 2016-2017.*

*(6) For fiscal year 2022-2023, the total amount of the appropriation shall not exceed 80% of the total amount appropriated for the same purpose in fiscal year 2016-2017.*

*(7) For fiscal year 2023-2024, the total amount of the appropriation shall not exceed 76% of the total amount appropriated for the same purpose in fiscal year 2016-2017.*

*(8) For fiscal year 2024-2025, the total amount of the appropriation shall not exceed 72% of the total amount appropriated for the same purpose in fiscal year 2016-2017.*

*(9) For fiscal year 2025-2026, the total amount of the appropriation shall not exceed 68% of the total amount appropriated for the same purpose in fiscal year 2016-2017.*

*(10) For fiscal year 2026-2027, the total amount of the appropriation shall not exceed 64% of the total amount appropriated for the same purpose in fiscal year 2016-2017.*

*(11) For fiscal year 2027-2028 and each fiscal year thereafter, the total amount of the appropriation shall not exceed the greater of:*

*(i) \$500,000,000; or*

*(ii) 60% of the total amount appropriated for the same purpose in fiscal year 2016-2017.*

**Section 1799.2-E. Pennsylvania Liquor Control Board procedure.**

*Notwithstanding the provisions of section 305 of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, the Pennsylvania Liquor Control Board may implement a procedure for processing special orders which do not come to rest at a store by June 1, 2017.*

**Section 1799.3-E. Restaurant liquor license auction.**

*In order to encourage the auctioning of licenses under section 470.3 of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, the Pennsylvania Liquor Control Board shall set the dates, times and regulations for the auctioning of licenses.*

**Section 1799.4-E. Liquor Code term.**

*Notwithstanding any provision of law to the contrary, the term "best selling items" when used in the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, shall mean the 150 most sold brands and product types of wine and the 150 most sold brands and product types of liquor as measured by the total number of units sold on a six-month basis calculated every January 1 and July 1.*

Section 21. The act is amended by adding articles to read:

**ARTICLE XVII-E.3  
GENERAL BUDGET RESTRICTIONS ON APPROPRIATIONS  
FOR FUNDS AND ACCOUNTS**



**Section 1701-E.3. Applicability.**

*This article applies to appropriations from every General Appropriation Act.*

*Section 1702-E.3. State Lottery Fund (Reserved).*

*Section 1703-E.3. Tobacco Settlement Fund (Reserved).*

*Section 1704-E.3. Judicial Computer System Augmentation Account (Reserved).*

*Section 1705-E.3. Emergency Medical Services Operating Fund (Reserved).*

*Section 1706-E.3. The State Stores Fund (Reserved).*

*Section 1707-E.3. Motor License Fund (Reserved).*

*Section 1708-E.3. Aviation Restricted Account (Reserved).*

*Section 1709-E.3. Hazardous Material Response Fund (Reserved).*

*Section 1710-E.3. Milk Marketing Fund (Reserved).*

*Section 1711-E.3. HOME Investment Trust Fund (Reserved).*

*Section 1712-E.3. Tuition Account Guaranteed Savings Program Fund (Reserved).*

*Section 1713-E.3. Banking Fund (Reserved).*

*Section 1714-E.3. Firearm Records Check Fund (Reserved).*

*Section 1715-E.3. Ben Franklin Technology Development Authority Fund (Reserved).*

*Section 1716-E.3. Oil and Gas Lease Fund (Reserved).*

*Section 1717-E.3. Home Improvement Account (Reserved).*

*Section 1718-E.3. Cigarette Fire Safety and Firefighter Protection Act Enforcement Fund (Reserved).*

*Section 1719-E.3. Insurance Regulation and Oversight Fund (Reserved).*

*Section 1720-E.3. Pennsylvania Race Horse Development Restricted Receipts Account (Reserved).*

*Section 1721-E.3. Justice Reinvestment Fund (Reserved).*

*Section 1722-E.3. Multimodal Transportation Fund (Reserved).*

*Section 1723-E.3. State Racing Fund (Reserved).*

*Section 1724-E.3. ABLE Savings Program Fund (Reserved).*

#### ARTICLE XVII-E.4

#### SCHOOL DISTRICT INTERCEPTS FOR THE PAYMENT OF DEBT SERVICE DURING BUDGET IMPASSE

**Section 1701-E.4. Scope of article.**

*This article applies to the intercept of subsidy payments by the department or the secretary from a school district subject to an intercept statute or an intercept agreement in the event of a budget impasse in any fiscal year.*

**Section 1702-E.4. 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:*

*"Department." The Department of Education of the Commonwealth.*

*"Intercept agreements." Agreements entered into under the authority of section 633, 785 or 790 of the act of March 10, 1949 (P.L.30, No.14),*

*known as the Public School Code of 1949, or 53 Pa.C.S. § 8125(b) (relating to security for tax anticipation notes and sinking fund), as applicable.*

*"Intercept statutes." Section 633, 785 or 790 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, or 53 Pa.C.S. § 8125(b) (relating to security for tax anticipation notes and sinking fund), as applicable.*

*"Secretary." The Secretary of Education of the Commonwealth. Section 1703-E.4. Budget impasse.*

*(a) General rule.—The amounts as may be necessary for the department or secretary to comply with the provisions of the applicable intercept statute or intercept agreement shall be appropriated to the department from the General Fund after the department or secretary submits justification for the appropriation to the chair and minority chair of the Appropriations Committee of the Senate and the chair and minority chair of the Appropriations Committee of the House of Representatives allowing 10 days for their review and comment if in any fiscal year:*

*(1) the annual appropriations for payment of Commonwealth money to school districts have not been enacted by July 1 and continue to be not enacted when a payment is due;*

*(2) the conditions under which the department or the secretary must comply with the applicable intercept statute or intercept agreement have occurred, thereby requiring the department or the secretary to withhold money from payments due to school districts; and*

*(3) the secretary, in consultation with the Secretary of the Budget, determines that there are no payments or allocations due to be paid to the school district from which the department or secretary may withhold money as required by the applicable intercept statute or intercept agreement.*

*(b) Accounting for intercept payments.—Upon enactment of the annual appropriations for a fiscal year in which a budget impasse occurs, against which the intercept statute or intercept agreement may be applied, the amounts expended by the department under subsection (a) since July 1 shall be withheld from the share of such appropriation or allocations due the subject school district for which the secretary or the department exercise their powers under the intercept statute or intercept agreement.*

*(c) Loan documentation.—Each school district subject to an intercept statute or intercept agreement shall deliver to the department, in such format as the department may direct, a copy of its final official statement or loan documents relating to the obligations within 30 days of the date that it receives the proceeds of a bond or note, or the principal amount of a loan, if the proceeds or principal are within the scope of the applicable intercept statute or intercept agreement. Loan documentation provided to the department shall include a schedule of principal and interest payments. Any obligation for which the department does not receive the required documentation by the required time shall not be subject to the applicable intercept statute or intercept agreement.*

*Section 1704-E.4. Intercept payments.*

*(a) General rule.—An intercept payment shall be made to the fiscal agent for the obligations and shall be made on the day the scheduled payment for principal and interest is due.*

*(b) Limitation.—The total amount of all intercept payments under this article may not exceed 50% of the total non-Federal General Fund subsidy payments made to the subject school district in the prior fiscal year.*

*Section 1705-E.4. Limitation on appropriation.*

*The appropriation under section 1703-E.4 shall be limited to available cash balances in the General Fund at the time of the execution of an intercept by the department or the secretary. The Commonwealth may not issue tax anticipation notes or enter into a loan agreement with the Treasury Department to provide cash flow for intercept payments.*

Section 22. Section 1729-L(2)(x) of the act, repealed and added April 25, 2016 (P.L.168, No.25), is amended to read:

Section 1729-L. Department of Human Services.

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

\* \* \*

(2) The following shall apply:

\* \* \*

(x) From funds appropriated for medical assistance capitation, no less than the amount used in the 2014-2015 fiscal year shall be used for prevention and treatment of depression and its complications in older Pennsylvanians in a county of the second class[, **and sufficient funds are provided for managed care organizations to provide a \$5-per-hour increase in the reimbursement rates for pediatric shift nursing services provided in a home care setting effective January 1, 2016**].

\* \* \*

Section 23. The amendment of section 1729-L(2)(x) of the act shall apply retroactively to April 25, 2016.

Section 24. Repeals are as follows:

(1) The General Assembly declares that the repeal under paragraph (2) is necessary to effectuate the addition of section 1798.1-E of the act.

(2) The act of May 17, 1929 (P.L.1798, No.591), referred to as the Forest Reserves Municipal Financial Relief Law, is repealed.

(3) The General Assembly declares that the repeal under paragraph (4) is necessary to effectuate the addition of section 1799.3-E of the act.

(4) Section 470.3(c), (d) and (e) of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, are repealed.

(5) The General Assembly declares that the repeal under paragraph (6) is necessary to effectuate the addition of section 1603-K of the act.

(6) 64 Pa.C.S. § 1551(g)(2) is repealed.

Section 25. This act shall take effect as follows:

(1) The amendment or addition of the following provisions of the act shall take effect in 60 days:

(i) Section 1301.8.

(ii) Section 1301.10a.

(iii) Section 1301.11a.

- (iv) Section 1301.12.
- (2) The following provisions shall take effect July 1, 2017:
  - (i) The addition of 1798.1-E of the act.
  - (ii) Section 24(1) and (2) of this act.
- (3) The remainder of this act shall take effect immediately.

APPROVED—The 13th day of July, A.D. 2016

TOM WOLF