

No. 2017-40

AN ACT

HB 118

Amending the act of April 9, 1929 (P.L.177, No.175), entitled, as amended, "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; providing for the regulation of pari-mutuel thoroughbred horse racing and harness horse racing activities, imposing certain taxes and providing for the disposition of funds from pari-mutuel tickets; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," implementing the 2017-2018 Commonwealth budget and instituting future budget implementation: further providing for title of act; in administrative organization, providing for employees with access to Federal tax information; in organization of independent administrative boards and commissions, providing for Pennsylvania Commission on Crime and Delinquency; in Commonwealth agency fees, further providing for Department of Health, for Department of Labor and Industry and for Pennsylvania State Police; in powers and duties of the Department of Justice and its departmental administrative boards, providing for collections by Attorney General; in powers and duties of Department of Corrections, providing for notice of public hearing for State correctional institution closure; in powers and duties of Department of Education and its departmental administrative boards and commissions, providing for Higher Education Regulatory Restricted Account; providing for Joint Underwriting Association; in powers and duties of Department of Environmental Protection, its officers and departmental and advisory boards and commissions, further providing for Environmental Quality Board and for municipal recycling grants and providing for water treatment facilities; providing for powers and duties of Department of Conservation and Natural Resources; in powers and duties of Department of Health and its departmental administrative and advisory boards, providing for Emergency Drug and Alcohol Detoxification Program; in Department of Aging, providing for PACE and PACENET program payments and for older adult daily living centers; in powers and duties of Department of Human Services and its departmental administrative and advisory boards and commissions, providing for child protective services fees; providing for jail facilities; in powers and duties of the Pennsylvania Public Utility Commission, providing for alternative energy portfolio standards; providing for judicial administration; 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 administration of the 2017-2018 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 the 2017-2018 budget implementation and the administration of State Government 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 administrative action related to appropriations. Ultimately, the budget has to be balanced under section 13 of Article VIII of the Constitution of Pennsylvania. This may necessitate administrative changes and the enactment of statutes to achieve full compliance with these constitutional provisions.

(6) Among the many administrative challenges faced by the Commonwealth is use of financial resources for health care. Central to the health care crisis in this Commonwealth is substance dependence.

(7) For the reasons set forth in paragraphs (1) through (6), it is the intent of the General Assembly through this act to provide for the administrative implementation of the 2017-2018 Commonwealth budget.

(8) Every provision of this act relates to the administrative implementation of the operating budget of the Commonwealth for this fiscal year, addressing in various ways the administrative operations and potential liabilities of the Commonwealth. To that end, this act is intended to implement the 2017-2018 Commonwealth budget without specifically appropriating public money from the General Fund. This act provides administrative accountability for spending and makes 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 11, 2017 (P.L.1279, No.1A), known as the General Appropriation Act of 2017.

Section 1.1. The title of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, amended February 23, 2016 (P.L.15, No.7), is amended to read:

AN ACT

Providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; **providing for the regulation of pari-mutuel thoroughbred horse racing and harness horse racing activities, imposing certain taxes and providing for the disposition of funds from pari-mutuel tickets;** *providing for judicial administration*; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined.

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

Section 225. *Employes with Access to Federal Tax Information.*—(a) *As required under any Federal law, regulation or published guidance from the Internal Revenue Service, an employe or prospective employe whose duties and responsibilities require or will require access to Federal tax information shall submit all of the following to the employe's or prospective employe's employer:*

(1) *A report of Federal criminal history record information.*

(2) *A report of criminal history record information from the Pennsylvania State Police as provided under 18 Pa.C.S. Ch. 91 (relating to criminal history record information) or a statement from the Pennsylvania State Police that the Pennsylvania State Police central repository contains no information relating to the individual. The criminal history record information shall be limited to that which is disseminated under 18 Pa.C.S. § 9121(b)(2) (relating to general regulations).*

(3) *Validation of the employe's or prospective employe's eligibility to legally work in the United States.*

(b) *For the purpose of complying with subsection (a)(1), an employe or prospective employe shall provide fingerprints to the Pennsylvania State Police, its agent or an agent approved for fingerprinting by the Federal Government. The fingerprints may be used by the Pennsylvania State Police to conduct a criminal background check and shall be forwarded to the Federal Bureau of Investigation for a national criminal background check.*

(c) (1) *Except as provided under paragraph (2), information relating to an employe or prospective employe submitted to or obtained by an employer or prospective employer under this section shall be interpreted and used only to determine the employe's or prospective employe's character, fitness and suitability to access Federal tax information.*

(2) *An employer may utilize information obtained under this section for employment decisions, including hiring of an applicant, promotion of a current employe or disciplinary action against an employe regarding a position that requires access to Federal tax information.*

(3) *An employer may receive and retain information consistent with this section that is otherwise protected under 18 Pa.C.S. Ch. 91, subject to any requirements related to redaction as specified in 18 Pa.C.S. § 9121(b)(2).*

(d) *An individual who has been cleared to access Federal tax information under this section shall reapply for clearance under subsections (a) and (b) within ten years of the issuance of the prior clearance unless the employer participates in a program exempting employes from clearance.*

(e) *A Commonwealth agency receiving Federal tax information that transfers the Federal tax information to any other entity except as it involves a Federal or State court or the Board of Finance and Revenue as part of a legal proceeding before the same may audit that entity to determine compliance with this section.*

(f) *The Department of Revenue shall publish guidelines to implement this section.*

(g) *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:*

"Employer." Any Commonwealth agency, office, department, authority, board, multistate agency or commission of the executive branch, an independent agency or State-affiliated entity, political subdivision or a contractor thereof, receiving Federal tax information, even though the Federal tax information may be forwarded to another Commonwealth agency, political subdivision or contractor, from any of the following:

(1) *The Internal Revenue Service.*

(2) *The Social Security Administration.*

(3) *Under section 6103 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 6103).*

(4) *By exchange agreement approved by the Internal Revenue Service.*

(5) *Any other secondary source.*

"Federal tax information." Includes any "return" or "return information" as defined in section 6103 of the Internal Revenue Code of 1986.

Section 310. Pennsylvania Commission on Crime and Delinquency.—The following shall apply:

(1) *Notwithstanding section 2(b)(1) of the act of November 22, 1978 (P.L.1166, No.274), referred to as the Pennsylvania Commission on Crime and Delinquency Law, the composition of the Pennsylvania Commission*

on Crime and Delinquency shall consist of the Attorney General or a designee.

(2) Notwithstanding section 2(b)(6) of the Pennsylvania Commission on Crime and Delinquency Law, the composition of the Pennsylvania Commission on Crime and Delinquency shall consist of the chairperson of the Appropriations Committee of the Senate and the chairperson of the Appropriations Committee of the House of Representatives or the chairpersons' designated legislative staff.

(3) Notwithstanding section 2(b)(8) of the Pennsylvania Commission on Crime and Delinquency Law, the composition of the Pennsylvania Commission on Crime and Delinquency shall consist of four members of the General Assembly or the members' designated legislative staff, of whom one shall be designated by, and serve at the pleasure of, the President pro tempore of the Senate, one by the Minority Leader of the Senate, one by the Speaker of the House of Representatives and one by the Minority Leader of the House of Representatives.

Section 3. Sections 609-A, 613-A and 616-A of the act are amended to read:

Section 609-A. Department of Health.—(a) The Department of Health is authorized to charge fees for the following purposes and in the following amounts:

(1) Permit for operation of clinical laboratory	\$100.00
(2) Provisional approval issued to nursing homes:	
(i) Provisional license:	
(A) First provisional	100.00
Each approved nursing home bed	2.00
(B) Second provisional.....	200.00
Each approved nursing home bed	2.00
(C) Third provisional.....	300.00
Each approved nursing home bed	2.00
(D) Fourth provisional.....	400.00
Each approved nursing home bed	2.00
(4) Nursing homes:	
(i) Regular license	100.00
Each inpatient bed	2.00
(ii) Renewal of regular license	100.00
Each inpatient bed	2.00
(5) Home health care agency:	
(i) License	200.00
(6) Vital statistics:	
(i) Certified copy of a birth record	20.00
(ii) Certified copy of a death record.....	[9.00] 20.00

(b) When there is no local registrar, upon application and payment of a fee of twenty dollars (\$20), the local Department of Health office shall issue a certificate of death. Each fee received by the local Department of Health office shall be distributed as follows:

(1) Eleven dollars (\$11) shall be retained by the Department of Health.

(2) *Eight dollars (\$8) shall be deposited in the General Fund.*

(3) *One dollar (\$1) shall be retained by the Department of Health for distribution to the county coroner or medical examiner as provided for in section 206 of the act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953.*

Section 613-A. Department of Labor and Industry *to Collect Fees.*—
[The Department of Labor and Industry is authorized to charge fees for the following purposes and in the following amounts:

(1) Fees for unfired pressure vessels and boilers:

- (i) Certificate of operations:
 - (A) Unfired pressure vessels..... \$44.00
 - (B) Boilers 22.00
- (ii) For the internal inspection of power boilers, high pressure, high temperature water boilers and miniature boilers, the fees shall be as follows:
 - (A) Boilers of 50 square feet of heating surface or less 22.00
 - (B) Boilers over 50 square feet of heating surface and less than 4,000 square feet of heating surface 36.00
 - (C) Boilers over 4,000 square feet of heating surface or more and less than 10,000 square feet of heating surface 51.00
 - (D) Boilers over 10,000 square feet of heating surface or more..... 58.00
 - (E) Miniature boilers..... 15.00
- (iii) For the external inspection of power boilers, high pressure and high temperature water boilers, the fees shall be as follows:
 - (A) Boilers of 50 square feet of heating surface or less 15.00
 - (B) Boilers over 50 square feet of heating surface 22.00
 - (C) Not more than \$50 plus the annual certificate fee shall be collected for any and all inspection above of any boiler in any one year.
- (iv) For the internal or external inspection of low pressure boilers, the fees shall be as follows:
 - (A) Heating boilers without a manhole 18.00
 - (B) Heating boilers with a manhole 22.00
 - (C) Hot water supply boilers 15.00
 - (D) Not more than \$50 plus the annual certificate fee shall be collected for any and all inspections as above of any low pressure boiler in any required

inspection period.

- (v) For the internal or external inspection of pressure vessels, the fees shall be as follows:
 - (A) Each pressure vessel subject to inspection having a cross sectional area of 50 square feet or less 15.00
 - (B) Each additional 100 square feet of area in excess of 50 square feet 15.00
 - (C) Not more than \$75 shall be paid for each inspection on any one vessel.
 - (D) A group of pressure vessels, such as the rolls of a paper machine for dryer operating as a single machine or unit, shall be considered one pressure vessel. Not more than \$75 plus annual certificate fee shall be collected for any and all inspections as above of any pressure vessel in any required inspection period, except in such cases where the vessel is moved.
- (vi) Approval of plans:
 - (A) Complete mechanical room drawings - boilers and other vessels 73.00
 - (B) High pressure boilers 29.00
 - (C) Low pressure boilers 29.00
- (vii) Boiler inspectors:
 - (A) Inspector's examination fee 44.00
 - (B) Certificate of competency and commission fee 22.00
 - (C) New credential card fee (annual renewal) 15.00
- (viii) Hydrostatic test (witnessed) 22.00
- (ix) Onsite consultation fee (per hour) 29.00
- (x) Inspection of repair fee 15.00
- (xi) ASME shop survey fee
 - Full day 726.00
 - Half day 363.00
- (xii) Copy of department boiler regulations 7.00
- (xiii) Acceptance of boilers and pressure vessels not originally destined for use within the Commonwealth 726.00
- (2) Fees for elevators:
 - (i) Inspector's examination fee 73.00
 - (ii) Commission fee and initial credential card 51.00
 - (iii) Renewal credential card fee 29.00
 - (iv) Plans approval application:
 - (A) Passenger, freight and combination

passenger/freight elevators except hydraulic elevators:	
(1) 1-7 floors	363.00
(2) 8-20 floors	436.00
(3) More than 20 floors	508.00
(B) Hydraulic passenger, freight and combination passenger/freight elevators and other lifting devices	290.00
(C) Ski lifts	508.00
(D) Escalators	290.00
(v) Major repairs.....	145.00
(vi) Certificate renewals.....	36.00
(vii) Elevator inspections:	
(A) Passenger, freight and combination passenger/freight elevators except hydraulic elevators:	
(1) 1-7 floors	94.00
(2) 8-20 floors	116.00
(3) More than 20 floors	145.00
(B) Hydraulic passenger, freight and combination passenger/freight elevators and other lifting devices	73.00
(C) Ski lifts	145.00
(D) Escalators	94.00
(viii) Special approval	508.00
(ix) Reinspection following failed initial acceptance inspection.....	145.00
(x) Reinspection following failure to correct violations within allotted time period.....	73.00
(xi) Copy of Department Elevator Regulations.....	7.00
(xii) Duplicate certificate of operation	15.00
(3) Fees for liquefied petroleum gas:	
(i) Bulk plants 30,000 gallons or less	90.00
(ii) Bulk plants 30,001 - 90,000 gallons.....	135.00
(iii) Bulk plants 90,001 or more gallons	180.00
(iv) Industrial/utility users 2,001 - 30,000 gallons.....	45.00
(v) Industrial/utility users 30,001 - 180,000 gallons.....	90.00
(vi) Industrial/utility users 180,001 or more gallons.....	180.00
(vii) Dealers having less than 1,000 customers	112.50
(viii) Dealers having 1,000 - 2,999 customers...	235.00
(ix) Dealers having 3,000 - 5,999 customers.....	337.50
(x) Dealers having 6,000 or more customers....	450.00
(xi) LP Gas Plot Plan Fee	20.00
(xii) Copy of Department LP Gas Regulations.....	5.00

(4) Fees for building plans approval.....	actual cost incurred in examination
(5) Fees for dry cleaning and dyeing approval	75.00
(6) Fees for projectionist licensing	
(i) Apprentice fee.....	5.00
(ii) Examination fee.....	5.00
(iii) Renewal fee.....	10.00
(iv) Projectionist license.....	7.50
(v) Nontheatrical renewal.....	3.00
(vi) Apprentice renewal.....	2.00
(7) Fees for bedding and upholstery:	
(i) Sale of stamps	2 1/2 cents
(ii) Registration.....	10.00
(iii) Manufacturer's license	50.00
(iv) Sterilization permit	25.00
(v) Sterilization renewal.....	10.00
(vi) Auctioneer permit	25.00
(vii) Auctioneer renewal	10.00
(viii) Quarterly reports	2 1/2 cents
(8) Fees for private employment agency licenses:	
(i) Agency licenses	300.00
(ii) Counselor licenses	50.00
(iii) Counselor license renewal	10.00]

(a) *Notwithstanding any other provision of law, the department is authorized to charge fees for the following purposes and in the following amounts:*

(1) Fees for unfired pressure vessels and boilers:	
(i) Certificate of operations:	
(A) Unfired Pressure Vessels.....	\$72
(B) Boilers.....	44
(ii) For the internal inspection of power boilers, high-pressure, high-temperature water boilers and miniature boilers, the fees shall be as follows:	
(A) Boilers of 50 square feet or less of heating surface:	
(I) Standard fee.....	65
(II) For expedited inspections.....	165
	plus \$160 per hour for inspections that occur outside of normal business hours
(B) Boilers with more than 50 square feet of heating surface and less than 4,000 square feet of heating surface:	
(I) Standard fee.....	125

(II) For expedited inspection	225
	<i>plus \$160 per hour for inspections that occur outside of normal business hours</i>
(C) Boilers with more than 4,000 square feet of heating surface and less than 10,000 square feet of heating surface:	
(I) Standard fee.....	175
(II) For expedited inspections.....	275
	<i>plus \$160 per hour for inspections that occur outside of normal business hours</i>
(D) Boilers with 10,000 or more square feet of heating surface:	
(I) Standard fee.....	210
(II) For expedited inspections.....	310
	<i>plus \$160 per hour for inspections that occur outside of normal business hours</i>
(E) Miniature boilers:	
(I) Standard fee.....	35
(II) For expedited inspections.....	135
	<i>plus \$160 per hour for inspections that occur outside of normal business hours</i>
(iii) For the external inspection of power boilers, high-pressure and high-temperature water boilers, the fees shall be as follows:	
(A) Boilers with 50 square feet or less of heating surface:	
(I) Standard fee.....	55
(II) For expedited inspections.....	155
	<i>plus \$160 per hour for inspections that occur outside of normal business hours</i>

hours

(B) Boilers with more than 50 square feet of heating surface:

- (I) Standard fee.....**
- (II) For expedited inspections.....**

**80
180**

plus \$160 per hour for inspections that occur outside of normal business hours

(iv) For the internal or external inspection of low-pressure boilers, the fees shall be as follows:

(A) Heating boilers without a manhole:

- (I) Standard fee.....**
- (II) For expedited inspections.....**

**55
155**

plus \$160 per hour for inspections that occur outside of normal business hours

(B) Heating boilers with a manhole:

- (I) Standard fee.....**
- (II) For expedited inspections.....**

**100
200**

plus \$160 per hour for inspections that occur outside of normal business hours

(C) Hot water supply boilers:

- (I) Standard fee.....**
- (II) For expedited inspections.....**

**55
155**

plus \$160 per hour for inspections that occur outside of normal business hours

(v) For the internal or external inspection of pressure vessels, the fees shall be as follows:

(A) Pressure vessels subject to inspection having a cross-sectional area of 50 square feet or less:

- (I) Standard fee.....**
- (II) For expedited inspections.....**

**45
145**

plus \$160 per hour for

inspections that occur outside of normal business hours

(B) Each additional 100 square feet of area in excess of 50 square feet:

- (I) Standard fee.....** 45
- (II) For expedited inspections.....** 145

per each additional 100 square feet in area in excess of 50 square feet plus \$160 per hour for inspections that occur outside of normal business hours

(C) A group of pressure vessels, such as the rolls of a paper machine for a dryer operating as a single machine or unit, shall be considered one pressure vessel.

(vi) Intent to install approval:

(A) Complete mechanical room drawings - boilers and other vessels:

- (I) Standard fee.....** 165
- (II) For expedited approval.....** 1,165

plus \$160 per hour for inspections that occur outside of normal business hours

(B) High-pressure boilers:

- (I) Standard fee.....** 100
- (II) For expedited approval.....** 1,100

plus \$160 per hour for inspections that occur outside of normal business hours

(C) Low-pressure boilers:

- (I) Standard fee.....** 100
- (II) For expedited approval.....** 1,100

plus \$160 per hour for inspections that

	<i>occur outside of normal business hours</i>
(vii) Boiler inspectors:	
(A) <i>Inspector's examination fee</i>	150
(B) <i>New credential card (annual renewal)</i>	25
(viii) Hydrostatic test (witnessed):	
(A) <i>Standard fee</i>	65
(B) <i>For expedited action</i>	165
	<i>plus \$160 per hour for inspections that occur outside of normal business hours</i>
(ix) Inspection of repair fee:	
(A) <i>Standard fee</i>	65
(B) <i>For expedited inspection</i>	165
	<i>plus \$160 per hour for inspections that occur outside of normal business hours</i>
(x) Copy of department boiler regulations	7
(xi) Acceptance of boilers and pressure vessels not originally destined for use within this Commonwealth:	
(A) <i>Standard fee</i>	1,500
(B) <i>For expedited action</i>	2,500
	<i>plus \$160 per hour for inspections that occur outside of normal business hours</i>
(2) Fees for elevators:	
(i) Plans approval application:	
(A) <i>Passenger, freight and combination passenger/freight elevators except hydraulic elevators:</i>	
(I) One to seven floors:	
(a) <i>Standard fee</i>	663
(b) <i>For expedited plan reviews, approvals and inspections</i>	1,663
	<i>plus \$160 per hour for inspections that occur outside</i>

	<i>normal business hours</i>
(II) Eight to twenty floors:	
(a) Standard fee	768
(b) For expedited plan reviews, approvals and inspections.....	1,768
	<i>plus \$160 per hour for inspections that occur outside normal business hours</i>
(III) More than 20 floors:	
(a) Standard fee	950
(b) For expedited plan reviews, approvals and inspections.....	1,950
	<i>plus \$160 per hour for inspections that occur outside normal business hours</i>
(B) Hydraulic passenger, freight and combination passenger/freight elevators and other lifting devices:	
(I) Standard fee.....	581
(II) For expedited plan reviews, permits and inspections.....	1,581
	<i>plus \$160 per hour for inspections that occur outside normal business hours</i>
(C) Ski lifts (aerial passenger ropeways):	
(I) Standard fee.....	2,800
(II) For expedited plan reviews, permits and inspections.....	3,500
	<i>plus \$320 per hour for inspections that occur outside normal business hours</i>
(D) Ski lifts nonaerial (surface lifts):	
(I) Standard fee.....	600
(II) For expedited plan reviews, permits and inspections.....	1,600
	<i>plus \$320 per</i>

hour for inspections that occur outside normal business hours

(E) Escalators and moving walks:

(I) Standard fee..... 558

(II) For expedited plan reviews, permits and inspections..... 1,558

plus \$160 per hour for inspections that occur outside normal business hours

(ii) Alterations and major repairs:

(A) Standard fee 696

(B) For expedited plan review and inspections. 1,696

plus \$160 per hour for inspections that occur outside normal business hours

(iii) Certificate renewals:

(A) Two-year renewal..... 72

(B) Four-year renewal 144

(iv) Elevator inspections:

(A) Passenger, freight and combination passenger/freight elevators except hydraulic elevators:

(I) One to seven floors:

(a) Standard fee 200

(b) For expedited inspection..... 300

plus \$160 per hour for inspections that occur outside normal business hours

(II) Eight to twenty floors:

(a) Standard fee 236

(b) For expedited inspection..... 336

plus \$160 per hour for inspections that occur outside normal business hours

(III) More than 20 floors:

(a) Standard fee 250

(b) For expedited inspection..... 350

**plus \$160 per
hour for
inspections that
occur outside
normal business
hours**

**(B) Hydraulic passenger, freight and
combination passenger/freight elevators
and other lifting devices:**

(I) Standard fee..... 207

(II) For expedited inspections..... 307

**plus \$160 per
hour for
inspections that
occur outside
normal business
hours**

(C) Ski lifts (aerial passenger ropeways):

(I) Standard fee..... 780

(II) For expedited inspections..... 880

**plus \$160 per
hour for
inspections that
occur outside
normal business
hours**

(D) Ski lifts nonaerial (surface lifts):

(I) Standard fee..... 175

(II) For expedited inspections..... 275

**plus \$160 per
hour for
inspections that
occur outside
normal business
hours**

(E) Escalators and moving walks:

(I) Standard fee..... 150

(II) For expedited inspections..... 250

**plus \$160 per
hour for
inspections that
occur outside
normal business
hours**

(v) Fees for witnessing periodic tests:

(A) Electric elevators with 1-10 openings:

<i>(I) Standard fee.....</i>	435
<i>(II) For expedited action.....</i>	635
	<i>plus \$160 per hour for inspections that occur outside normal business hours</i>
<i>(B) Electric elevators with 11-20 openings:</i>	
<i>(I) Standard fee.....</i>	475
<i>(II) For expedited action.....</i>	675
	<i>plus \$160 per hour for inspections that occur outside normal business hours</i>
<i>(C) Electric elevators with more than 20 openings:</i>	
<i>(I) Standard fee.....</i>	530
<i>(II) For expedited action.....</i>	730
	<i>plus \$160 per hour for inspections that occur outside normal business hours</i>
<i>(D) Roped hydraulic elevator and roped/ chained vertical reciprocal conveyor:</i>	
<i>(I) Standard fee.....</i>	530
<i>(II) For expedited action.....</i>	730
	<i>plus \$160 per hour for inspections that occur outside normal business hours</i>
<i>(E) Hydraulic elevator, limited use/limited application and direct hydraulic vertical reciprocating conveyor:</i>	
<i>(I) Standard fee.....</i>	435
<i>(II) For expedited action.....</i>	635
	<i>plus \$160 per hour for inspections that occur outside normal business hours</i>
<i>(F) Escalator and moving walk:</i>	

(I) Standard fee.....	435
(II) For expedited action.....	635
	<i>plus \$160 per hour for inspections that occur outside normal business hours</i>
(G) Wheelchair lift and inclined stairway chair lift:	
(I) Standard fee.....	280
(II) For expedited action.....	480
	<i>plus \$160 per hour for inspections that occur outside normal business hours</i>
(H) Orchestra lift, belt lift, state lift and organ lift:	
(I) Standard fee.....	530
(II) For expedited action.....	730
	<i>plus \$160 per hour for inspections that occur outside normal business hours</i>
(I) Other equipment:	
(I) Standard fee.....	435
(II) For expedited action.....	635
	<i>plus \$160 per hour for inspections that occur outside normal business hours</i>
(vi) Fees for witnessing periodic dynamic testing:	
(A) Aerial tramways and detachable aerial grips:	
(I) Standard fee.....	2,400
(II) For expedited action.....	2,600
	<i>plus \$320 per hour for inspections that occur outside normal business hours</i>
(B) Fixed grip lifts:	

(I) <i>Standard fee</i>	2,400
(II) <i>For expedited action</i>	2,600
	<i>plus \$320 per hour for inspections that occur outside normal business hours</i>
(C) <i>Special approval:</i>	
(I) <i>Standard fee</i>	1,000
	<i>plus \$115 per hour</i>
(II) <i>For expedited special approval and inspections</i>	2,000
	<i>plus \$160 per hour for inspections that occur outside normal business hours</i>
(D) <i>Reinspection following failed permit acceptance inspection:</i>	
(I) <i>Standard fee</i>	500
(II) <i>For expedited approval and inspections</i>	1,500
	<i>plus \$160 per hour for inspections that occur outside normal business hours</i>
(E) <i>Reinspection following failure to correct violations within allotted time period:</i>	
(I) <i>Standard fee</i>	200
(II) <i>For expedited approval and inspections</i>	1,200
	<i>plus \$160 per hour for inspections that occur outside normal business hours</i>
(F) <i>Copy of department elevator regulations</i>	7
(G) <i>Duplicate certificate of operation</i>	25
(3) <i>Fees for liquefied petroleum gas:</i>	
(i) <i>New registration and plan approval for bulk plants of 30,000 gallons or less:</i>	
(A) <i>Standard fee</i>	360
(B) <i>For expedited registration and plan approval</i>	1,360
	<i>plus \$160 per</i>

hour for inspections that occur outside normal business hours

(ii) New registration and plan approval for bulk plants of 30,001-90,000 gallons:

(A) Standard fee 430

(B) For expedited registration and plan approval 1,430

plus \$160 per hour for inspections that occur outside normal business hours

(iii) New registration and plan approval for bulk plants of 90,001 gallons or more:

(A) Standard fee 475

(B) For expedited registration and plan approval 1,475

plus \$160 per hour for inspections that occur outside normal business hours

(iv) New registration and plan approval for industrial or utility users of 2,001-30,000 gallons:

(A) Standard fee 250

(B) For expedited registration and plan approval 1,250

plus \$160 per hour for inspections that occur outside normal business hours

(v) New registration and plan approval for industrial or utility users of 30,001-180,000 gallons:

(A) Standard fee 360

(B) For expedited registration and plan approval 1,360

plus \$160 per hour for inspections that occur outside

	<i>normal business hours</i>
(vi) <i>Registration and plan approval for industrial or utility users of 180,001 gallons or more:</i>	
(A) <i>Standard fee</i>	475
(B) <i>For expedited registration and plan approval</i>	1,475
	<i>plus \$160 per hour for inspections that occur outside normal business hours</i>
(vii) <i>Registration and plan approval for retail cylinder or exchange cabinets:</i>	
(A) <i>Standard fee</i>	150
(B) <i>For expedited registration and plan approval</i>	1,150 plus \$160 for inspections that occur outside normal business hours
(viii) <i>Dealers having less than 1,000 customers.....</i>	175
(ix) <i>Dealers having 1,000-2,999 customers.....</i>	300
(x) <i>Dealers having 3,000-5,999 customers.....</i>	375
(xi) <i>Dealers having 6,000 or more customers.....</i>	500
(xii) <i>Copy of department LP gas regulations</i>	5
(xiii) <i>Annual registration renewal for bulk plants and industrial users.....</i>	135
(xiv) <i>Annual registration renewal for cylinder or exchange cabinets</i>	75
(4) <i>Fees for bedding and upholstery:</i>	
(i) <i>Manufacturer's license.....</i>	150
(ii) <i>Sterilization permit</i>	75
(iii) <i>Sterilization renewal.....</i>	35
(iv) <i>Auctioneer permit</i>	75
(v) <i>Auctioneer renewal.....</i>	35
(vi) <i>Quarterly reports.....</i>	.05
(vii) <i>Duplicate license or permit</i>	25
(viii) <i>Secondhanded initial application</i>	100
(ix) <i>Secondhanded renewal.....</i>	50
(5) <i>Fees for combustible and flammable liquids:</i>	
(i) <i>Permits for the installation or replacement of tanks:</i>	
(A) <i>Standard fee</i>	500
(B) <i>For expedited permits and inspections.....</i>	1,500
	<i>plus \$160 per hour for</i>

	<i>inspections that occur outside normal business hours</i>
(ii) Permits for the installation or replacement of pumps or dispensers:	
(A) Standard fee	200
(B) For expedited permits and inspections.....	1,200
	<i>plus \$160 per hour for inspections that occur outside normal business hours</i>
(iii) Permits for the installation and rebuild of containers for compressed natural gas:	
(A) Standard fee	500
(B) For expedited permits and inspections.....	1,500
	<i>plus \$160 per hour for inspections that occur outside normal business hours</i>
(iv) Permits for the installation or replacement of compressed natural gas pumps and dispensers:	
(A) Standard fee	200
(B) For expedited permits and inspections.....	1,200
	<i>plus \$160 per hour for inspections that occur outside normal business hours</i>
(v) Duplicate permit.....	75
(6) Fees for asbestos occupations:	
(i) Worker certification of less than six months.....	30
(ii) Worker certification of six months or more.....	60
(iii) Supervisor certification of less than six months	58
(iv) Supervisor certification of six months or more.....	116
(v) Project designer certification of less than six months	175
(vi) Project designer certification of six months or more.....	350
(vii) Inspector certification of less than six months	175

(viii) <i>Inspector certification of six months or more</i>	350
(ix) <i>Management planner certification of less than six months</i>	175
(x) <i>Management planner certification of six months of more¹</i>	350
(xi) <i>Dual inspector or management planner certification of less than six months</i>	175
(xii) <i>Dual inspector or management planner certification of six months or more</i>	350
(xiii) <i>Individual contractor certification of less than six months</i>	290
(xiv) <i>Individual contractor certification of six months or more</i>	580
(xv) <i>Company certification</i>	150
(xvi) <i>Training course accreditation</i>	2,000
(xvii) <i>Duplicate certification</i>	25
(7) <i>Fees for lead-based paint occupations:</i>	
(i) <i>Worker certification of less than six months</i>	30
(ii) <i>Worker certification of six months or more</i>	60
(iii) <i>Supervisor certification of less than six months</i>	58
(iv) <i>Supervisor certification of six months or more</i>	116
(v) <i>Project designer certification of less than six months</i>	175
(vi) <i>Project designer certification of six months or more</i>	350
(vii) <i>Inspector certification of less than six months</i>	175
(viii) <i>Inspector certification of six months or more</i>	350
(ix) <i>Risk assessor certification of less than six months</i>	175
(x) <i>Risk assessor certification of six months or more</i>	350
(xi) <i>Dual inspector and risk assessor certification of less than six months</i>	175
(xii) <i>Dual inspector and risk assessor certification of six months or more</i>	350
(xiii) <i>Third-party examination</i>	50
(xiv) <i>Initial training course accreditation</i>	2,000
(xv) <i>Renewal training course accreditation</i>	1,500
(xvi) <i>Refresher of initial or renewal training course accreditation</i>	1,500
(xvii) <i>Duplicate certification</i>	25
(xviii) <i>Lead companies</i>	500
(8) <i>Fees for stuffed toys:</i>	
(i) <i>Initial registration and renewals</i>	75

¹"six months of more" in enrolled bill.

(ii) Duplicate.....	25
(9) Fees for Uniform Construction Code certifications:	
(i) Initial code official certification and renewal....	100
(ii) Initial third-party agency certification and renewal	300
(iii) Duplicate.....	25
(10) Fees for Uniform Construction Code permits:	
(i) Permit for new buildings and additions:	
(A) Standard fee	321
	plus \$0.65 per square foot of floor area or each fraction of floor area
(B) For expedited permits	1,321
	plus \$0.65 per square foot of floor area or each fraction of floor area plus \$160 per hour for inspections that occur outside normal business hours
(ii) Permit for new structures and facilities other than buildings:	
(A) Standard fee	965
(B) For expedited permits	1,965
	plus \$160 per hour for inspections that occur outside normal business hours
(iii) Permit for alterations, renovations or modifications to existing building structures:	
(A) Standard fee	321
	plus 6.5% for each \$1,000 of estimated cost for alterations, renovations or modification as certified by the applicant
(B) For expedited permits	1,321
	plus 6.5% for

each \$1,000 of estimated cost for alterations, renovations or modification as certified by the applicant plus \$160 per hour for inspections that occur outside normal business hours

(iv) Accessibility plan review and inspection:

(A) Standard fee	645
(B) For expedited plan review.....	1,645
	plus \$160 per hour for inspections that occur outside normal business hours

(v) Permit for building or structure demolition:

(A) Standard fee	321
(B) For expedited permits	1,321
	plus \$160 per hour for inspections that occur outside normal business hours

(vi) Annual permit:

(A) Standard fee	321
(B) For expedited permits	1,321
	plus \$160 per hour for inspections that occur outside normal business hours

(vii) Revision of approved plans:

(A) Standard fee	500
(B) For expedited approval	1,500
	plus \$160 per hour for inspections that occur outside normal business hours

(11) Fees for variance requests:

- (i) *Industrial board variance, appeal and request for extension of time:*
 - (A) *Standard fee* 321
 - (B) *For expedited action on variances, appeals or requests for extensions of time*..... 1,321
- (ii) *Accessibility Advisory Board variance, appeal or request for extension of time:*
 - (A) *Standard fee* 321
 - (B) *For expedited action on variances, appeals or requests for extensions of time*..... 1,321

(b) *Notwithstanding any provision of law to the contrary, from the fees collected under subsection (a), an amount equal to the fees collected by the department in fiscal year 2016-2017 shall be deposited into the General Fund each fiscal year. All money collected under subsection (a) by the department in any fiscal year that exceeds the amount collected by the department in fiscal year 2016-2017 shall augment the appropriation made to the department for the Bureau of Occupational and Industrial Safety in the general appropriation act for the fiscal year in which the department receives payment of the fees.*

(c) *Beginning one year after the effective date of this section, and annually thereafter, all fees listed in this section shall increase at the rate of inflation as outlined in the Consumer Price Index for All Urban Consumers in the Northeast Region for the most recent 12-month period for which the figures have been reported by the United States Department of Labor, Bureau of Labor Statistics. If the rate of inflation does not increase, all fees shall remain the same as they were for the previous year. The department shall publish fee increases in the Pennsylvania Bulletin.*

(d) *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:*

"Department." The Department of Labor and Industry of the Commonwealth.

"Expedited." Any task, excluding inspections, to be performed within seven days of the Department of Labor and Industry, Bureau of Occupational and Industrial Safety's receipt of a written request to perform that task. For inspections, the term means a task to be performed within three days of receipt by the Department of Labor and Industry, Bureau of Occupational and Industrial Safety of a written request to perform that inspection.

"Normal business hours." Monday through Friday from 8:00 a.m. until 5:00 p.m. with the exception of any day when the Department of Labor and Industry is not open for business.

Section 616-A. Pennsylvania State Police.—(a) The Pennsylvania State Police are authorized to charge fees for the following purposes and in the following amounts:

- (1) Accident Reports:
 - (i) Certified copy of record of investigation of a vehicle accident..... \$8.00
- (2) Private security agent lethal weapon:

(i) Application	50.00
(ii) Certification.....	30.00
(iii) Renewal.....	30.00
(4) Bank alarm panel:	
(i) Bank alarm connection rate.....	300.00
	per year
(5) Fingerprint records check:	
(i) Private detective licensing - fingerprint records check request from clerk of courts.....	17.50
(6) Firearm and name check:	
(i) Noncriminal justice agencies and individuals.....	10.00

(b) Notwithstanding any other provision of law, the Pennsylvania State Police may increase the fees for criminal history record information under 18 Pa.C.S. Ch. 91 (relating to criminal history record information) by publishing a notice in the Pennsylvania Bulletin.

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

Section 922.1. Collections by Attorney General.—(a) *Notwithstanding any other provision of law, whenever the Attorney General exercises the Attorney General's powers under section 204(c) of the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, to collect, by suit or otherwise, the debts, taxes and accounts due the Commonwealth that are referred to and placed with the Attorney General for collection by any Commonwealth agency, no more than twenty-five per centum (25%) of each amount collected shall be deposited in a restricted account within the General Fund known as the Collection Administration Account. No more than two million five hundred thousand dollars (\$2,500,000) per fiscal year may be deposited into the restricted account under this section.*

(b) Money in the Collection Administration Account is appropriated to the Office of Attorney General. The Attorney General shall submit to the Governor an estimate of the amount of money to be expended from the Collection Administration Account during the next fiscal year as part of the Attorney General's annual budget request to the Governor.

Section 915-B. Notice of Public Hearing for State Correctional Institution Closure.—*During the fiscal year 2017-2018, the Department of Corrections may not close a State correctional institution as defined in 61 Pa.C.S. § 102 (relating to definitions), unless the Department of Corrections conducts a public hearing in the county in which the State correctional institution is located. The Department of Corrections shall provide notice thirty (30) days before the public hearing in the Pennsylvania Bulletin and in at least two local newspapers.*

Section 1322. Higher Education Regulatory Restricted Account.—(a) *The Higher Education Regulatory Restricted Account is established as a restricted account within the General Fund of the State Treasury from which the Department of Education may expend money for the purpose of the costs of administering and implementing 24 Pa.C.S. Ch. 65 (relating to private colleges, universities and seminaries) and all other costs associated with the activities of the department related to the mandated services and regulation of degree-granting institutions. The restricted account shall*

consist of the fees deposited under subsection (b) and State funds appropriated for use under this section. The restricted account shall be subject to audit by the Auditor General.

(b) The Department of Education shall collect a fee for services provided to degree-granting institutions under this act. The fees are as follows:

- (1) For an application for approval of a specialized associate degree program..... \$1,000*
- (2) For an application for approval of a new degree or program at an institution of higher education.. 1,400*
- (3) For an application for a new degree-granting institution or a change from private licensed school to college or university..... 5,000*
- (4) For an application to change status from college or seminary to university..... 1,000*
- (5) For an application for education enterprise status 10,000*
- (6) To renew status as an education enterprise..... 2,000*
- (7) For registration of an out-of-State distance education provider that is not a participant in the State Authorization Reciprocity Agreement..... 5,000*
- (8) For an application for approval to use the word "college," "university" or "seminary" in a business name..... 100*

(c) The fees collected under subsection (b) shall be deposited into the Higher Education Regulatory Restricted Account.

(d) The fees imposed under this section shall remain in effect until revised by the State Board of Education. If the revenues raised by fees imposed under this section are not sufficient to meet expenses projected for a two-year period, the State Board of Education shall increase the fees by regulation so that the projected revenue will meet or exceed projected expenditures.

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

**ARTICLE XV-A
JOINT UNDERWRITING ASSOCIATION**

Section 1501-A. Findings.

The General Assembly finds as follows:

(1) As a result of a decline in the need in this Commonwealth for the medical professional liability insurance policies offered by the joint underwriting association under Subchapter B of Chapter 7 of the Mcare Act, and a decline in the nature and amounts of claims paid out by the joint underwriting association under such policies, the joint underwriting association has money in excess of the amount reasonably required to fulfill its statutory mandate.

(2) Funds under the control of the joint underwriting association consist of premiums paid on the policies issued under Subchapter B of Chapter 7 of the Mcare Act and income from investment. The funds do not belong to any of the members of the joint underwriting association nor any of the insureds covered by the policies issued.

(3) The joint underwriting association is an instrumentality of the Commonwealth. Money under the control of the joint underwriting association belongs to the Commonwealth.

(4) At a time when revenue receipts are down and the economy is still recovering, the Commonwealth is in need of revenue from all possible sources in order to continue to balance its budget and provide for the health, welfare and safety of the residents of this Commonwealth.

(5) The payment of money to the Commonwealth required under this article is in the best interest of the residents of this Commonwealth.

Section 1502-A. Definitions.

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

"Commissioner." The Insurance Commissioner of the Commonwealth.

"Department." The Insurance Department of the Commonwealth.

"Joint underwriting association." The Pennsylvania Professional Liability Joint Underwriting Association established under section 731 of the Mcare Act.

"Mcare Act." The act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act.

Section 1503-A. Payment.

On or before November 1, 2017, the joint underwriting association shall pay the sum of \$200,000,000 to the State Treasurer for deposit into the General Fund.

Section 1504-A. No liability.

The joint underwriting association and its officers, board members and employees shall not be liable nor subject to suit for complying with the provisions of this article and making the required payment of money to the State Treasurer.

Section 1505-A. Exclusive jurisdiction.

The Supreme Court shall have exclusive jurisdiction to hear any challenge to or to render a declaratory judgment concerning the constitutionality of this article or to enforce the provisions of this article.

Section 1506-A. Sunset.

In the event the payment required under section 1503-A is not made by November 1, 2017, the provisions of Subchapter C of Chapter 7 of the Mcare Act shall expire on December 1, 2017. In that event, the following shall apply:

(1) The joint underwriting association shall be abolished and the money in the possession or control of the joint underwriting association shall be transferred to the commissioner who shall deposit it in a special account within the department to be used and administered by the department in the same manner as the joint underwriting association was authorized or required to use and administer it prior to the expiration of Subchapter C of Chapter 7 of the Mcare Act.

(2) Notwithstanding paragraph (1), the commissioner shall transfer \$200,000,000 of the money received under paragraph (1) to the State Treasurer for deposit into the General Fund as soon as practicable after

receipt. Thereafter, the commissioner shall annually transfer from the special account established under paragraph (1) to the General Fund any money the commissioner determines is in excess of the money needed to administer the funds as required under Subchapter C of Chapter 7 of the Mcare Act.

Section 6. Section 1920-A of the act is amended by adding a subsection to read:

Section 1920-A. Environmental Quality Board.—* * *

(j) The board shall promulgate regulations under the act of June 22, 1937 (P.L.1987, No.394), known as "The Clean Streams Law," or other laws of this Commonwealth that require that the water quality criteria for manganese established under 25 Pa. Code Ch. 93 (relating to water quality standards) shall be met, consistent with the exception in 25 Pa. Code § 96.3(d) (relating to water quality protection requirements). Within ninety days of the effective date of this subsection, the board shall promulgate proposed regulations.

Section 7. Section 1937-A(c) of the act is amended and the section is amended by adding subsections to read:

Section 1937-A. Municipal Recycling Grants.—* * *

(c) (1) [This section] *Subsections (a) and (b)* shall not apply if the recycling needs of all the citizens of the county cannot be met.

(2) [This section] *Subsections (a) and (b)* shall not apply to any municipality that has received any grant under section 902 of the "Municipal Waste Planning, Recycling and Waste Reduction Act" prior to the effective date of this section.

(d) The fee imposed under section 701 of the "Municipal Waste Planning, Recycling and Waste Reduction Act," shall continue to be imposed on and after January 1, 2020.

(e) The money in the Recycling Fund established under section 706 of the "Municipal Waste Planning, Recycling and Waste Reduction Act" shall not be transferred to the Solid Waste Abatement Fund and shall remain in the Recycling Fund for the purposes set forth under the "Municipal Waste Planning, Recycling and Waste Reduction Act."

Section 8. The act is amended by adding a section to read:

Section 1938-A. Water Treatment Facilities.—The water treatment facilities providing water disposal services exclusively relating to conventional oil and gas wells and operating under National Pollutant Discharge and Elimination System and other permits issued by the Department of Environmental Protection, shall be allowed to operate under existing permits as of the effective date of this subsection, through December 31, 2019. For the purpose of this subsection, the term "conventional oil and gas well" shall have the same meaning as provided in section 2 of the act of June 23, 2016 (P.L.375, No.52), known as the "Pennsylvania Grade Crude Development Act."

Section 9. The act is amended by adding an article to read:

ARTICLE XIX-B
POWERS AND DUTIES OF DEPARTMENT OF
CONSERVATION AND NATURAL RESOURCES

Section 1901-B. (Reserved).

Section 1902-B. State park feasibility study.

The Department of Conservation and Natural Resources shall conduct a feasibility study for the establishment of a State park in Wyoming County, and shall report the results of the study to the General Assembly within one year of the effective date of this section. The study shall include an appraisal of the fair market value of the real property proposed for the State park.

Section 10. The act is amended by adding sections to read:

Section 2126. Emergency Drug and Alcohol Detoxification Program.—

(a) The Emergency Drug and Alcohol Detoxification Program is established in the Department of Health to provide for detoxification in licensed health care facilities and to establish detoxification facilities. The program shall be administered by the Department of Health.

(b) The Emergency Drug and Alcohol Detoxification Program shall, to the greatest extent possible, utilize existing beds in health care facilities.

(c) In order to provide individuals seeking assistance with better and more timely access to drug and alcohol detoxification, the Department of Health shall provide special priority review for applications for licensure under this section.

(d) 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:

"Licensed health care facility" shall mean a health care facility licensed under Chapter 8 of the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act.

"Health care facility" shall mean a health care facility as defined in section 802.1 of the Health Care Facilities Act.

Section 2214-A. PACE and PACENET Program Payments.—(a) In addition to the requirements under section 509 of the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, the department shall administer the program in accordance with the following:

(1) If the NADAC per unit is available, the program payment shall be the lower of the following amounts:

(i) the NADAC per unit:

(A) with the addition of a professional dispensing fee of ten dollars and forty-nine cents (\$10.49) per prescription; and

(B) the subtraction of the copayment; or

(ii) the pharmacy's usual and customary charge for the drug dispensed with the subtraction of the copayment.

(2) If the NADAC per unit is unavailable, the program payment shall be the lower of the following amounts:

(i) the wholesale acquisition cost plus three and two-tenths per centum (3.2%):

(A) with the addition of a professional dispensing fee of ten dollars and forty-nine cents (\$10.49) per prescription; and

(B) the subtraction of the copayment; or

(ii) the pharmacy's usual and customary charge for the drug dispensed with the subtraction of the copayment.

(b) Notwithstanding any other statute or regulation, a brand name product shall be dispensed and not substituted with an A-rated generic therapeutically equivalent drug if it is less expensive to the program. If a less expensive A-rated generic therapeutically equivalent drug is available for dispensing to a claimant, the provider shall dispense the A-rated generic therapeutically equivalent drug to the claimant. The department shall reimburse providers based upon the most current listing of the NADAC per unit plus a professional dispensing fee of ten dollars and forty-nine cents (\$10.49) per prescription. The department shall not reimburse providers for brand name products except in the following circumstances:

(1) There is no A-rated generic therapeutically equivalent drug available on the market. This paragraph does not apply to the lack of availability of an A-rated generic therapeutically equivalent drug in the providing pharmacy unless it can be shown to the department that the provider made reasonable attempts to obtain the A-rated generic therapeutically equivalent drug or that there was an unforeseeable demand and depletion of the supply of the A-rated generic therapeutically equivalent drug. In either case, the department shall reimburse the provider for the NADAC per unit plus a professional dispensing fee of ten dollars and forty-nine cents (\$10.49) per prescription.

(2) An A-rated generic therapeutically equivalent drug is deemed by the department, in consultation with a utilization review committee, to have too narrow a therapeutic index for safe and effective dispensing in the community setting. The department shall notify providing pharmacies of A-rated generic therapeutically equivalent drugs that are identified pursuant to this paragraph on a regular basis.

(3) The Department of Health has determined that a drug shall not be recognized as an A-rated generic therapeutically equivalent drug for purposes of substitution under section 5(b) of the act of November 24, 1976 (P.L.1163, No.259), referred to as the Generic Equivalent Drug Law.

(4) At the time of dispensing, the provider has a prescription on which the brand name drug dispensed is billed to the program by the provider at a usual and customary charge which is equal to or less than the least expensive usual and customary charge of an A-rated generic therapeutically equivalent drug reasonably available on the market to the provider.

(5) The brand name drug is less expensive to the program.

(c) If a claimant chooses not to accept the A-rated generic therapeutically equivalent drug required under subsection (b), the claimant shall be liable for the copayment and the NADAC per unit.

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

"A-rated generic therapeutically equivalent drug." A drug product that the Commissioner of Food and Drugs of the United States Food and Drug Administration has approved as safe and effective and has determined to be therapeutically equivalent, as listed in "The Approved Drug Products with Therapeutic Equivalence Evaluations" (Food and Drug

Administration "Orange Book"), with a specific "A" code designation only.

"Claimant." An eligible person who is enrolled in the program.

"Less expensive." The lowest net cost to the program. The net cost shall include the amount paid by the Commonwealth to a pharmacy for a drug under a current retail pharmacy reimbursement formula less any discount or rebates, including those paid during the previous calendar quarter and inclusive of all dispensing fees.

"NADAC per unit." The current National Average Drug Acquisition Cost per unit.

"Prescription drug." All drugs requiring a prescription in this Commonwealth, insulin, insulin syringes and insulin needles. Experimental drugs or drugs prescribed for wrinkle removal or hair growth are prohibited.

"Program." The Pharmaceutical Assistance Contract for the Elderly (PACE) and the Pharmaceutical Assistance Contract for the Elderly Needs Enhancement Tier (PACENET) as established by the State Lottery Law.

"Provider." A pharmacy, dispensing physician or certified registered nurse practitioner enrolled as a provider in the program.

"Wholesale acquisition cost." The cost of a dispensed drug based upon the price published in a national drug pricing system in current use by the department as the wholesale acquisition cost of a prescription drug in the most common package size.

Section 2215-A. Older Adult Daily Living Centers.—

A facility that provides services only to individuals enrolled in a program of all-inclusive care for the elderly operated in accordance with an agreement between the program provider, the Department of Human Services and the Centers for Medicare and Medicaid Services shall not be subject to the provisions of the act of July 11, 1990 (P.L.499, No.118), known as the Older Adult Daily Living Centers Licensing Act.

Section 2336. Child Protective Services Fees.—The Department of Human Services may charge a fee not to exceed thirteen dollars (\$13) in order to conduct the certification as required under 23 Pa.C.S. § 6344(b)(2) (relating to employees having contact with children; adoptive and foster parents), except that no fee shall be charged to an individual who makes the request in order to apply to become a volunteer with an affiliate of Big Brothers Big Sisters of America or with a rape crisis center or domestic violence shelter.

Section 11. The act is amended by adding an article to read:

**ARTICLE XXIV-B
JAIL FACILITIES**

Section 2401-B. Scope of article.

This article relates to new and former jail facilities.

Section 2402-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:

"Adaptive reuse." The alteration, renovation, remodeling, modification or reconstruction of former jail facilities for reuse as courtrooms, office space or other facilities and uses as the board of commissioners shall from time to time deem necessary and appropriate.

"Alternative contracting procedure." A procedure under which a proposer would be responsible for all aspects or phases necessary to achieve the development of a parcel of property. The aspects or phases of development shall include, but not be limited to, the planning, design, finance, construction and management of property.

"Board of commissioners." The governing body of a county of the third class with a population between 280,000 and 298,000 as of the 2010 census.

"Former jail facility." A building or group of buildings with related facilities owned by a county of the third class which is more than 100 years old and which was previously used as a jail facility.

"New jail facility." A building or group of buildings with related facilities to be owned or leased by a county of the third class.

"Proposer." A firm, organization or company or a combination of firms, organizations or companies acting as a partnership, joint venture, consortium or similar joint relationship with sufficient knowledge, expertise and experience in the areas of architectural design, construction, financing of real estate development or construction and real estate management.

Section 2403-B. Alternative contracting procedure.

(a) General rule.—Notwithstanding section 1801 of the act of August 9, 1955 (P.L.323, No.130), known as The County Code, the board of commissioners may, in its sole discretion, elect to use an alternative contracting procedure to achieve the adaptive reuse of former jail facilities or construction of new jail facilities.

(b) Resolution required.—If the board of commissioners elects to utilize an alternative contracting procedure, the board of commissioners shall adopt a resolution stating that the use of an alternative contracting procedure is the most efficient, economical and timely method to secure an adaptive reuse of former jail facilities or construction of new jail facilities.

(c) Written proposals.—Upon adoption of a resolution, the board of commissioners shall request written proposals from proposers for the adaptive reuse of a former jail facility or construction of a new jail facility under an alternative contracting method. In its request for proposals, the board of commissioners shall include the terms, conditions and requirements which the board of commissioners deems necessary to protect the interests of the county.

Section 2404-B. Evaluation criteria.

(a) Criteria.—The board of commissioners shall, in addition to compliance with the terms, conditions and requirements set forth in the request for proposals, consider the following criteria in evaluating proposals for the adaptive reuse of former jail facilities or construction of new jail facilities:

(1) The cost of the proposer's adaptive reuse or new construction proposal.

(2) *Experience of the proposer.*

(3) *Preservation of the distinct architectural design and integrity of the former jail facilities.*

(4) *Adherence to prevailing wage laws and other work force standards.*

(5) *Commitment to enter into voluntary contracts with disadvantaged business enterprises.*

(b) *Selection of proposal.—After due consideration of proposals in accordance with the criteria under subsection (a), the board of commissioners may select a proposal and award a contract to a responsible proposer for the adaptive reuse of a former jail facility or construction of a new jail facility under an alternative contracting procedure.*

Section 11.1. The act is amended by adding a section to read:

Section 2804. Alternative Energy Portfolio Standards.—*The following shall apply:*

(1) *Notwithstanding section 4 of the act of November 30, 2004 (P.L.1672, No.213), known as the "Alternative Energy Portfolio Standards Act," in order to qualify as an alternative energy source eligible to meet the photovoltaic share of this Commonwealth's compliance requirements under the "Alternative Energy Portfolio Standards Act" and to qualify for solar renewable alternative energy portfolio credits, each solar photovoltaic system must do one of the following:*

(i) *Directly deliver the electricity it generates to a retail customer of an electric distribution company or to the distribution system operated by an electric distribution company operating within this Commonwealth and currently obligated to meet the compliance requirements contained under the "Alternative Energy Portfolio Standards Act."*

(ii) *Be directly connected to the electric system of an electric cooperative or municipal electric system operating within this Commonwealth.*

(iii) *Connect directly to the electric transmission system at a location that is within the service territory of an electric distribution company operating within this Commonwealth.*

(2) *Nothing under this section or section 4 of the "Alternative Energy Portfolio Standards Act" shall affect any of the following:*

(i) *A certification originating within the geographical boundaries of this Commonwealth granted prior to the effective date of this section of a solar photovoltaic energy generator as a qualifying alternative energy source eligible to meet the solar photovoltaic share of this Commonwealth's alternative energy portfolio compliance requirements under the "Alternative Energy Portfolio Standards Act."*

(ii) *Certification of a solar photovoltaic system with a binding written contract for the sale and purchase of alternative energy credits derived from solar photovoltaic energy sources entered into prior to the effective date of this section.*

(3) *This section shall apply to contracts entered into or renewed on or after the effective date of this section.*

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

"Alternative energy source." As the term "alternative energy sources" is defined in section 2 of the "Alternative Energy Portfolio Standards Act."

"Electric distribution company." As defined in section 2 of the "Alternative Energy Portfolio Standards Act."

Section 11.2. The act is amended by adding an article to read:

**ARTICLE XXVIII-E
JUDICIAL ADMINISTRATION**

Section 2801-E. Senior judge operational support grants.

The Court Administrator of Pennsylvania shall continue the program created under former 42 Pa.C.S. § 1906 (relating to senior judge operational support grants) to defray the costs imposed on counties by the rules of judicial administration for facilities and staff for senior judges assigned to the courts of common pleas. The following shall apply:

(1) Grants shall be made available to counties based on the level of operational support provided by a county to all of the following:

(i) Senior judges formerly of the judicial district in which the county is situated who are regularly or periodically assigned in that county or who are assigned under 42 Pa.C.S. § 4544 (relating to convening multicounty investigating grand jury).

(ii) Visiting senior judges.

(2) Grants shall be made available to counties to reimburse the counties for operational support provided by the county during the preceding calendar year. Grants shall be calculated based on use of judicial chambers, utilization of the services of a law clerk and utilization of the services of a secretary, as the chambers or services are deemed adequate and appropriate by the Administrative Office of Pennsylvania Courts as follows:

(i) Use of judicial chambers shall be reimbursed at the rate of \$60 per day, billable in one-half-day increments.

(ii) Utilization of services of a law clerk shall be reimbursed at \$20 per hour.

(iii) Utilization of services of a secretary shall be reimbursed at \$12 per hour.

(3) Counties shall be reimbursed upon timely application by the board of commissioners or, in the absence of a board of commissioners, the executive authority of the county or, in the case of a county which is coterminous with a city of the first class, the mayor of the city of the first class. The application must be certified by the president judge of the judicial district in which the county is situated and shall include documentation as may be required by the Administrative Office of Pennsylvania Courts. The due dates for applications for operational support shall be established by the Court Administrator of Pennsylvania.

(4) The Administrative Office of Pennsylvania Courts shall set forth minimum standards regarding adequacy, appropriateness and

quality of judicial chambers and services required to qualify for reimbursement.

(5) If the total reimbursement qualifying for payment for any calendar year exceeds the amount appropriated by the General Assembly for that purpose, the Court Administrator of Pennsylvania shall proportionally reduce the grant for each county so that the total of all grants does not exceed the amount appropriated.

(6) A county may not receive more than 20% of the amount appropriated for senior judge operational support grants in any fiscal year.

(7) Not later than 60 days following the payment of grants, the Court Administrator of Pennsylvania shall make a report to the Appropriations Committee of the Senate and the Appropriations Committee of the House of Representatives setting forth the payments made to counties and the services provided.

Section 2802-E. Surcharge and fees.

(a) Imposition of surcharge and fees.—In addition to the fees imposed under 42 Pa.C.S. §§ 3733(a.1) (relating to deposits into account) and 3733.1 (relating to surcharge), except as set forth in subsection (b), the following apply:

(1) A surcharge of \$11.25 shall be charged and collected. This paragraph shall expire December 31, 2020.

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

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

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

(c) Allocation and appropriation.—

(1) The separate reserve account within the Judicial Computer System Augmentation Account established under 42 Pa.C.S. § 3733.1(c)(1) is continued, and the surcharge under subsection (a)(1) shall be deposited into the separate reserve account. Notwithstanding 42 Pa.C.S. § 3732 (relating to utilization of funds in account), money deposited under this paragraph is appropriated to the Supreme Court, upon compliance with Article XV of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, for the operation of the Judicial Department.

(2) The fee under subsection (a)(2) shall be deposited into the Criminal Justice Enhancement Account.

(3) The fee under subsection (a)(3) shall be deposited in a restricted account established in the General Fund. Money in the restricted account is appropriated to the Office of Attorney General on a continuing basis to supplement general government operations.

Section 12. The addition of section 2801-E of the act shall apply retroactively to June 30, 2017.

Section 13. Repeals are as follows:

- (1) The General Assembly declares that the repeal under paragraph (2) is necessary to effectuate the amendment of section 609-A of the act.
 - (2) Section 804.1 of the act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953, is repealed.
 - (3) The General Assembly declares that the repeal under paragraph (4) is necessary to effectuate the amendment of section 613-A of the act.
 - (4) The following provisions are repealed:
 - (i) Section 6(b), 8(c) and 10 of the act of May 27, 1937 (P.L.926, No.249), referred to as the Bedding and Upholstery Law.
 - (ii) Section 7(e) of the act of December 19, 1990 (P.L.805, No.194), known as the Asbestos Occupations Accreditation and Certification Act.
 - (iii) Section 6 of the act of February 11, 1998 (P.L.58, No.15), known as the Combustible and Flammable Liquids Act.
 - (iv) Section 5 of the act of June 19, 2002 (P.L.421, No.61), known as the Propane and Liquefied Petroleum Gas Act.
 - (5) The General Assembly declares that the repeal under paragraph (6) is necessary to effectuate the addition of section 1937-A(d) and (e) of the act.
 - (6) Sections 701(d) and 706(d) of the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, are repealed.
 - (7) The General Assembly declares that the repeal under paragraph (8) is necessary to effectuate the addition of section 2336 of the act.
 - (8) 23 Pa.C.S. § 6344(h) is repealed.
 - (9) The General Assembly declares that the repeal under paragraph (10) is necessary to effectuate the addition of section 2802-E of the act.
 - (10) 42 Pa.C.S. § 3733.1(a)(1) and (2) and (c)(1) and (2) are repealed.
 - (11) All acts and parts of acts insofar as they are inconsistent with the act are repealed.
- Section 14. This act shall take effect as follows:
- (1) The following provisions of the act shall take effect in 60 days:
 - (i) The addition of Article XIX-B.
 - (ii) The addition of section 2126.
 - (iii) The addition of Article XXIV-B.
 - (2) The remainder of this act shall take effect immediately.

APPROVED—The 30th day of October, A.D. 2017

TOM WOLF