

CITY COUNCIL

Committee of the Whole

Monday, September 27, 2010

Council Office

5:00 pm

Agenda

Although Council committee meetings are open to the public, public comment is not permitted at Council Committee of the Whole meetings. However, citizens are encouraged to attend and observe the meetings. Comment from citizens or professionals during the meeting may be solicited on agenda topics via invitation by the President of Council.

- I. Reading Public Library Funding (R. Hatt)**
- II. Fire Training Center Agreement**
- III. Bottling Plant Zoning Permit Extension (Solicitor)**
- IV. Communication Policy**
- V. Agenda Review**

COMMITTEE of the WHOLE
CITY COUNCIL

MINUTES
September 7, 2010
5:00 P.M.

COUNCIL MEMBERS PRESENT:

F. Acosta, J. Waltman, D. Reed, S. Marmarou, M. Goodman-Hinnershitz, V. Spencer

OTHERS PRESENT:

L. Kelleher, S. Katzenmoyer, C. Geffken, F. Denbowski, D. Kersley, C. Jones, R. Johnson, G. Mann, C. Ryan, P. Salmon, F. Capitulmino

Mr. Spencer called the Committee of the Whole meeting to order at 5:01 p.m.

I. Update Honeywell Energy Savings

Mr. Jones stated that Honeywell recommended several improvements regarding the City's energy consumption and a Council update is required by the contract.

Mr. Capitulmino reviewed the year one savings report. He stated that new lighting was installed in public buildings and in parking garages and that programmable thermostats were installed in public buildings and fire stations. Improvements also included the Voice Over Internet Protocol phone system.

Mayor McMahan and Mr. Denbowski arrived at this time.

Mr. Salmon stated that this program is spectacular. He noted that the City staff was very supportive and cooperative.

Mr. Capitulo reported that the year one results show a savings of \$26,799 above the guaranteed savings of \$352,619 for a total savings of \$379,418.

Ms. Goodman-Hinnershitz noted the large savings by the Parking Authority. Mr. Capitulo stated that this savings was realized through energy efficient lighting as the garages are lit 24 hours a day. Mr. Salmon stated that there was no reduction in light output.

Mr. Waltman questioned how this project was funded. Mr. Salmon stated that it was through a capital bond.

Mr. Waltman stated that the City must now decide how to charge this debt to individual departments. Mr. Salmon reminded Council that Honeywell does not take any additional funding; that the City keeps its savings.

Mr. Capitulo stated that light sensors were installed which also helped improve savings as when a room is not in use, the lights will go off until someone enters the room.

Mr. Sterner arrived at this time.

Mr. Waltman questioned the reasoning for measuring by Option A (measuring performance before and after a retrofit and multiplying the difference by an agreed-upon factor such as hours of operation). Mr. Capitulo stated that this allows for a one time measure before work is performed and after work is complete.

Mr. Waltman questioned if the savings were verified through billing. Mr. Capitulo stated that there is no utility bill analysis performed by Honeywell.

Mr. Salmon reminded Council that there are also "green" savings through the use of more efficient energy sources.

Mr. Waltman questioned Honeywell's continued work as technology improves. Mr. Salmon stated that \$3 million in additional savings is available when the City can fund

them. He stated that Honeywell will continue to stay in contact with Mr. Jones.

Mr. Spencer stated that this contract was part of the capital budget. He questioned when the next \$3 million would be included. Mr. Geffken stated that it was unknown at this time.

Mr. Salmon stated that the project is complete and data has been collected and reviewed for the past six month period.

Ms. Goodman-Hinnershitz questioned if a savings has been identified after switching the Pagoda lights to LED from neon. Mr. Jones stated that this was analyzed during the Pagoda improvements design phase. He stated that the real savings comes from less frequent bulb replacement and man hours to perform the work.

Mr. Spencer stated that the capital budget is reviewed during the annual budget review process.

Mayor McMahan questioned the payment of the lighting for parking garages. Mr. Jones stated that the Parking Authority pays these bills. Mr. Salmon stated that he has spoken with Larry Lee who was excited to see the savings.

Mr. Capitummino stated that Council will be updated annually and will be able to revisit further improvements in the future to ensure continued savings.

II. Update PFM

Mr. Mann and Ms. Ryan, from PFM, distributed a memorandum regarding the City's cash flow projection for the remainder of 2010. The cash flow report shows that the City will be out of money in November 2010 and unable to make payroll or pay bills. The \$5.1M surplus, as of August 3rd, will be depleted, leaving the City with a deficit of \$7.6M at the end of December.

As reported at the August Finance Committee meeting, several of the City's major revenue line items are coming in below what was projected. The Earned Income Tax (EIT) is expected to come in approximately \$3M under budget. Mr. Mann also stated that originally the Recovery Plan projected the need to take a \$9M unfunded loan to cover the repayment of the TRAN, the borrowed sewer money, etc. That figure has now risen to approximately \$17M. He explained that Council will be asked to approve

a resolution authorizing the Mayor to seek the Court of Common Pleas permission to take an unfunded loan. After the Court approves the request, Council will then be asked to approve the normal bond ordinance to put the transaction in place. This unfunded loan will also close the financial gap expected in November.

Mr. Mann explained that employers/businesses are required to send the local income tax collected from all employees to the municipality where the business is located. The municipality then, annually, remits that amount to the municipality where the employee resides. The City uses the total amount collected to assist with cash flow without considering what portion will be paid out to the outlying communities. He also noted that the year end deficit was negatively impacted by Fire overtime coming in at \$2.5M over budget.

Mr. Mann stated that every \$1M borrowed increases the City's annual debt service by approximately \$110,000.

Council asked Mr. Mann to return in 2 weeks to continue this discussion.

III. Executive Session

Council entered executive session at 6:23 pm to discuss personnel issues. They exited at 6:52 pm.

IV. Reading Area Transportation Study Technical Committee

Ms. Kelleher stated that she has been informed that there is a City vacancy on this committee since the retirement of John Giardiello. She recommended that the replacement have a planning background.

Mr. Jones explained that the Technical Committee advises the Coordinating Committee on the need for projects. The Coordinating Committee decides which projects will move forward. The technical committee is made up of engineers, public transportation officials, and planners.

Mr. Waltman noted that he serves on the Coordinating Committee and Mr. Sterner serves as an alternate.

Mr. Spencer suggested that the Administration bring a name forward for Council

confirmation.

The meeting adjourned at 6:57 pm.

Respectfully
Submitted
Linda A. Kelleher, CMC City Clerk

COMMITTEE of the WHOLE
CITY COUNCIL

MINUTES
September 13, 2010
5:00 P.M.

COUNCIL MEMBERS PRESENT:

D. Sterner, F. Acosta, J. Waltman, D. Reed, S. Marmarou, M. Goodman-Hinnershitz, V. Spencer

OTHERS PRESENT:

L. Kelleher, S. Katzenmoyer, C. Younger, C. Geffken, F. Denbowski, M. Vind, K. Barnhardt, G. Zolna

Mr. Spencer called the Committee of the Whole meeting to order at 5:03 p.m.

I. Update - Portnoff Collection Recycling and Trash Fees

Mr. Denbowski stated that the last update to Council was in December 2009.

Michelle Portnoff distributed collection information to date for trash and recycling fees. She noted that the collection rate was higher than she predicted. She reported that Portnoff collected almost \$1 million to date. She reviewed the report outlining the collections for 2009 and 2010. She reported that those who owe less than \$100 were sent a letter reminding them to remit their outstanding balance. She stated that many have done so.

Mayor McMahon questioned when Portnoff would end their collection efforts. Ms. Portnoff stated that there is always a small amount trailing behind and that she would continue working until the outstanding balance to the City was zero.

Ms. Goodman-Hinnershitz noted that there seems to be more advertising for people to stay current on their outstanding debts. She questioned how this affects collection for the City. Ms. Portnoff stated that the public has a sense that there is a crackdown on collections and that there is less sympathy for those not paying.

Mayor McMahon questioned if the City's percentage of citizens on a payment plan is similar to those of other communities. Ms. Portnoff stated that she has not made this comparison. She stated that there are only two reasons to be put on a payment plan – the amount owed is very large or there is a hardship and the property is owner occupied.

Mr. Denbowski stated that Portnoff has advised the City on their billing practices. He stated that beginning in 2011 no property will be exempt from recycling billing because it is vacant. He stated that this will add approximately 3,000 billing units and will increase revenue \$180,000 - \$200,000. He stated that billing of all properties is required by the City Solid Waste Ordinance and is backed by case and State law.

II. Fire Training Center

Mr. Barnhardt stated that Council has been given the County's latest version of the Memo of Understanding. He stated that signing this new MOU would dissolve the current agreement and that the transfer would be for perpetuity. Appendix A would continue for 20 years with the option to review after 10 years.

Mr. Barnhardt stated that the County has amended the MOU to allow the City the first right of refusal to purchase the land for \$1. The MOU would require the City to pay full market value for the buildings. He stated that he recently received information from former Fire Chief Boyer about the Fire Training Center.

Mr. Barnhardt reviewed the research he conducted on the Center. He stated that the Center was originally a City/County partnership with each paying 50% of costs. He stated that the City has not paid their share since 1991.

Mr. Barnhardt stated that he has met with Mr. Spencer. He explained that this has been

a joint operation since the 1970's and that it now costs the County \$300,000 annually in addition to the \$2.8 million in capital improvements made.

Mr. Spencer stated that he has spoken with Fire Chief Rehr. He stated that Chief Rehr is willing to attend the Public Works meeting next Monday to discuss this issue. He stated that Chief Rehr attested that this has always been a joint effort.

Ms. Goodman-Hinnershitz stated that the MOU was discussed at last month's Public Works meeting. She noted the need to make a decision on the issue.

Mr. Spencer suggested discussing the issue at the Public Works meeting and taking action at the September 27 regular meeting.

Mayor McMahan questioned if the City financed any of the capital improvements at this facility. Mr. Spencer stated that it has not but that it assisted in designing the burn building and the main training facility.

Mr. Jones joined the meeting at this time.

Mayor McMahan questioned the City's annual contribution. Mr. Barnhardt stated that the City has not contributed since 1991.

Mr. Waltman noted that this issue has much history. He noted the need to look at the MOU separately and not continue to tie this issue to others. He noted the need for the City to sign agreements only if they make sense for the City. He stated his belief that this does make sense as it is a regional facility.

Mr. Marmarou commended Mr. Barnhardt for his work on this issue and for working with the City on other joint matters. Mr. Barnhardt expressed his thanks and stated that this is just one piece of a very large puzzle.

Ms. Goodman-Hinnershitz questioned the consequences to the City if the current agreement is terminated. Mr. Spencer reviewed that section of the current agreement. Mr. Barnhardt stated that it is not the County's intent to penalize the City and will not hold it responsible.

Mayor McMahan questioned how the new MOU would change day-to-day operations. Mr. Barnhardt stated that there would be no changes. He stated that the new MOU

would clean up some language and that the County has no intention of closing or selling the Fire Training Center. He described a possible partnership with RACC for fire training.

Mr. Spencer noted the need for the Commissioners to clarify that this partnership will not affect the certification of the Fire Training Center.

Mr. Spencer suggested that this issue be discussed as a Committee of the Whole topic on September 20 at 5 pm.

Ms. Goodman-Hinnershitz noted the scavenger hunt Mr. Barnhardt had to go on to find his information. She questioned if there was a way to prevent information from scattering in the future. Ms. Reed suggested that the information be cross referenced when filing.

III. Unfunded Debt Resolution

Mr. Spencer explained that the resolution gives the Administration permission to petition the Court of Common Pleas to apply for this unfunded debt.

Mr. Geffken explained that the 2010 deficit will be \$1.8 million in operating expenses. The change in accounting practice for the EIT tax, the repayment of the sewer fund and the outstanding pension payments total the \$16.5 million as explained by Mr. Mann.

Mr. Geffken stated that this bond issue has been discussed with PFM and that they approve.

Mr. Vind explained that the City must now use a different process for debt under Act 47. He stated a resolution to petition the Court is necessary as this is not capital debt. He stated that when the Judge approves the application, Council must then pass the debt ordinance. He stated that this would add approximately 30 days to the process. He suggested that Council introduce the ordinance while the petition is before the Court to allow quicker approval once permission is granted. He stated that he will be working with Mr. Younger to file the necessary paperwork and get on the docket. He stated that the bond will total \$20 million but only \$16.5 million will be used. He stated that this flexibility was added due to rate parameters.

Mr. Spencer stated that the money is needed prior to December 31. Mr. Geffken noted

his preference to have the funding in November to prevent cash flow problems.

Mr. Waltman questioned the total principal and interest on the ten year term. Mr. Vind stated that it would be \$19 million.

Mr. Acosta questioned the annual payment. Mr. Vind stated that it would be \$1.9 million.

Mr. Waltman noted his fear that the City would be in this position. He questioned the City's ability to make this annual payment in its current fiscal condition.

Mr. Acosta questioned the bond rate. Mr. Vind stated that it would be 4%. He explained that since the bond is unfunded debt that the term cannot be extended beyond 10 years even if refinanced.

Mr. Acosta noted his concern in increasing the City's liability another \$1.9 million annually. This increase would mean these monies would not be available for services and questioned how the City would save this amount to pay the debt. He noted his concern that parks and recreation would be the first item cut and it would greatly affect the City's youth. Mr. Geffken stated that the revenue estimating committee has begun their work and that Department Directors were told to decrease their 2011 budgets by 15%.

Mr. Waltman stated that the Recovery Plan notes a \$10 million bond. He stated that this is double that amount.

Mr. Sterner questioned when the City's pension payments would increase. Mr. Geffken stated that the City should not be greatly affected at this time based on the information they received from the State.

Mr. Spencer questioned if the City will operate efficiently with the cuts in expenditures. He questioned how this would impact future services. Mr. Geffken stated that the City is generally under spending this year and that department directors are responding to the need to cut back.

Ms. Goodman-Hinnershitz noted the importance of cutting expenses. She also noted that the consent decree and sewer fund issues should be addressed separately. She stated that the City may be unable to function in the future because of mandates in the

consent decree.

Mr. Waltman stated that the City cannot afford this type of miscue. He noted that the budget process is getting more and more difficult. He stated that Council will be getting the information at the last minute again this year and that this bond issue was brought to Council right before budget season. He stated his belief that the Recovery Plan is now ineffective due to the EIT and bond issues. He noted the need for the City's accounting to improve. He noted that the City should be using its resources smartly to get the most for the cost.

Mr. Marmarou stated that the fire department's excessive overtime expense was predicted. He noted that many public works services have been reduced and that reducing another 15% may cripple how some departments accomplish their goals. Mr. Geffken stated that the 15% reduction is helping directors plan their own reductions.

Ms. Goodman-Hinnershitz noted the need for the City to get the best use of its dollars. She noted that there is no benefit in debt funding. She noted her difficulty supporting this debt and noted that the City cannot continue to borrow and cut services.

Ms. Reed stated her belief that this is beyond what the taxpayers can afford and that it is better to cut expenses now rather than continue to borrow. Mr. Geffken stated that the City does not have the time or resources at this point.

Ms. Reed noted that without this debt the City may be headed for bankruptcy. Mayor McMahon reminded Council that 65% of the budget is fire and police personnel expenses.

Mr. Acosta noted his belief that some directors and programs will suffer through the 15% spending decrease and that taxpayers will be paying more than they can afford. He noted his hope that the department directors take the 15% reduction seriously. He noted the need for employees to do more with less. He noted that several members of Council will not support a property tax increase.

Ms. Reed questioned if the 15% reduction was across the board or if some departments would be affected more than others. Mr. Geffken stated that each department must reduce expenses by 15% and can decide how best to accommodate the reduction for their individual department.

Ms. Reed questioned if the City and County should be sharing more services. Mr. Barnhardt stated that redundant services should be combined.

Mr. Marmarou noted the need for more City employees to live in the City.

Mr. Waltman stated that the problems won't be solved in a year or two. He noted that budget decisions are very difficult and the need for the City to demand certain levels of return. He noted that Council is always leveraged through the budget process and is being leveraged again this evening.

Mr. Spencer stated that the budget will be presented on October 1. He stated that there will be minimal time to have extensive discussions and the City must find increased revenue sources.

Mr. Acosta questioned the press release regarding the spending freeze. Mr. Geffken stated that this is for all departments and that he has already denied some requisitions.

Mr. Spencer noted his concern of liability on Council due to the sewer fund borrowing regarding this resolution. Mr. Younger stated that there is some case law which would apply. He noted his initial reaction that Council would not be culpable if they are trying to correct the situation.

Ms. Reed countered that this action would acknowledge the fund transfer by Council.

Mr. Geffken stated that the Recovery Plan brought the information to the public. He noted that this is the way to correct the situation.

Ms. Goodman-Hinnershitz noted the need for the body to protect itself legally.

Mr. Spencer suggested waiting to take action on this resolution until September 20 at a special meeting. He requested a legal opinion in writing.

IV. Bottling Plant Zoning Permit Extension

Mr. Spencer stated that Act 46 was distributed for Council's review.

Mr. Younger stated that a memo was circulated to Council. He noted that he was unable to locate a copy of the permit as requested by Councilor Waltman.

Mr. Waltman stated that he has not received a copy of Act 46. Ms. Katzenmoyer explained that it was sent via email. She reviewed the pertinent section.

Mr. Younger stated that Council does not have authority to take action on this issue.

Mr. Waltman suggested that this be discussed at a future meeting when Council has Act 46, the existing agreement, and the memo from Mr. Younger.

VI. Communications Policy

Mr. Spencer stated that Council staff is following up on Council requests. He suggested that a separate meeting be scheduled and that the Mayor be included in discussions.

VII. Stormwater Coalition

Mr. Spencer questioned if this needed Council action. Mr. Jones stated that it did.

Ms. Kelleher reviewed the necessary additions to this evening's agenda including the resolution regarding the City's joining the PA Stormwater Coalition.

Mr. Jones stated that new federally mandated regulations go into effect regarding stormwater collection systems. He noted that the regulations will cost PA municipalities many millions of dollars. He stated that a coalition was formed and many municipalities have already become members. He strongly suggested that Reading become a member. He stated that the regulations would require the City to install filters on all their thousands of catch basins at a cost of several million dollars.

Ms. Goodman-Hinnershitz questioned how much the City would pay of the total \$100,000 cost. Mr. Jones stated that it would be based on the number of municipalities who join and the population of those municipalities.

Mayor McMahan suggested John Kramer from the Center for Excellence in Local Government be contacted. Mr. Jones stated that Mr. Kramer has encouraged many municipalities to join. He stated that Spring Township, Cumru Township and Muhlenberg Township have already joined. He stated that the City's portion of the fee will be paid from the sewer fund.

Mr. Younger stated that this fee does not include any possible litigation costs.

VIII. Agenda Review

Ms. Kelleher stated that there were several additions to this evening's agenda:

- Resolution to intervene in a zoning matter for 1202 Douglass St
- Resolution to join the Stormwater Coalition
- Ordinance to increase parking fines
- Ordinance to increase fines for parking at expired parking meters

Ms. Kelleher stated that the parking ordinances would replace the ordinance for final passage regarding the parking surcharge. Mr. Waltman suggested a financial breakdown of the parking fines and meter fines.

Council reviewed this evening's agenda including:

- Ordinance amending the 2010 Position Ordinance

Mr. Geffken reviewed the changes.

Mr. Marmarou questioned the funding of these positions. Mr. Geffken stated that the quality of life ticketing revenue would be used to pay for the Property Maintenance Aides. He stated that the Deputy Director of Community Development (Housing Coordinator) is included in the Recovery Plan. Mayor McMahon stated that the Housing Coordinator would be starting on September 27. Ms. Kelleher inquired when the quality of life ticketing would begin.

Ms. Goodman-Hinnershitz questioned how these positions would relate to the 15% cost reduction. Mr. Geffken stated that the ticketing revenue would fund the positions.

Mr. Spencer stated that the revenue from the quality of life ticketing is unknown at this time. Mr. Geffken stated that the Business Analyst has estimated the neighborhood sweeps could generate \$50,000 per month.

Mr. Acosta reminded Mr. Geffken that billing and collection are not the same. Mr. Geffken reiterated that the revenue will cover the cost.

Mr. Acosta expressed his hope that eventually quality of life ticketing would cease because people's behaviors have changed. Mr. Geffken stated that at that time these positions would no longer be needed.

Ms. Reed suggested this item be discussed at the upcoming work session.

Mr. Marmarou noted the need to move forward.

Mr. Acosta noted his concern with reducing the budget 15% and adding positions. He questioned if any of the positions would be union positions. Mr. Geffken stated that only the Property Maintenance Aides would be in the bargaining unit.

Mr. Acosta questioned if the Aides would be new employees or employees transferring from other departments. Mr. Geffken stated that they would be new employees.

The meeting adjourned at 7:00 pm.

Respectfully
Submitted
Linda A. Kelleher, CMC
City Clerk

COMMITTEE of the WHOLE
CITY COUNCIL

MINUTES
September 20, 2010
5:00 P.M.

COUNCIL MEMBERS PRESENT:

F. Acosta, J. Waltman, D. Reed, S. Marmarou, M. Goodman-Hinnershitz, V. Spencer, D. Sterner

OTHERS PRESENT:

L. Kelleher, S. Katzenmoyer, K. Barnhardt, C. Jones, T. McMahon, C. Younger, H. Tangredi, D. Cituk

Ms. Goodman-Hinnershitz called the Committee of the Whole meeting to order at 5:02 p.m.

I. Fire Training Center

Mr. Barnhardt stated that he sent his information to Ms. Kelleher via email. Ms. Goodman-Hinnershitz thanked Mr. Barnhardt for the information. She stated that it assisted her in putting together a timeline.

Mr. Spencer stated that Council should have time to review the information and discuss it for one final time at the Committee of the Whole meeting on September 27.

Mr. Waltman stated his belief that most issues have been addressed. He stated that he

found the history of the Center very interesting. He noted that both the City and County have invested in this asset.

Mr. Barnhardt stated that the original agreement was the 1998 resolution. Ms. Kelleher stated that the 1998 resolution was rescinded. The original agreement was passed in 2001.

Mr. Barnhardt suggested that Council review the information and email or call him with questions. He noted his hope that this process be open and transparent.

Mr. Spencer stated that the June 1977 document is the earliest available. He stated that he has requested that this information be reviewed by former mayor Kuzminski.

Ms. Reed stated that former mayor Miller may also be of assistance.

Ms. Goodman-Hinnershitz requested that all of Council be copied on the questions and answers on this issue. Mr. Barnhardt suggested that Ms. Kelleher send the list of questions and forward the responses.

Mr. Geffken and Ms. Weidel arrived at this time.

Mr. Barnhardt stated that the County is meeting with the City this week to discuss the tax collection issue and the radio system. He noted the County's willingness to assist with the Recovery Plan initiatives when able. He noted his hope that cooperation will continue.

Mr. Spencer questioned when the County would be passing the LERTA tax initiative. Mr. Barnhardt stated that the County will take action on the LERTA after the City approves the Fire Training Center agreement.

Mr. Spencer questioned why the County was tying these two issues together. Mr. Barnhardt explained that the County is working step-by-step through the agreements with the City one at a time. He noted his hope that this initiative be completed shortly so that he may move on to other issues. He noted that the County is being asked to do a lot for the City.

Mr. Spencer questioned how assisting the City is different from assisting other municipalities in the County. Mr. Barnhardt stated that the County must do its due

diligence.

Mr. Spencer questioned if the County Commissioners believe is that it is better to have no service for City residents if the City cannot pay for the service that it once provided. As example, Mr. Spencer noted that the County Detectives provide services to Kenhorst and West Reading, why should those same services not be provided to the City. Mr. Barnhardt stated that City taxpayers are also County taxpayers but that the concentration of need is higher in the City.

Mr. Waltman expressed his belief that the Fire Training Center agreement will be passed by Council. He noted that he has no understanding of the riff between the City and the County. He noted his hope that if one issue breaks down that it will not stop the entire process from moving forward.

Mr. Denbowski arrived at this time.

Mr. Marmarou agreed stating that in years past, the City performed many services for the County.

Mayor McMahon stated that the he has had comments from City residents stating that the \$56 million the County spent on farmland preservation has no benefit to City residents. He noted that statements such as these can be very divisive.

Ms. Reed noted that the City supported the County in the past and now the County must begin to support the City. She thanked Mr. Barnhardt for his efforts.

Ms. Goodman-Hinnershitz described the cooperation between the City and the County that she observed at the Puerto Rican Latin Festival.

The meeting adjourned at 5:20 pm.

Respectfully
Submitted
Linda A. Kelleher, CMC City Clerk

BILL NO. _____-2010

A N O R D I N A N C E

AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS REQUIRED TO EFFECTUATE THE TRANSFER OF OWNERSHIP OF PREMISES KNOWN AS “THE FIRE TRAINING CENTER”, READING, BERKS COUNTY, PA FROM THE CITY OF READING TO THE COUNTY OF BERKS.

WHEREAS, the City of Reading is interested in transferring ownership of property known as “the Fire Training Center”, Reading, Berks County, Pennsylvania; and

WHEREAS, the County of Berks is willing to obtain ownership of said premises under certain conditions; and

WHEREAS, the City of Reading finds that said conditions are acceptable.

NOW, THEREFORE THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The Mayor is authorized to execute any and all documents required to effectuate the transfer of the ownership of premises known as “the Fire Training Center” , Reading, Berks County, Pennsylvania, (pursuant to the attached agreement’s conditions) from the City of Reading to the County of Berks.

SECTION 2. This Ordinance shall be effective ten (10) days after passage and approval by the Mayor.

Enacted _____, 2010

President of Council

Attest:

City Clerk

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding made this _____ day of

_____,

2010, between the County of Berks, with its principal place of business at 633 Court Street, 13th Floor, Reading, Pennsylvania 19601 (hereinafter the "County") and the City of Reading (hereinafter the "City"), with its principal place of business at 815 Washington Street, Reading, Pennsylvania 19601.

WHEREAS, the City of Reading is the current fee simple owner of the land on which the County of Berks maintains the Berks County Fire Training Center;

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein and intending to be legally bound, the parties agree as follows:

1. The City shall transfer within three (3) months of subdivision approval, for the consideration of one dollar (\$1.00) and without restriction, fee simple title to the Fire Training Center land. The land transfer shall include all land currently enclosed within the chain link fence of the Fire Training Center and the parking lot area adjacent to the Fire Training Center Administration Building. In addition, the County shall be given a six (6) foot right-of-way along the property line to be maintained by the County and access to the property's storm water and oil/water separator outfalls into the Angelica Creek for clearing and testing purposes.
2. This Agreement is contingent on the subdivision plan being approved by the City Planning Commission. The City shall prepare and submit to the Planning

Commission all necessary paperwork. The City shall have its contractor bill the County directly for all costs associated with the preparation of the subdivision.

3. The County of Berks shall be permitted, at its expense, to immediately conduct a survey of the property to prepare an appropriate legal description of the property to be transferred.

4. The Lease Agreement between the County and City dated December 11, 2000 respecting this property shall be terminated. The City shall have the right to continue to use the Fire Training Center and property for a period of at least twenty (20) years consistent with the current uses of the City of Reading Fire Department, Police Department and other City departments. The specific details of the terms of this usage are identified in attachment A to this Lease Agreement. The City shall be governed by the same rules and regulations as any municipal fire department in Berks County, with the County having the right to approve and/or modify proposed training depending on costs or operational issues.

5. In the event the County decides to sell the Fire Training Center buildings and/or land, the City shall be given the right of first refusal to purchase the buildings and/or land for fair market value.

6. The County shall grant to the City of Reading and Cumru Township utility easements for all sewer and water lines crossing the land. The County shall grant additional easements as necessary for future construction projects at the waste water treatment plant.

7. The County shall be responsible for the utility costs of electric, gas, phone and trash removal for such time as it continues to own the Fire Training Center.

8. The City shall provide, at no cost to the County, water and sewer service to the Fire Training Center.

9. The City shall be permitted, at its cost, to install communication equipment on the existing water tower in connection with the operation of the Waste Water Treatment Plant provided said equipment is in compliance with the lease agreement currently in place between the County of Berks and Sprint-Nextel. The City shall be responsible for the cost of all improvements or modifications necessary to accommodate the installation of said communications equipment. Additionally, all utility costs associated with the equipment shall be the responsibility of the City. The City shall permit periodic interruptions in the operation of the communication equipment as may be necessary for the County or its contractors to maintain the water tower, and as may be necessary for Sprint-Nextel, or their successor, to maintain their existing equipment. The City shall be provided reasonable notice of any planned interruptions to ensure impact to the operations of the wastewater treatment plant is minimized. In the event the water tower ceases to exist or is no longer maintained at the option of the County, the City shall have the right, at its expense, to erect a new communications tower on the land provided the tower does not interfere with the operation of the facility for its intended purpose. The County shall have the right,

at its expense, to erect and maintain communications equipment on any such City constructed communications tower for County communications purposes.

IN WITNESS WHEREOF, the parties hereto, intending to be legally bound hereby, have hereunto set their hands and seals the day and year first above written.

CITY OF READING COUNTY OF BERKS

Mayor Mark C. Scott, Esquire
Chair Board of Commissioners

City Council President

ATTEST: ATTEST:

Terry L. Styer, Chief Clerk

ATTACHMENT A

For a period of at least twenty (20) years the County shall provide, at no cost, to the City:

1. Access to and use of the Fire Training Center and land on a reservation basis. The cost of consumables shall be billed to the City. The County will make its best effort to accommodate the current and future training needs for the City of Reading departments in scheduling without cancelling previously scheduled events.
2. An office in the Fire Training Center Administration Building for use by the Reading Fire Department Training Lieutenant.
3. A gear locker, a personal use locker, and classroom storage space.

4. Classroom space in the Administration Building for use by the City and City Departments, including the Reading Police Department Bomb Squad, provided these City Departments follow the procedures outlined in the Fire Training Center Standard Operating Procedure Manual for reservation of the classroom space. If possible, priority will be given to the City for use of Classroom "B." However, reservations will be accepted on a first come first served basis.

5. Controllers for City Apparatus and Chiefs to open the gate to the property.

6. The Reading Police Department Bomb Squad shall have use of the Berks County Department of Emergency Services Special Operations Group workshop and storage space in the mezzanine section of the garage area. The Reading Police Department Bomb Squad shall have access to their equipment, the garage and workshop for repair or maintenance of their equipment. Use of the air room to refill self-contained breathing apparatus under County staff supervision as available.

7. Telephone, fax machine and copier usage for office and administrative use. The copier shall not be used for mass production of student or training materials.

The City agrees that:

1. All usage and training activities at the Fire Training Center shall be conducted in accordance with the procedures outlined in the Fire Training Center Standard Operating Procedures.

2. It shall defend, indemnify and hold harmless the County, its elected officials, employees and agents, from and against any and all liability, damages, claims, suits liens and judgments (including reasonable attorney's fees) of whatever nature, for

injuries to or death of any person or persons or damage to the property, to the extent attributable to the negligence of the City or the City's failure to perform in accordance with the provisions of this Agreement.

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding made this _____ day of _____, 2010, between the County of Berks, with its principal place of business at 633 Court Street, 13th Floor, Reading, Pennsylvania 19601 (hereinafter the "County") and the City of Reading (hereinafter the "City"), with its principal place of business at 815 Washington Street, Reading, Pennsylvania 19601.

WHEREAS, the City of Reading is the current fee simple owner of the land on which the County of Berks maintains the Berks County Fire Training Center; and

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein and intending to be legally bound, the parties agree as follows:

1. The City shall transfer within three (3) months of subdivision approval, for the consideration of one dollar (\$1.00) ~~and without restriction~~, fee simple title to the Fire Training Center land. The land transfer shall include all land currently enclosed within the chain link fence of the Fire Training Center and the parking lot area adjacent to the Fire Training Center Administration Building. In addition, the County shall be given a six (6) foot right-of-way along the property line to be

maintained by the County and access to the property's storm water and oil/water separator outfalls into the Angelica Creek for clearing and testing purposes.

2. This Agreement is contingent on the subdivision plan being approved by the City Planning Commission. The City shall prepare and submit to the Planning Commission all necessary paperwork. The City shall have its contractor bill the County directly for all costs associated with the preparation of the subdivision.

3. The County of Berks shall be permitted, at its expense, to immediately conduct a survey of the property to prepare an appropriate legal description of the property to be transferred.

4. The Lease Agreement between the County and City dated December 11, 2000 respecting this property shall be terminated. The City shall have the right to continue to use the Fire Training Center and property for a period of at least twenty (20) years consistent with the current uses of the City of Reading Fire Department, Police Department and other City departments. The specific details of the terms of this usage are identified in attachment A to this Lease Agreement. The City shall be governed by the same rules and regulations as any municipal fire department in Berks County, ~~with the County having the right to approve and/or modify proposed training depending on costs or operational issues.~~

5. In the event the County decides to sell the Fire Training Center buildings and/or land, **the County shall provide written notice to the Mayor and City Council within 30 days and the County shall provide the City with** ~~shall be given the right of first refusal to purchase the buildings and/or land for \$1 for fair~~

~~market value.~~ **If, after three (3) months of the written notice from the County, the City refuses to purchase the buildings and/or land, the County may proceed with selling the buildings and/or land and shall share in the cost of building or providing a new fire training facility with the City and surrounding municipalities.**

6. The County shall grant to the City of Reading and Cumru Township utility easements for all sewer and water lines crossing the land. The County shall grant additional easements as necessary for future construction projects at the waste water treatment plant, **at no cost to the City.**

7. The County shall be responsible for the utility costs of electric, gas, phone, water/sewer and trash removal for such time as it continues to own the Fire Training Center.

~~8. The City shall provide, at no cost to the County, water and sewer service to the Fire Training Center.~~

9. The City shall be permitted, at its cost, to install communication equipment on the existing water tower in connection with the operation of the Waste Water Treatment Plant provided said equipment is in compliance with the lease agreement currently in place between the County of Berks and Sprint-Nextel. The City shall be responsible for the cost of all improvements or modifications necessary to accommodate the installation of said communications equipment. Additionally, all utility costs associated with the equipment shall be the responsibility of the City. The City shall permit periodic interruptions in the

operation of the communication equipment as may be necessary for the County or its contractors to maintain the water tower, and as may be necessary for Sprint-Nextel, or their successor, to maintain their existing equipment. The City shall be provided reasonable notice of any planned interruptions to ensure impact to the operations of the wastewater treatment plant is minimized. In the event the water tower ceases to exist or is no longer maintained at the option of the County, the City shall have the right, at its expense, to erect a new communications tower on the land provided the tower does not interfere with the operation of the facility for its intended purpose. The County shall have the right, at its expense, to erect and maintain communications equipment on any such City constructed communications tower for County communications purposes.

IN WITNESS WHEREOF, the parties hereto, intending to be legally bound hereby, have hereunto set their hands and seals the day and year first above written.

CITY OF READING COUNTY OF BERKS

Thomas M. McMahon
Mayor

Mark C. Scott, Esq.
Chair Board of Commissioners

Vaughn D. Spencer
City Council President

ATTEST:

ATTEST:

Linda A. Kelleher CMC, City Clerk

Terry L. Styer, Chief Clerk

AMENDED - ATTACHMENT A

For a period of at least twenty (20) years the County shall provide, at no cost, to the City:

1. Access to and use of the Fire Training Center and land on a reservation basis. ~~The cost of consumables shall be billed to the City.~~ The County will make its best effort to accommodate the current and future training needs for the City of Reading departments in scheduling without cancelling previously scheduled events.
2. An office in the Fire Training Center Administration Building for use by the Reading Fire Department Training Lieutenant.
3. A gear locker, a personal use locker, and classroom storage space.
4. Classroom space in the Administration Building for use by the City and City Departments, including the Reading Police Department Bomb Squad, provided these City Departments follow the procedures outlined in the Fire Training Center Standard Operating Procedure Manual for reservation of the classroom space. If possible, priority will be given to the City for use of Classroom "B." However, reservations will be accepted on a first come first served basis.
5. Controllers for City Apparatus and Chiefs to open the gate to the property.
6. The Reading Police Department Bomb Squad shall have use of the Berks County Department of Emergency Services Special Operations Group workshop and storage space in the mezzanine section of the garage area. The Reading Police

Department Bomb Squad shall have access to their equipment, the garage and workshop for repair or maintenance of their equipment. Use of the air room to refill self-contained breathing apparatus under County staff supervision as available.

7. Telephone, fax machine and copier usage for office and administrative use. The copier shall not be used for mass production of student or training materials.

The City agrees that:

1. All usage and training activities at the Fire Training Center shall be conducted in accordance with the procedures outlined in the Fire Training Center Standard Operating Procedures.

2. It shall defend, indemnify and hold harmless the County, its elected officials, employees and agents, from and against any and all liability, damages, claims, suits liens and judgments (including reasonable attorney's fees) of whatever nature, for injuries to or death of any person or persons or damage to the property, to the extent attributable to the negligence of the City or the City's failure to perform in accordance with the provisions of this Agreement.

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding made this _____ day of _____, 2010, between the County of Berks, with its principal place of business at 633 Court Street, 13th Floor, Reading, Pennsylvania 19601 (hereinafter the "County") and the City of Reading (hereinafter the "City"), with its principal place of business at 815 Washington Street, Reading, Pennsylvania 19601.

WHEREAS, the City of Reading is the current fee simple owner of land and various improvements including the Berks County Fire Training Center which was constructed and is maintained by the County.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein and intending to be legally bound, the parties agree as follows:

1. The City shall transfer within three (3) months of subdivision approval by the City Planning Commission, for the consideration of one dollar (\$1.00) and without restriction, fee simple title to the Fire Training Center land and all buildings. The land and building transfer shall include all land currently enclosed within the chain link fence of the Fire Training Center and the parking lot area adjacent to the Fire Training Center Administration Building as will be more specifically defined upon completion of the survey referenced in paragraph three (3). In addition, the County shall be given a six (6) foot right-of-way along the property line to be maintained by the County and access to the property's storm water and oil/water separator outfalls into the Angelica Creek for clearing and testing purposes.

2. This Agreement is contingent on the subdivision plan being approved by the City Planning Commission. The City shall prepare and submit to the Planning Commission all necessary paperwork. The City shall have its contractor bill the County directly for all costs associated with the preparation of the subdivision plan.

3. The County of Berks shall, at its expense, conduct a survey of the property to prepare an appropriate legal description of the property to be transferred. Upon completion of the survey, the parties agree to execute a formal agreement of sale and easement specifically outlining the legal description of the property.

4. The Lease Agreement between the County and City dated December 11, 2000 respecting this property shall be terminated. The City shall have the right to continue to use the Fire Training Center and property for a period of at least twenty (20) years consistent with the current uses of the City of Reading Fire Department, Police Department and other City departments. The specific details of the terms of this usage are identified in attachment A to this Lease Agreement. The City or the County may request to review the terms of use outlined in Attachment A after a ten (10) year period. The City shall be governed by the same rules and regulations as any municipal fire department in Berks County, with the County having the right to approve and/or modify proposed training depending on costs or operational issues.

5. In the event the County decides to sell the Fire Training Center the City shall be given the right of first refusal to purchase the land for one dollar (\$1.00). The City shall be given the right of first refusal to purchase all buildings and improvements located on the property for fair market value. The fair market value of the buildings shall be determined by the average of two appraisals by certified appraisers.

6. The County shall grant to the City of Reading utility easements for all sewer and water lines crossing the land. The County shall grant additional easements as necessary for future construction projects at the waste water treatment plant.

7. The County shall be responsible for the utility costs of electric, gas, phone and trash removal for such time as it continues to own the Fire Training Center.

8. The City shall provide, at no cost to the County, water and sewer service to the Fire Training Center.

9. The City shall be permitted, at its cost, to install communication equipment on the existing water tower in connection with the operation of the Waste Water Treatment Plant provided said equipment is in compliance with the lease agreement currently in place between the County of Berks and Sprint-Nextel. The City shall be responsible for the cost of all improvements or modifications necessary to accommodate the installation of said communications equipment. Additionally, all utility costs associated with the equipment shall be the responsibility of the City. The City shall permit periodic interruptions in the operation of the communication equipment as may be necessary for the County or its contractors to maintain the water tower, and as may be necessary for Sprint-Nextel, or their successor, to maintain their existing equipment. The City shall be provided reasonable notice of any planned interruptions to ensure impact to the operations of the wastewater treatment plant is minimized. In the event the water tower ceases to exist or is no longer maintained at the option of the County, the City shall have the right, at its expense, to erect a new communications tower on the land provided the tower does not interfere with the operation of the facility for its intended purpose. The County shall have the right, at its expense, to erect and maintain communications equipment on any such City constructed communications tower for County communications purposes.

10. This Agreement, the subsequent Agreement of Sale and the Easement contain the entire agreement of the parties with respect to the matters covered by these Agreements, and no other agreement, statement or promise made by any party, or to any employee, officer, or agent of any party, which is not contained in these Agreements shall be binding or valid. All modifications to these Agreements shall be in writing signed by both parties.

11. This Agreement shall be interpreted under the substantive law of the Commonwealth of Pennsylvania, without giving effect to any choice of law.

12. In the event that any provision of this Agreement shall be found to be void or unenforceable, such findings shall not be construed to render any other provision of this Agreement either void or unenforceable, and all other provisions shall remain in full force and effect unless the provisions which are void or unenforceable shall substantially affect the rights or obligations granted to or undertaken by either party.

IN WITNESS WHEREOF, the parties hereto, intending to be legally bound hereby, have hereunto set their hands and seals the day and year first above written.

CITY OF READING

COUNTY OF BERKS

Mayor

Mark C. Scott, Esquire
Chair Board of Commissioners

City Council President

ATTEST:

ATTEST:

Terry L. Styer, Chief Clerk

ATTACHMENT A

For a period of at least twenty (20) years the County shall provide, at no cost, to the City:

1. Access to and use of the Fire Training Center and land on a reservation basis. The cost of consumables shall be billed to the City. The County will make its best effort to accommodate the current and future training needs for the City of Reading departments in scheduling without cancelling previously scheduled events.
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3. A gear locker, a personal use locker, and classroom storage space.
4. Classroom space in the Administration Building for use by the City and City Departments, including the Reading Police Department Bomb Squad, provided these City Departments follow the procedures outlined in the Fire Training Center Standard Operating Procedure Manual for reservation of the classroom space. If possible, priority will be given to the City for use of Classroom "B." However, reservations will be accepted on a first come first served basis.
5. Controllers for City Apparatus and Chiefs to open the gate to the property.
6. The Reading Police Department Bomb Squad shall have use of the Berks County Department of Emergency Services Special Operations Group workshop and storage space in the mezzanine section of the garage area. The Reading Police Department Bomb Squad shall have access to their equipment, the garage and workshop for repair or maintenance of their equipment. Use of the air room to refill self-contained breathing apparatus under County staff supervision as available.
7. Telephone, fax machine and copier usage for office and administrative use. The copier shall not be used for mass production of student or training materials.

The City agrees that:

1. All usage and training activities at the Fire Training Center shall be conducted in accordance with the procedures outlined in the Fire Training Center Standard Operating Procedures.
2. It shall defend, indemnify and hold harmless the County, its elected officials, employees and agents, from and against any and all liability, damages, claims, suits liens and judgments (including reasonable attorney's fees) of whatever nature, for injuries to or death of any person or persons or damage to the property, to the extent attributable to the negligence of the City or the City's failure to perform in accordance with the provisions of this Agreement.

ARTICLE XVI-I

PERMIT EXTENSIONS

SECTION 1601-I. SCOPE.

THIS ARTICLE RELATES TO DEVELOPMENT PERMIT EXTENSIONS.

SECTION 1602-I. 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:

"APPROVAL."

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2), ANY GOVERNMENT AGENCY APPROVAL, AGREEMENT, PERMIT, INCLUDING A BUILDING PERMIT OR CONSTRUCTION PERMIT, OR OTHER AUTHORIZATION OR DECISION:

(I) ALLOWING A DEVELOPMENT OR CONSTRUCTION PROJECT TO PROCEED; OR

(II) RELATING TO OR AFFECTING DEVELOPMENT , GRANTE D PURSUANT TO A STATUTE, REGULATION OR ORDINANCE ADOPTED BY A MUNICIPALITY, INCLUDING THE FOLLOWING:

(A) 37 PA.C.S. (RELATING TO HISTORICAL AND MUSEUMS).

(B) 53 PA.C.S. (RELATING TO MUNICIPALITIES GENERALLY).

(C) 68 PA.C.S. PT. II SUBPT. B (RELATING TO CONDOMINIUMS).

(D) 68 PA.C.S. PT. II SUBPT. C (RELATING TO COOPERATIVES).

(E) 68 PA.C.S. PT. II, SUBPT. D (RELATING TO PLANNED COMMUNITIES).

(F) THE ACT OF MARCH 7, 1901 (P.L.20, NO.14) , REFERRED TO AS THE SECOND CLASS CITY LAW, AS IT RELATES TO DEVELOPMENT AND CONSTRUCTION.

(G) THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF 1929.

(H) THE ACT OF JUNE 23, 1931 (P.L.932, NO.317), KNOWN AS THE THIRD CLASS CITY CODE, AS IT RELATES TO DEVELOPMENT AND CONSTRUCTION.

(I) THE ACT OF JUNE 24, 1931 (P.L.1206, NO.331), KNOWN AS THE FIRST CLASS TOWNSHIP CODE, AS IT RELATES TO DEVELOPMENT AND CONSTRUCTION.

(J) THE ACT OF MAY 1, 1933 (P.L.103, NO.69), KNOWN AS THE SECOND CLASS TOWNSHIP CODE, AS IT RELATES TO DEVELOPMENT AND CONSTRUCTION.

(K) THE ACT OF JUNE 22, 1937 (P.L.1987, NO.394), KNOWN AS THE CLEAN STREAMS LAW.

(L) THE ACT OF JUNE 1, 1945 (P.L.1242, NO.428), KNOWN AS THE STATE HIGHWAY LAW, AS IT RELATES TO THE ISSUANCE OF HIGHWAY OCCUPANCY PERMITS WHICH ARE REGULATED UNDER 67 PA. CODE CH. 441 (RELATING TO ACCESS TO AND OCCUPANCY OF HIGHWAYS BY DRIVEWAYS AND LOCAL ROADS) OR WHICH ARE AFFECTED BY OTHER LAWS OR REGULATIONS.

(M) THE ACT OF APRIL 21, 1949 (P.L.665, NO.155), KNOWN AS THE FIRST CLASS CITY HOME RULE ACT, AS IT RELATES TO DEVELOPMENT AND CONSTRUCTION.

(N) THE ACT OF JULY 28, 1953 (P.L.723, NO.230), KNOWN AS THE SECOND CLASS COUNTY CODE.

(O) THE ACT OF AUGUST 9, 1955 (P.L.323, NO.130), KNOWN AS THE COUNTY CODE.

(P) THE ACT OF JULY 15, 1957 (P.L.901, NO.399), KNOWN AS THE OPTIONAL THIRD CLASS CITY CHARTER LAW, AS IT RELATES TO DEVELOPMENT AND CONSTRUCTION.

(Q) THE ACT OF MAY 16, 1923 (P.L.207, NO.153), REFERRED TO AS THE MUNICIPAL CLAIM AND TAX LIEN LAW.

(R) THE ACT OF JANUARY 24, 1966 (1965 P.L.1535, NO.537), KNOWN AS THE PENNSYLVANIA SEWAGE FACILITIES ACT.

(S) THE ACT OF FEBRUARY 1, 1966 (1965 P.L.1656, NO.581), KNOWN AS THE BOROUGH CODE, AS IT RELATES TO DEVELOPMENT AND CONSTRUCTION.

(T) THE ACT OF JULY 31, 1968 (P.L.805, NO.247), KNOWN AS THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE.

(U) THE ACT OF JULY 9, 1971 (P.L.206, NO.34), KNOWN AS THE IMPROVEMENT OF DETERIORATING REAL PROPERTY OR AREAS TAX EXEMPTION ACT.

(V) THE ACT OF OCTOBER 4, 1978 (P.L.851, NO.166), KNOWN AS THE FLOOD PLAIN MANAGEMENT ACT.

(W) THE ACT OF OCTOBER 4, 1978 (P.L.864, NO.167), KNOWN AS THE STORM WATER MANAGEMENT ACT.

(X) THE ACT OF NOVEMBER 26, 1978 (P.L.1375, NO.325), KNOWN AS THE DAM SAFETY AND ENCROACHMENTS ACT.

(Y) THE ACT OF NOVEMBER 10, 1999 (P.L.491, NO.45), KNOWN AS THE PENNSYLVANIA CONSTRUCTION CODE ACT.

(Z) THE ACT OF DECEMBER 20, 2000 (P.L.724, NO.99), KNOWN AS THE MUNICIPAL CODE AND ORDINANCE COMPLIANCE ACT.

(Z.1) THE ACT OF JUNE 22, 2001 (P.L.390, NO.29), KNOWN AS THE CONSERVATION AND PRESERVATION EASEMENTS ACT.

(Z.2) THE ACT OF MAY 16, 2002 (P.L.315, NO.46), KNOWN AS THE COMMUNITY SERVICES BLOCK GRANT ACT.

(Z.3) THE ACT OF FEBRUARY 22, 2008 (P.L.36, NO.4), ENTITLED "AN ACT A UTHORIZING THE DEPARTMENT O F GENERAL SERVICES, WITH THE CONCURRENCE OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, TO LEASE TO VTE PHILADELPHIA, LP, OR ITS NOMINEE, LAND WITHIN THE BED OF THE DELAWARE RIVER IN THE CITY OF PHILADELPHIA; AND AFFIRMING THE AUTHORITY OF THE GENERAL ASSEMBLY TO ENACT CERTAIN CONVEYANCE S . "

(Z.4) THE ACT OF FEBRUARY 22, 2008 (P.L.41, NO.5), ENTITLED "AN ACT AUTHORIZING THE DEPARTMENT OF GENERAL SERVICES, WITH THE CONCURRENCE OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, TO LEASE TO NCCB ASSOCIATES, LP, OR ITS NOMINEE, LAND WITHIN THE BED OF THE DELAWARE RIVER IN THE CITY OF PHILADELPHIA; AND AFFIRMING THE AUTHORITY OF THE GENERAL ASSEMBLY TO ENACT CERTAIN CONVEYANCES."

(Z.5) SOIL EROSION AND SEDIMENT CONTROL PLANS APPROVED BY A LOCAL SOIL CONSERVATION DISTRICT UNDER 25 PA. CODE CH. 102 (RELATING TO EROSION AND SEDIMENT CONTROL).

(Z.6) THE NATIONAL HISTORIC PRESERVATION ACT (PUBLIC LAW 89-665, 80 STAT. 915), TO THE EXTENT THE COMMONWEALTH HAS BEEN EMPOWERED TO ADMINISTER, APPROVE OR OTHERWISE AUTHORIZE ACTIVITIES UNDER THAT ACT.

(Z.7) THE FEDERAL WATER POLLUTION CONTROL ACT (62 STAT. 1155, 33 U.S.C. § 1251 ET SEQ.), TO THE EXTENT THE COMMONWEALTH HAS BEEN EMPOWERED TO ADMINISTER, APPROVE OR OTHERWISE AUTHORIZE ACTIVITIES UNDER THAT ACT.

(2) IN CITIES OF THE FIRST CLASS AND AGENCIES ESTABLISHED BY SUCH CITIES, THE TERM SHALL INCLUDE ONLY THE ISSUANCE OF A BUILDING PERMIT, A ZONING USE AND REGISTRATION PERMIT, AND ANY ADMINISTRATIVE APPROVAL, INCLUDING AN APPROVAL BY A BOARD OR COMMISSION, THAT IS A CONDITION PRECEDENT TO ISSUANCE OF A BUILDING PERMIT OR ZONING USE AND REGISTRATION PERMIT TO AN OWNER OF PROPERTY.

(3) CREATING ADDITIONAL UNITS AND COMMON ELEMENTS OUT OF CONVERTIBLE REAL ESTATE IN A CONDOMINIUM OR PLANNED

COMMUNITY.

"DEVELOPMENT." ANY OF THE FOLLOWING:

(1) THE DIVISION OF A PARCEL OF LAND INTO TWO OR MORE PARCELS, INCLUDING A SUBDIVISION AS DEFINED IN SECTION 107 OF THE ACT OF JULY 31, 1968 (P.L.805, NO.247), KNOWN AS THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE .

(2) THE CONSTRUCTION, RECONSTRUCTION, CONVERSION, STRUCTURAL ALTERATION, RELOCATION OR ENLARGEMENT OF A BUILDING OR OTHER STRUCTURE.

(3) SITE PREPARATION, INCLUDING GRADING, EARTH MOVING ACTIVITIES, CLEARANCE, SOIL REMOVAL OR MOVEMENT, TIMBER HARVESTING RELOCATION, EXCAVATION, LANDFILL AND MOVING, DEPOSITING OR STORING SOIL, ROCK OR EARTH MATERIALS.

(4) A USE OR CHANGE IN THE USE OF A BUILDING OR OTHER STRUCTURE OR CHANGE IN LAND USE.

(5) LAND DEVELOPMENT, AS DEFINED IN SECTION 107 OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, OR LAND USE.

(6) DEMOLITION, MOVING OR REMOVING A BUILDING OR OTHER STRUCTURE.

(7) THE RIGHT TO CONVERT CONVERTIBLE REAL ESTATE OR WITHDRAW WITHDRAWABLE REAL ESTATE PURSUANT TO 68 PA.C.S. PT. II SUBPT. B (RELATING TO CONDOMINIUMS) OR 68 PA.C.S. PT. II SUBPT. D (RELATING TO PLANNED COMMUNITIES).

"EXTENSION PERIOD." THE PERIOD BEGINNING AFTER DECEMBER 31, 2008, AND ENDING BEFORE JULY 2, 2013.

"GOVERNMENT AGENCY." THE COMMONWEALTH, A POLITICAL SUBDIVISION OR AN AGENCY, DEPARTMENT, AUTHORITY, COMMISSION OR BOARD OF THE COMMONWEALTH OR A POLITICAL SUBDIVISION. THE TERM INCLUDES REGIONAL COMMISSIONS, BOARDS OR INSTRUMENTALITIES WITH THE AUTHORITY TO ISSUE APPROVALS.

SECTION 1603-I. EXISTING APPROVAL.

(A) AUTOMATIC SUSPENSION.--THE EXPIRATION DATE OF AN APPROVAL BY A GOVERNMENT AGENCY THAT IS GRANTED FOR OR IN EFFECT DURING THE EXTENSION PERIOD, WHETHER OBTAINED BEFORE OR AFTER THE BEGINNING OF THE EXTENSION PERIOD, SHALL BE AUTOMATICALLY SUSPENDED DURING THE EXTENSION PERIOD.

(A.1) CITIES OF THE FIRST CLASS.--IN CITIES OF THE FIRST CLASS AND AGENCIES ESTABLISHED BY SUCH CITIES, THE SUSPENSION PROVIDED FOR IN SUBSECTION (A) SHALL BE VALID, FOR ANY COVERED APPROVAL, 20 DAYS AFTER THE NOTICE FROM THE APPROVAL HOLDER TO THE AGENCY THAT ISSUED THE APPROVAL OF THE APPROVAL HOLDER'S INTENT TO EXERCISE HIS OR HER RIGHTS UNDER THE SUSPENSION AND PAYMENT OF A FEE EQUAL TO 50% OF THE ORIGINAL APPLICATION FEE, BUT NOT TO EXCEED \$5,000. THE AGENCY THAT ISSUED THE APPROVAL

MAY PRESCRIBE A FORM OF NOTICE.

(B) DURATION.--NOTHING IN THIS SECTION SHALL SHORTEN THE TERM OR DURATION AN APPROVAL RELATING TO DEVELOPMENT WOULD HAVE

HAD IN THE ABSENCE OF THE ENACTMENT OF THIS SECTION. NOTHING IN THIS SECTION SHALL PROHIBIT THE GRANTING OF ADDITIONAL EXTENSIONS AS PROVIDED BY LAW.

(C) RIPARIAN LEASES.--

(1) THE TIME PERIOD RELATING TO OBTAINING A BUILDING PERMIT UNDER SECTION 1(I) OF THE ACT OF FEBRUARY 22, 2008 (P.L. 36, NO. 4), ENTITLED, "AN ACT AUTHORIZING THE DEPARTMENT OF GENERAL SERVICES, WITH THE CONCURRENCE OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, TO LEASE TO VTE PHILADELPHIA, LP, OR ITS NOMINEE, LAND WITHIN THE BED OF THE DELAWARE RIVER IN THE CITY OF PHILADELPHIA; AND AFFIRMING THE AUTHORITY OF THE GENERAL ASSEMBLY TO ENACT CERTAIN CONVEYANCES," SHALL BE EXTENDED UNTIL JANUARY 1, 2013, OR ONE YEAR FROM THE EFFECTIVE DATE OF THIS SUBSECTION, WHICHEVER IS LATER.

(2) THE TIME PERIOD RELATING TO OBTAINING A BUILDING PERMIT UNDER SECTION 1(I) OF THE ACT OF FEBRUARY 22, 2008 (P.L. 41, NO. 5), ENTITLED, "AN ACT AUTHORIZING THE DEPARTMENT OF GENERAL SERVICES, WITH THE CONCURRENCE OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, TO LEASE TO NCCB ASSOCIATES, LP, OR ITS NOMINEE, LAND WITHIN THE BED OF THE DELAWARE RIVER IN THE CITY OF PHILADELPHIA; AND AFFIRMING THE AUTHORITY OF THE GENERAL ASSEMBLY TO ENACT CERTAIN CONVEYANCES," SHALL BE EXTENDED UNTIL JANUARY 1, 2013, OR ONE YEAR FROM THE EFFECTIVE DATE OF THIS SUBSECTION, WHICHEVER IS LATER.

SECTION 1604-I. SUBSEQUENT CHANGES.

(A) CHANGE IN LAW.--A LAW, REGULATION OR POLICY ENACTED, ADOPTED OR MODIFIED BY A GOVERNMENT AGENCY DURING THE EXTENSION PERIOD SHALL NOT HAVE THE EFFECT OF PROHIBITING OR LIMITING AN EXISTING APPROVAL DURING THE EXTENSION PERIOD.

(B) PLANNING CODE APPROVAL.--WHEN AN APPROVAL HAS BEEN GRANTED UNDER THE ACT OF JULY 31, 1968 (P.L.805, NO.247), KNOWN AS THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, A SUBSEQUENT CHANGE IN A ZONING, SUBDIVISION OR OTHER GOVERNING ORDINANCE OR PLAN SHALL NOT APPLY TO OR AFFECT THE RIGHT OF THE APPLICANT TO COMMENCE OR COMPLETE THE ACTIVITIES AUTHORIZED BY THE APPROVAL FOR THE DURATION OF THE EXTENSION PERIOD. FOR PURPOSES OF THIS SUBSECTION, THE EXTENSION PERIOD SHALL BE EXTENDED FOR THE DURATION OF ANY LITIGATION, INCLUDING APPEALS, RELATING TO AN

APPROVAL WHICH PREVENTS THE COMPLETION OF ALL OR PART OF THE ACTIVITY AUTHORIZED BY THE APPROVAL.

(C) NONEXPIRATION.--AN ACTION BY A GOVERNMENT AGENCY OR LAW TO LEASE, LICENSE, GRANT OR OTHERWISE CONVEY RIGHTS IN THE BEDS OF NAVIGABLE WATERS OF THE COMMONWEALTH SHALL NOT EXPIRE FOR THE

DURATION OF THE EXTENSION PERIOD, INCLUDING TIME LIMITS RELATING TO THE INITIATION, PROSECUTION OR COMPLETION OF CONSTRUCTION. A CONVEYANCE OF RIGHTS UNDER THIS SUBSECTION SHALL NOT TERMINATE DURING THE EXTENSION PERIOD FOR FAILURE TO INITIATE, PROSECUTE OR COMPLETE CONSTRUCTION.

SECTION 1605-I. AGENCY VERIFICATION.

(A) REQUEST FOR VERIFICATION.--

(1) THE HOLDER OR RECIPIENT OF AN APPROVAL MAY SEEK WRITTEN VERIFICATION FROM THE ISSUING GOVERNMENT AGENCY FOR ANY OF THE FOLLOWING:

(I) THE EXISTENCE OF A VALID APPROVAL.

(II) THE EXPIRATION DATE OF THE APPROVAL UNDER THIS ARTICLE.

(2) THE REQUEST SHALL SET FORTH THE APPROVAL IN QUESTION AND THE ANTICIPATED EXPIRATION DATE UNDER THIS ARTICLE.

(B) AGENCY ACTION.--UPON RECEIPT OF A REQUEST UNDER SUBSECTION (A), THE GOVERNMENT AGENCY SHALL RESPOND IN WRITING, AFFIRMING OR DENYING THE EXISTENCE OF THE APPROVAL, ITS EXPIRATION DATE AND ANY ISSUES ASSOCIATED WITH ITS VALIDITY WITHIN 30 DAYS. EXCEPT IN CITIES OF THE FIRST CLASS AND AGENCIES ESTABLISHED BY SUCH CITIES, FAILURE TO RESPOND WITHIN 30 DAYS SHALL RESULT IN A DEEMED AFFIRMATION OF THE EXISTENCE OF THE APPROVAL AND EXPIRATION DATE SET FORTH IN THE REQUEST SUBMITTED UNDER SUBSECTION (A). THE AGENCY MAY CHARGE A FEE OF NOT MORE THAN \$100 FOR VERIFICATION OF A RESIDENTIAL APPROVAL AND \$500 FOR VERIFICATION OF A COMMERCIAL APPROVAL UNDER THIS SUBSECTION.

(C) FAILURE TO SEEK AFFIRMATION.--THE FAILURE OF THE HOLDER OF AN APPROVAL TO SEEK VERIFICATION FROM A GOVERNMENT AGENCY SHALL NOT BE GROUNDS FOR TERMINATION, REVOCATION OR OTHER INVALIDATION OF AN APPROVAL.

(D) APPEALS OF VERIFICATION.- - A DISPUTE ARISING UNDER THIS SECTION SHALL BE APPEALABLE IN ACCORDANCE WITH ONE OF THE FOLLOWING APPLICABLE LAWS:

(1) 2 PA.C.S. § 105 (RELATING TO LOCAL AGENCY LAW).

(2) THE ACT OF JULY 31, 1968 (P.L.805, NO.247), KNOWN AS THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE.

SECTION 1606-I. APPLICABILITY.

(A) EXCEPTIONS.--THIS ARTICLE SHALL NOT APPLY TO ANY OF THE

FOLLOWING:

- (1) AN APPROVAL ISSUED TO COMPLY WITH FEDERAL LAW, THE DURATION OR TERMS OF EXPIRATION OF WHICH IS SPECIFIED OR DETERMINED BY FEDERAL LAW.
- (2) AN ADMINISTRATIVE CONSENT ORDER OR OTHER ENFORCEMENT ACTION RELATING TO AN APPROVAL THAT IS SUBJECT TO THE EXTENSION PERIOD.
- (3) AN APPROVAL, DESIGNATION OR BENEFIT UNDER THE ACT OF OCTOBER 6, 1998 (P.L.705, NO.92), KNOWN AS THE KEYSTONE OPPORTUNITY ZONE, KEYSTONE OPPORTUNITY EXPANSION ZONE AND KEYSTONE OPPORTUNITY IMPROVEMENT ZONE ACT.
- (4) A "ONE-CALL" DETERMINATION, RESPONSE OR OTHER REQUIREMENT UNDER THE ACT OF DECEMBER 10, 1974 (P.L.852, NO.287), REFERRED TO AS THE UNDERGROUND UTILITY LINE PROTECTION LAW.
- (5) THE REVOCATION OR MODIFICATION OF AN APPROVAL OR EXTENSION OF AN APPROVAL, WHEN THE APPROVAL AUTHORIZES THE MODIFICATION OR REVOCATION FOR CAUSE.
- (6) AN APPROVAL ISSUED BY THE DEPARTMENT OF TRANSPORTATION, EXCEPT THAT APPROVALS IN ACCORDANCE WITH 67 PA. CODE CH. 441 (RELATING TO ACCESS TO AND OCCUPANCY OF HIGHWAYS BY DRIVEWAYS AND LOCAL ROADS) SHALL BE EXTENDED BY THE DEPARTMENT UPON THE SUBMISSION OF A COMPLETE AND ACCURATE APPLICATION THROUGHOUT THE EXTENSION PERIOD FOR ONE-YEAR INTERVALS, SUBJECT TO THE REQUIREMENTS OF 67 PA. CODE CH. 441, INCLUDING MODIFICATIONS BASED ON CHANGED CIRCUMSTANCES.
- (7) AN APPROVAL ISSUED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION IMPLEMENTING 25 PA. CODE § 93.4A (RELATING TO ANTIDegradation) IN CONNECTION WITH SURFACE WATERS, AS DEFINED IN 25 PA. CODE § 93.1 (RELATING TO DEFINITIONS), OR WETLANDS, AS DEFINED IN 25 PA. CODE § 93.1, WHICH SURFACE WATERS OR WETLANDS, AFTER THE ISSUANCE OF THE APPROVAL, AND DURING THE EXTENSION PERIOD, BECAME CLASSIFIED AS:
 - (I) HIGH QUALITY WATERS, PURSUANT TO 25 PA. CODE §§ 93.1, 93.4B(A); OR
 - (II) EXCEPTIONAL VALUE WATERS, PURSUANT TO 25 PA. CODE § 93.4B(B)(1).
- (8) AN APPROVAL ISSUED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION IMPLEMENTING 25 PA. CODE § 93.4A IN CONNECTION WITH SURFACE WATERS, AS DEFINED IN 25 PA. CODE § 93.1, OR WETLANDS, AS DEFINED IN 25 PA. CODE § 93.1, WHICH SURFACE WATERS OR WETLANDS ARE CLASSIFIED AS EXCEPTIONAL VALUE WATERS PURSUANT TO 25 PA. CODE § 93.4B(B)(1).

(B) SEWER AND WATER SYSTEMS.--IF AN APPROVAL IS BASED UPON THE CONNECTION TO A SANITARY SEWER SYSTEM OR WATER DISTRIBUTION SYSTEM, THE APPLICATION OF THE EXTENSION PERIOD AS IT RELATES TO CAPACITY SHALL BE CONTINGENT UPON THE AVAILABILITY OF SUFFICIENT CAPACITY OF THE SYSTEM TO ACCOMMODATE THE DEVELOPMENT THAT IS THE SUBJECT OF THE EXTENDED APPROVAL. IF SUFFICIENT CAPACITY IS UNAVAILABLE AT THE TIME IT IS REQUIRED TO PROCEED WITH DEVELOPMENT UNDER THE APPROVAL, PRIORITY WITH REGARD TO FURTHER

DISTRIBUTION OR ALLOCATION OF CAPACITY SHALL BE ESTABLISHED BY THE DATE ON WHICH THE APPROVAL WAS OBTAINED. PRIORITY RELATING TO DISTRIBUTION OF ADDITIONAL CAPACITY SHALL BE ALLOCATED IN ORDER OF THE GRANTING OF THE ORIGINAL APPROVAL FOR THE CONNECTION.

(C) FEE.--A GOVERNMENT AGENCY WHICH ISSUED AN APPROVAL MAY CHARGE A FEE TO EXTEND THE APPROVAL THAT MAY BE NO MORE THAN 25% OF THE ORIGINAL APPLICATION FEE. IN NO EVENT MAY THE FEE BE MORE THAN \$5,000.

SECTION 1607-I. NOTICE.

WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS SECTION, EACH AFFECTED GOVERNMENT AGENCY SHALL PUBLISH NOTICE OF APPLICABILITY OF THE EXTENSION PERIOD TO APPROVALS GRANTED BY THE GOVERNMENT AGENCY UNDER THIS ARTICLE IN THE PENNSYLVANIA BULLETIN.

SECTION 1608-I. MISCELLANEOUS.

(A) CONSTRUCTION.--NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO MODIFY ANY REQUIREMENT OF LAW THAT IS NECESSARY TO RETAIN FEDERAL DELEGATION TO, OR ASSUMPTION BY, THE COMMONWEALTH

OF THE AUTHORITY TO IMPLEMENT A FEDERAL LAW OR PROGRAM.

(B) AUTHORITY.--DURING THE EXTENSION PERIOD, A GOVERNMENT AGENCY SHALL RETAIN THE AUTHORITY TO DO ALL OF THE FOLLOWING:

(1) SUSPEND OR REVOKE AN APPROVAL FOR NONCOMPLIANCE WITH A WRITTEN CONDITION OF THE APPROVAL.

(2) ENFORCE CONDITIONS OF APPROVALS GRANTED UNDER LAW PRIOR TO THE EXTENSION PERIOD.

(3) ENFORCE ONLY THOSE CONDITIONS IN AN APPROVAL ISSUED UNDER THE ACT OF JULY 31, 1968 (P.L.805, NO.247), KNOWN AS THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, THAT ARE REQUIRED TO BE PERFORMED PRIOR TO FINAL PLAN APPROVAL.

ARTICLE XVI-J

HERITAGE AREAS

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.

SECTION 2.6. ARTICLE XVII-A OF THE ACT IS AMENDED BY ADDING A SUBARTICLE TO READ:

SUBARTICLE J

SPECIAL PROVISIONS RELATING TO VICTIMS OF CRIME

SECTION 1791-A. 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:

"COMMISSION." THE PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY.

"CRIME." AS DEFINED IN SECTION 103 OF THE ACT OF NOVEMBER 24, 1998 (P.L.882, NO.111), KNOWN AS THE CRIME VICTIMS ACT.

"CRIME VICTIMS ACT. THE ACT OF NOVEMBER 24, 1998 (P.L.882, NO.111), KNOWN AS THE CRIME VICTIMS ACT.

"JUVENILE." AS DEFINED IN SECTION 103 OF THE ACT OF NOVEMBER 24, 1998 (P.L.882, NO.111), KNOWN AS THE CRIME VICTIMS ACT.

"VICTIM." AS DEFINED IN SECTION 103 OF THE ACT OF NOVEMBER 24, 1998 (P.L.882, NO.111), KNOWN AS THE CRIME VICTIMS ACT.

SECTION 1792-A. SPECIAL JUVENILE VICTIM COMPENSATION FUND.

(A) ESTABLISHMENT.--THERE IS ESTABLISHED IN THE STATE TREASURY A SPECIAL FUND TO BE KNOWN AS THE SPECIAL JUVENILE VICTIM COMPENSATION FUND.

(B) SOURCES.--THE SOURCES OF THE FUND ARE AS FOLLOWS:

(1) A TRANSFER OF \$500,000 FROM THE CRIME VICTIM' S COMPENSATION FUND ESTABLISHED UNDER SECTION 1101(B)(1) OF THE CRIME VICTIMS ACT. A S SOON AS PRACTICABLE FOLLOWING TH E EFFECTIVE DATE OF THIS SECTION, THE STATE TREASURER SHALL MAKE THE TRANSFER.

(2) APPROPRIATIONS.

(3) MONEY FROM ANY OTHER SOURCE.

(4) RETURN ON THE MONEY IN THE FUND.

(C) NONLAPSE.--THE MONEY IN THE SPECIAL JUVENILE VICTIM COMPENSATION FUND IS CONTINUOUSLY APPROPRIATED INTO THE SPECIAL JUVENILE VICTIM COMPENSATION FUND. THIS APPROPRIATION SHALL NOT

LAPSE AT THE END OF ANY FISCAL YEAR.

(D) USE.--THE SPECIAL JUVENILE VICTIM COMPENSATION FUND SHALL BE ADMINISTERED BY THE COMMISSION AS FOLLOWS:

(1) THE COMMISSION MAY NOT USE ANY MONEY FOR ADMINISTRATIVE COSTS.

(2) THE MONEY SHALL BE USED SOLELY TO PROVIDE COMPENSATION TO VICTIMS OF JUVENILE CRIME IN A COUNTY OF THE THIRD CLASS. A VICTIM SHALL BE ENTITLED TO RECEIVE COMPENSATION FROM THE FUND IF ALL OF THE FOLLOWING CONDITIONS APPLY:

(I) A JUVENILE DELINQUENCY PETITION WAS FILED IN THE COUNTY WHICH ALLEGED THAT THE VICTIM WAS A VICTIM OF A CRIME COMMITTED BY A JUVENILE.

(II) THE JUVENILE DELINQUENCY PETITION WAS DISPOSED OF PRIOR TO MAY 31, 2008, BY THE ENTRY OF A CONSENT DECREE OR AN ADJUDICATION OF DELINQUENCY ENTERED BY A COURT OF COMMON PLEAS IN THE COUNTY .

(III) AFTER DECEMBER 31, 2008 , THE CONSENT DECREE OR ADJUDICATION OF DELINQUENCY PREVIOUSLY ENTERED WAS VACATED BY ORDER OF THE SUPREME COURT.

(IV) FOLLOWING THE VACATING OF THE CONSENT DECREE OR ADJUDICATION OF DELINQUENCY, THE SUPREME COURT OR A SPECIAL MASTER APPOINTED BY THE SUPREME COURT ISSUED A WRITTEN DETERMINATION STATING:

(A) THAT THE VICTIM SUFFERED MONETARY LOSS, EXPENSE OR DAMAGE AS A RESULT OF THE ALLEGED CRIME;

(B) THAT THE COURT OF COMMON PLEAS IN THE COUNTY HAD PREVIOUSLY ENTERED AN ORDER DIRECTING THAT THE VICTIM WAS ENTITLED TO RESTITUTION OR COMPENSATION FOR THE VICTIM'S LOSS, EXPENSE OR DAMAGE WHICH WAS VACATED PRIOR TO THE VICTIM'S RECEIVING PAYMENT IN FULL;

(C) THAT THE VICTIM IS ENTITLED TO RECEIVE A COMPENSATION AWARD FOR PAIN AND SUFFERING ENDURED IN CONNECTION WITH THE VICTIM'S CONTACT WITH THE JUVENILE JUSTICE SYSTEM IN THE COUNTY UNDER THE CIRCUMSTANCES DESCRIBED IN SUBPARAGRAPHS (I), (II) AND (III); AND

(D) THE AMOUNT OF COMPENSATION AWARD TO BE PAID TO THE VICTIM FOR PAIN AND SUFFERING WHICH SHALL EQUAL THE AMOUNT OF RESTITUTION THE VICTIM WOULD HAVE BEEN ENTITLED TO HAD THE CONSENT DECREE OR ADJUDICATION OF DELINQUENCY PREVIOUSLY ENTERED NOT BEEN VACATED, LESS ANY RESTITUTION AND COMPENSATION

PREVIOUSLY PAID TO THE VICTIM IN CONNECTION WITH THE ALLEGED CRIME.

(V) NOTWITHSTANDING ANY PROVISION OF THIS SUBARTICLE TO THE CONTRARY, THE FOLLOWING SHALL APPLY REGARDING THE CALCULATION OF THE AMOUNT OF RESTITUTION AND COMPENSATION PREVIOUSLY PAID TO THE VICTIM UNDER SUBPARAGRAPH (IV)(D):

(A) THE SUPREME COURT OR SPECIAL MASTER APPOINTED BY THE SUPREME COURT SHALL REQUEST, AND THE COMMISSION SHALL DISCLOSE, INFORMATION CONCERNING APPLICATIONS FOR AN AWARD OF COMPENSATION AND COMPENSATION AWARD PAYMENTS PREVIOUSLY MADE BY THE COMMISSION TO THE VICTIM IN CONNECTION WITH THE CRIME CHARGED IN THE JUVENILE DELINQUENCY PETITION REFERRED TO IN SUBPARAGRAPH (I).

(B) THE SUPREME COURT OR SPECIAL MASTER APPOINTED BY THE SUPREME COURT SHALL INCLUDE ANY MONETARY LOSS, EXPENSE OR DAMAGE THAT THE SUPREME COURT OR SPECIAL MASTER DETERMINES HAS BEEN OR WILL BE PAID TO OR ON BEHALF OF THE VICTIM BY ANY OF THE FOLLOWING:

(I) INSURANCE, OR HEALTH OR WELFARE PROGRAMS, INCLUDING THOSE MANDATED BY LAW;

(II) UNDER A CONTRACT OF INSURANCE WHERE THE VICTIM IS THE BENEFICIARY;

(III) UNDER ANY PENSION PROGRAM, INCLUDING THOSE PROVIDING FOR DISABILITY OR SURVIVOR'S BENEFITS, OR FROM ANY OTHER PUBLIC FUNDS; OR

(IV) UNDER A SETTLEMENT OR AWARD MADE BY OR ON BEHALF OF A PARTY ALLEGED TO BE RESPONSIBLE, IN WHOLE OR IN PART FOR THE INJURY, WITHOUT REGARD TO THE PARTY'S CRIMINAL LIABILITY.

(C) THE SUPREME COURT OR SPECIAL MASTER APPOINTED BY THE SUPREME COURT MAY REQUIRE AS A CONDITION OF RECEIVING AN AWARD UNDER THIS SECTION THAT A VICTIM DISCLOSE TO THE COURT OR SPECIAL MASTER THE AMOUNT OF RESTITUTION AND COMPENSATION PREVIOUSLY RECEIVED IN CONNECTION WITH THE CRIME CHARGED IN THE JUVENILE DELINQUENCY PETITION REFERRED TO IN SUBPARAGRAPH (I).

(VI) PROMPTLY FOLLOWING ISSUANCE OF THE LAST WRITTEN DETERMINATION DESCRIBED IN SUBPARAGRAPH (IV), THE SUPREME COURT OR SPECIAL MASTER APPOINTED BY THE SUPREME COURT SHALL NOTIFY THE COMMISSION THAT ALL WRITTEN DETERMINATIONS HAVE BEEN ISSUED.

(E) ADMINISTRATION.—

(1) THE COMMISSION SHALL MAKE A LUMP SUM PAYMENT TO EACH VICTIM FOR WHICH A DETERMINATION HAS BEEN ISSUED UNDER SUBSECTION (D)(2)(IV). THE PAYMENT SHALL BE IN THE AMOUNT SPECIFIED IN THE DETERMINATION.

(2) IF MONEY IN THE SPECIAL JUVENILE VICTIM COMPENSATION FUND IS NOT SUFFICIENT TO MAKE ALL OF THE PAYMENTS REQUIRED UNDER THIS SUBSECTION, THE PAYMENTS SHALL BE REDUCED FOR EACH VICTIM ON A PRO RATA BASIS.

(3) THE COMMISSION SHALL, NO MORE THAN 45 DAYS FOLLOWING NOTIFICATION FROM THE SUPREME COURT OR SPECIAL MASTER THAT ALL WRITTEN DETERMINATIONS UNDER SUBSECTION (D)(2) (I V) HAVE BEEN ISSUED, SUBMIT REQUESTS TO THE STATE TREASURER THAT A LUMP SUM PAYMENT BE MADE TO EACH VICTIM IN THE AMOUNT SET FORTH IN THE WRITTEN DETERMINATION PERTAINING TO THE VICTIM.

(F) TAX CONSEQUENCES.--A PAYMENT MADE UNDER SUBSECTION (E) SHALL NOT BE CONSIDERED A CLASS OF INCOME UNDER SECTION 303 OF THE ACT OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS THE TAX REFORM CODE OF 1971.

(G) RIGHT OF SUBROGATION AND RETURN OF CERTAIN PAYMENTS.-- THE FOLLOWING SHALL APPLY:

(1) THE COMMONWEALTH SHALL BE SUBROGATED TO THE PAYMENT OF AN AWARD MADE UNDER THIS SECTION, TO THE EXTENT OF THE PAYMENT, TO ANY RIGHT OF ACTION AGAINST ANY PERSON TO RECOVER LOSSES RESULTING FROM THE CRIME CHARGED IN THE JUVENILE DELINQUENCY PETITION REFERRED TO IN SUBSECTION (D)(2)(I).

(2) A VICTIM RECEIVING AN AWARD UNDER THIS SECTION SHALL NOTIFY THE COMMISSION OF ANY PAYMENTS RECEIVED FROM ANY SOURCE, OTHER THAN THE COMMISSION, THAT RELATE TO THE CRIME CHARGED IN THE JUVENILE DELINQUENCY PETITION REFERRED TO IN SUBSECTION (D)(2)(I) AND WHICH ARE RECEIVED ON OR AFTER THE DATE OF THE SUPREME COURT'S OR SPECIAL MASTER'S WRITTEN DETERMINATION. THE VICTIM SHALL PROMPTLY RETURN TO THE COMMISSION AN AMOUNT EQUAL TO SUCH PAYMENTS FOR DEPOSIT INTO THE CRIME VICTIM'S COMPENSATION FUND.

(H) EXPIRATION.--A VICTIM'S ABILITY TO RECEIVE A WRITTEN DETERMINATION FOR A COMPENSATION AWARD UNDER THIS SUBARTICLE SHALL EXPIRE ON THE EARLIER OF THE FOLLOWING:

(1) THE EXPENDITURE OF ALL MONEY IN THE SPECIAL JUVENILE VICTIM COMPENSATION FUND.

(2) JUNE 30, 2011. MONEY REMAINING IN THE FUND ON JUNE 30, 2011, THAT HAS NOT BEEN ENCUMBERED OR COMMITTED TO PAY AWARDS UNDER WRITTEN DETERMINATIONS ISSUED PRIOR TO JUNE 30, 2011, SHALL BE TRANSFERRED TO THE CRIME VICTIM'S COMPENSATION

FUND.

SECTION 1793-A. VICTIM WITNESS SERVICES FUND.

ON JULY 1, 2011, THE STATE TREASURER SHALL TRANSFER THE SUM OF \$1,000,000 FROM THE CRIME VICTIM'S COMPENSATION FUND TO THE VICTIM WITNESS SERVICES FUND ESTABLISHED IN SECTION 1101(B)(2) OF THE CRIME VICTIMS ACT TO SUPPLEMENT, AND TO BE DISTRIBUTED TOGETHER WITH, OTHER MONEY OF THE VICTIM WITNESS SERVICES FUND USED TO PROVIDE VICTIM OF JUVENILE OFFENDER GRANTS TO COUNTIES. THE TRANSFERRED SUM IS HEREBY APPROPRIATED TO THE VICTIM WITNESS SERVICES FUND ON A CONTINUING BASIS FOR SUCH PURPOSE.

SECTION 2.7. SECTION 1735-E OF THE ACT, AMENDED OCTOBER 9, 2009 (P.L.537, NO.50), IS AMENDED TO READ:

SECTION 1735-E. PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY.

THE PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY SHALL PROVIDE SEMIANNUAL REPORTS OF ALL GRANTS AWARDED BY THE PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY FROM FEDERAL DISASTER ASSISTANCE OR

RELIEF FUNDS, HOMELAND SECURITY AND DEFENSE FUNDS, AVIAN FLU/PANDEMIC PREPAREDNESS OR OTHER PUBLIC HEALTH EMERGENCY FUNDS

TO THE CHAIRMAN AND MINORITY CHAIRMAN OF THE APPROPRIATIONS COMMITTEE OF THE SENATE AND THE CHAIRMAN AND MINORITY CHAIRMAN OF THE APPROPRIATIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES. THE REPORTS SHALL INCLUDE INFORMATION RELATING TO THE ENTITY RECEIVING GRANT MONEY FROM THE AGENCY, INCLUDING THE NAME AND ADDRESS OF THE ENTITY, THE AMOUNT OF THE GRANT, THE DATE OF ISSUANCE AND THE PURPOSE OF THE GRANT. REPORTS SHALL BE SUBMITTED BY AUGUST [15] 20 FOR GRANTS AWARDED DURING THE PERIOD FROM JANUARY 1 THROUGH JUNE 30 AND BY FEBRUARY [15] 20 FOR GRANTS AWARDED DURING THE PERIOD FROM JULY 1 THROUGH DECEMBER 31.

SECTION 2.8. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:

SECTION 1794-E. JUDICIAL COMPUTER SYSTEM AUGMENTATION ACCOUNT.

THE SUPREME COURT AND THE COURT ADMINISTRATOR OF PENNSYLVANIA ARE PROHIBITED FROM AUGMENTING THE AMOUNT APPROPRIATED TO THE JUDICIAL COMPUTER SYSTEM AUGMENTATION ACCOUNT BY BILLINGS TO OTHER APPROPRIATIONS TO THE JUDICIAL BRANCH FOR THE STATEWIDE JUDICIAL COMPUTER SYSTEM OR FOR ANY OTHER PURPOSE.

SECTION 1795-E. ACCESS TO JUSTICE ACCOUNT.

NOTWITHSTANDING 42 PA.C.S. § 4906 (RELATING TO DISTRIBUTION OF FUNDS), MONEY IN THE ACCESS TO JUSTICE ACCOUNT MAY BE DISTRIBUTED AT ANY TIME UPON REQUISITION OF THE COURT ADMINISTRATOR OF PENNSYLVANIA TO THE PENNSYLVANIA INTEREST ON LAWYERS TRUST ACCOUNT BOARD.

SECTION 2.9. SECTION 1799-E OF THE ACT IS AMENDED BY ADDING SUBSECTIONS TO READ:

SECTION 1799-E. STATE GAMING FUND.

* * *

(E) ASSESSMENTS FOR PROPERTY TAX RELIEF.--NOTWITHSTANDING SUBSECTION (G) OR ANY OTHER PROVISION OF LAW TO THE CONTRARY, IF THE SECRETARY OF THE BUDGET AUTHORIZES A TRANSFER FROM THE PROPERTY TAX RELIEF RESERVE FUND AND DETERMINES THAT THE MONEYS IN THE FUND ARE INSUFFICIENT TO SUPPORT THE TRANSFER, THE SECRETARY OF THE BUDGET SHALL NOTIFY THE PENNSYLVANIA GAMING CONTROL BOARD AND, UPON NOTIFICATION, THE BOARD SHALL IMMEDIATELY ASSESS EACH SLOT MACHINE LICENSEE FOR THE REPAYMENT OF THE LOANS AUTHORIZED UNDER SECTIONS 1720-G, 1720-I AND 1720-K IN AN AMOUNT THAT IS PROPORTIONAL TO EACH SLOT MACHINE LICENSEE'S GROSS TERMINAL REVENUE.

(F) APPROPRIATIONS SOLELY FROM ASSESSMENTS.--BEGINNING IN FISCAL YEAR 2010-2011 AND EACH FISCAL YEAR THEREAFTER, ALL FUNDS FOR THE OPERATION OF THE PENNSYLVANIA STATE POLICE, THE DEPARTMENT OF REVENUE AND THE ATTORNEY GENERAL SHALL BE APPROPRIATED SOLELY FROM AN ASSESSMENT ON GROSS TERMINAL REVENUE

FROM ACCOUNTS UNDER 4 PA.C.S. § 1401 (RELATING TO SLOT MACHINE LICENSEE DEPOSITS) IN AN AMOUNT EQUAL TO THAT APPROPRIATED BY THE GENERAL ASSEMBLY FOR THAT FISCAL YEAR. THE PENNSYLVANIA STATE POLICE, DEPARTMENT OF REVENUE OR ATTORNEY GENERAL SHALL NOT ASSESS ANY CHARGE, FEE, COST OF OPERATIONS OR OTHER PAYMENT FROM A LICENSED GAMING ENTITY IN EXCESS OF AMOUNTS APPROPRIATED IN ANY SUCH FISCAL YEAR UNLESS SPECIFICALLY AUTHORIZED BY LAW.

(G) ESTABLISHMENT OF REPAYMENT SCHEDULE.--NO LATER THAN JUNE 30, 2011, THE PENNSYLVANIA GAMING CONTROL BOARD, IN CONSULTATION WITH ALL LICENSED GAMING ENTITIES, SHALL ESTABLISH A SCHEDULE GOVERNING THE REPAYMENT BY LICENSED GAMING ENTITIES OF LOANS PROVIDED TO THE PENNSYLVANIA GAMING CONTROL BOARD UNDER SECTIONS

1720-G, 1720-I AND 1720-K. THE FOLLOWING SHALL APPLY:

(1) REPAYMENT OF LOANS PROVIDED TO THE PENNSYLVANIA GAMING CONTROL BOARD PURSUANT TO SECTIONS 1720-G, 1720-I AND 1720-K BY LICENSED GAMING ENTITIES SHALL BEGIN AT SUCH TIME AS AT LEAST 11 SLOT MACHINE LICENSES HAVE BEEN ISSUED AND 11 LICENSED GAMING ENTITIES HAVE COMMENCED OPERATION OF SLOT MACHINES.

(2) THE PENNSYLVANIA GAMING CONTROL BOARD SHALL ESTABLISH A REPAYMENT SCHEDULE THAT, AT A MINIMUM:

(I) SETS FORTH THE DATES UPON WHICH THE REPAYMENTS

SHALL BE DUE. PAYMENTS MAY BE REQUIRED ON A QUARTERLY, SEMIANNUAL OR ANNUAL BASIS.

(II) ASSESSES TO EACH SLOT MACHINE LICENSEE COSTS FOR REPAYMENT OF LOANS FROM THE PROPERTY TAX RELIEF RESERVE FUND MADE UNDER SECTIONS 1720-G, 1720-I AND 1720-K IN AN AMOUNT THAT IS PROPORTIONAL TO EACH SLOT MACHINE LICENSEE'S GROSS TERMINAL REVENUE.

(III) RESULTS IN FULL REPAYMENT OF AMOUNTS LOANED PURSUANT TO SECTIONS 1720-G, 1720-I AND 1720-K NOT EARLIER THAN FIVE YEARS NOR LATER THAN TEN YEARS FOLLOWING COMMENCEMENT OF THE LOAN REPAYMENTS BY THE SLOT MACHINE LICENSEE.

SECTION 2.10 SECTION 1715-K(B)(1)(V) OF THE ACT, ADDED OCTOBER 9, 2009 (P.L.537, NO.50), IS AMENDED TO READ: SECTION 1715-K. TOBACCO SETTLEMENT FUND.

* * *

(B) TRANSFERS.--

(1) NOTWITHSTANDING SECTIONS 306 AND 307 OF THE TOBACCO SETTLEMENT ACT, THE FOLLOWING SHALL APPLY.

* * *

[(V) FOR FISCAL YEAR 2010-2011, \$250,000,000 IS TRANSFERRED FROM THE TOBACCO ENDOWMENT ACCOUNT FOR LONGTERM HOPE TO THE GENERAL FUND.]

* * *

SECTION 3. THE ACT IS AMENDED BY ADDING ARTICLES TO READ:

ARTICLE XVII-L

2010-2011 BUDGET IMPLEMENTATION

SUBARTICLE A

PRELIMINARY PROVISIONS

SECTION 1701-L. APPLICABILITY.

EXCEPT AS SPECIFICALLY PROVIDED IN THIS ARTICLE, THIS ARTICLE APPLIES TO THE GENERAL APPROPRIATION ACT OF 2010 AND ALL OTHER APPROPRIATION ACTS OF 2010.

SECTION 1702-L. DEFINITIONS AND ABBREVIATIONS.

(A) DEFINITIONS.--THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

"GENERAL APPROPRIATION ACT." THE ACT OF , 2010 (P.L. , NO.), KNOWN AS THE GENERAL APPROPRIATION ACT OF 2010.

"SECRETARY." THE SECRETARY OF THE BUDGET OF THE COMMONWEALTH.

(B) ABBREVIATIONS.--THE FOLLOWING ABBREVIATIONS WHEN USED IN THIS ARTICLE SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION:

"AIDS." ACQUIRED IMMUNE DEFICIENCY SYNDROME.
 "ARC." APPALACHIAN REGIONAL COMMISSION.
 "ARRA." THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
 (PUBLIC LAW 111-5, 123 STAT. 115).
 "BG." BLOCK GRANT.
 "CCDFBG." CHILD CARE AND DEVELOPMENT FUND BLOCK GRANT.
 "CHARTERED SCHOOL." A SCHOOL CHARTERED BY THE COMMONWEALTH.
 "CSBG." COMMUNITY SERVICES BLOCK GRANT.
 "DCSI." DRUG CONTROL AND SYSTEMS IMPROVEMENT FORMULA GRANT
 PROGRAM.
 "DFSC." THE SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES ACT
 (PUBLIC LAW 107-110, 20 U.S.C. § 7101 ET SEQ.).
 "DOE." DEPARTMENT OF ENERGY.
 "EEOC." EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.
 "EPA." ENVIRONMENTAL PROTECTION AGENCY.
 "ESEA." THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965
 (PUBLIC LAW 89-10, 20 U.S.C. § 6301 ET SEQ.).
 "FEMA." FEDERAL EMERGENCY MANAGEMENT AGENCY.
 "FTA." FEDERAL TRANSIT ADMINISTRATION.
 "HUD." DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.
 "LIHEABG." LOW-INCOME HOME ENERGY ASSISTANCE BLOCK GRANT.
 "LSTA." THE LIBRARY SERVICES AND TECHNOLOGY ACT (PUBLIC LAW
 104-208, 20 U.S.C. § 9101 ET SEQ.).
 "MCHSBG." MATERNAL AND CHILD HEALTH SERVICES BLOCK GRANT.
 "MHSBG." MENTAL HEALTH SERVICES BLOCK GRANT.
 "MR." MENTAL RETARDATION.
 "PAFE." PENNSYLVANIA AGRICULTURAL FOOD EXPOSITION.
 "PHHSBG." PREVENTIVE HEALTH AND HEALTH SERVICES BLOCK GRANT.
 "RSAT." RESIDENTIAL SUBSTANCE ABUSE TREATMENT.
 "SABG." SUBSTANCE ABUSE BLOCK GRANT.
 "SCDBG." SMALL COMMUNITIES DEVELOPMENT BLOCK GRANT.
 "SDA." SERVICE DELIVERY AREA.
 "SSBG." SOCIAL SERVICES BLOCK GRANT.
 "TANF." TEMPORARY ASSISTANCE FOR NEEDY FAMILIES.
 "TANFBG." TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK
 GRANT.
 "TEFAP." TEMPORARY EMERGENCY FOOD ASSISTANCE PROGRAM.
 "WIA." THE WORKFORCE INVESTMENT ACT OF 1998 (PUBLIC LAW
 105-220, 112 STAT. 936).
 "WIC." WOMEN, INFANTS AND CHILDREN PROGRAM.

SUBARTICLE B
 EXECUTIVE DEPARTMENT
 SECTION 1711-L. GOVERNOR (RESERVED).
 SECTION 1712-L. EXECUTIVE OFFICES.

(A) APPROPRIATIONS.--THE FOLLOWING SHALL APPLY TO APPROPRIATIONS FOR THE EXECUTIVE OFFICES:

(1) (RESERVED).

(2) A PORTION OF THE APPROPRIATION FOR THE OFFICE OF THE BUDGET MAY BE DISTRIBUTED UPON APPROVAL OF THE SECRETARY TO OTHER STATE AGENCIES TO PAY FOR COMPTROLLER SERVICES PROVIDED TO THE AGENCY. THE SECRETARY SHALL PROVIDE NOTICE 10 DAYS PRIOR TO A DISTRIBUTION UNDER THIS PARAGRAPH TO THE CHAIRMAN AND THE MINORITY CHAIRMAN OF THE APPROPRIATIONS COMMITTEE OF THE SENATE AND THE CHAIRMAN AND THE MINORITY CHAIRMAN OF THE APPROPRIATIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

(B) PURCHASE CARDS.--THE OFFICE OF THE BUDGET SHALL MAXIMIZE THE USE OF PURCHASE CARDS FOR FINANCIAL TRANSACTIONS INVOLVING THE COMMONWEALTH WHERE PRACTICAL, IN ACCORDANCE WITH AN INTERAGENCY AGREEMENT ESTABLISHING USAGE GUIDELINES BETWEEN THE

OFFICE OF THE BUDGET AND THE TREASURY DEPARTMENT.

SECTION 1713-L. LIEUTENANT GOVERNOR (RESERVED).

SECTION 1714-L. ATTORNEY GENERAL (RESERVED).

SECTION 1715-L. AUDITOR GENERAL (RESERVED).

SECTION 1716-L. TREASURY DEPARTMENT (RESERVED).

SECTION 1717-L. DEPARTMENT OF AGING (RESERVED).

SECTION 1718-L. DEPARTMENT OF AGRICULTURE.

NO LESS THAN 80% OF THE FUNDS APPROPRIATED FOR HARDWOODS RESEARCH AND PROMOTION SHALL BE EQUALLY DISTRIBUTED AMONG THE HARDWOOD UTILIZATION GROUPS OF THIS COMMONWEALTH ESTABLISHED PRIOR TO THE EFFECTIVE DATE OF THIS SECTION.

SECTION 1719-L. DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT (RESERVED).

SECTION 1720-L. DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES (RESERVED).

SECTION 1721-L. DEPARTMENT OF CORRECTIONS (RESERVED).

SECTION 1722-L. DEPARTMENT OF EDUCATION.

(A) GENERAL RULE.--THE FOLLOWING SHALL APPLY TO APPROPRIATIONS FOR THE DEPARTMENT OF EDUCATION IN THE GENERAL APPROPRIATION ACT FOR THE FISCAL YEAR BEGINNING JULY 1, 2010:

(1) (I) THE BOARD OF DIRECTORS OF EACH SCHOOL DISTRICT SHALL TAKE SUCH STEPS AS NECESSARY IN ORDER TO HAVE OR MAINTAIN A CERTIFIED SAFETY COMMITTEE BY JUNE 30, 2011, FOR THE PURPOSES OF SECTION 1002(B) OF THE ACT OF JUNE 2, 1915 (P.L.736, NO.338), KNOWN AS THE WORKERS' COMPENSATION ACT.

(II) THE DEPARTMENT OF LABOR AND INDUSTRY SHALL PROVIDE THE DEPARTMENT OF EDUCATION WITH THE LIST OF

SCHOOL DISTRICTS WHO HAVE A CERTIFIED SAFETY COMMITTEE.

(III) IN THE CASE OF A SCHOOL DISTRICT THAT DOES NOT SUBMIT EVIDENCE TO THE DEPARTMENT OF EDUCATION THAT COMPLIES WITH THIS PARAGRAPH, THE DEPARTMENT OF EDUCATION SHALL DEDUCT FROM ANY ALLOCATION FROM THE COMMONWEALTH TO WHICH THE SCHOOL DISTRICT IS ENTITLED THE AMOUNT OF THE DISCOUNT THE SCHOOL DISTRICT WOULD OTHERWISE RECEIVE UNDER SECTION 1002(B) OF THE WORKERS' COMPENSATION ACT.

(IV) THIS PARAGRAPH SHALL NOT APPLY TO A SCHOOL DISTRICT THAT CANNOT RECEIVE A PREMIUM DISCOUNT UNDER SECTION 1002(B) OF THE WORKERS' COMPENSATION ACT, OR AN EQUIVALENT REDUCTION IN CONTRIBUTION RATES, BY ESTABLISHING AND MAINTAINING A CERTIFIED SAFETY COMMITTEE BECAUSE IT IS AUTHORIZED TO SELF-INSURE ITS LIABILITIES UNDER SECTION 305 OF THE WORKERS' COMPENSATION ACT OR POOL ITS LIABILITIES UNDER SECTION 802 OF THE WORKERS' COMPENSATION ACT.

(2) THE FOLLOWING SHALL APPLY TO PROFESSIONAL AND TEMPORARY PROFESSIONAL EMPLOYEES OF A SCHOOL FORMERLY OPERATED BY THE COMMONWEALTH:

(I) THE COMMONWEALTH SHALL CREATE A POOL FOR EACH SCHOOL COMPRISED OF THE PROFESSIONAL AND TEMPORARY PROFESSIONAL EMPLOYEES WHO HAVE RECEIVED FORMAL NOTICE OF SUSPENSION FROM THE COMMONWEALTH AS A RESULT OF THE COMMONWEALTH'S DECISION TO CEASE COMMONWEALTH OPERATION OF THE SCHOOL.

(II) FOR THE THREE SCHOOL YEARS IMMEDIATELY FOLLOWING THE FORMAL NOTICE OF SUSPENSION FROM THE COMMONWEALTH, EMPLOYEES IN A POOL CREATED UNDER SUBPARAGRAPH (I) SHALL BE OFFERED EMPLOYMENT BY EACH ELIGIBLE SCHOOL ENTITY AS DETERMINED UNDER SUBPARAGRAPH (IV) ASSOCIATED WITH THE APPLICABLE POOL CREATED UNDER SUBPARAGRAPH (I), WHEN THAT ELIGIBLE SCHOOL ENTITY HAS A VACANCY FOR A POSITION THAT AN EMPLOYEE IN THE APPLICABLE POOL IS PROPERLY CERTIFIED TO FILL, PROVIDED THAT NO EMPLOYEE OF THE ELIGIBLE SCHOOL ENTITY IN WHICH THE VACANCY EXISTS, INCLUDING A SUSPENDED OR DEMOTED EMPLOYEE, HAS A RIGHT TO THE VACANCY UNDER THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949, OR THE COLLECTIVE BARGAINING AGREEMENT OF THE RESPECTIVE ELIGIBLE SCHOOL ENTITY.

(III) FOR THE THREE SCHOOL YEARS IMMEDIATELY FOLLOWING THE FORMAL NOTICE OF SUSPENSION FROM THE COMMONWEALTH, NO NEW EMPLOYEE SHALL BE HIRED BY A N

ELIGIBLE SCHOOL ENTITY AS DETERMINED UNDER SUBPARAGRAPH (IV) ASSOCIATED WITH THE APPLICABLE POOL CREATED UNDER SUBPARAGRAPH (I), UNTIL THE POSITION HAS BEEN OFFERED, IN ORDER OF SENIORITY, TO ALL PROPERLY CERTIFIED MEMBERS OF THE APPLICABLE POOL CREATED UNDER SUBPARAGRAPH (I).

(IV) FOR THE PURPOSE OF SUBPARAGRAPHS (II) AND (III), AN "ELIGIBLE SCHOOL ENTITY" SHALL BE DETERMINED AS FOLLOWS:

(A) A SCHOOL DISTRICT, VOCATIONAL-TECHNICAL SCHOOL OR INTERMEDIATE UNIT, THE ADMINISTRATION BUILDING OF WHICH IS 17 MILES OR LESS FROM THE ADMINISTRATION BUILDING OF A SCHOOL FORMERLY OPERATED BY THE COMMONWEALTH OR A SCHOOL DISTRICT WHICH IS ADJACENT TO THE SCHOOL DISTRICT IN WHICH A SCHOOL FORMERLY OPERATED BY THE COMMONWEALTH WAS SITUATE; OR

(B) A SCHOOL DISTRICT WITH AVERAGE DAILY MEMBERSHIP GREATER THAN OR EQUAL TO 8,000, THE ADMINISTRATION BUILDING OF WHICH IS 45 MILES OR LESS FROM THE ADMINISTRATION BUILDING OF A SCHOOL FORMERLY OPERATED BY THE COMMONWEALTH, AND WHICH RELIES ON STATE REVENUE FOR NOT LESS THAN 50% OF THE SCHOOL DISTRICT'S TOTAL BUDGET IN ONE OF THE TWO MOST RECENT YEARS FOR WHICH DATA HAS BEEN PUBLISHED ON THE DEPARTMENT OF EDUCATION'S PUBLIC INTERNET WEBSITE.

(3) (I) (A) EMPLOYEES HIRED FROM A POOL UNDER PARAGRAPH (2) AND FORMER EMPLOYEES OF A SCHOOL FORMERLY OPERATED BY THE COMMONWEALTH WHO RESIGNED FROM A SCHOOL FORMERLY OPERATED BY THE COMMONWEALTH WITHIN THE SIX MONTHS PRIOR TO OCTOBER 9, 2009, AND WHO ACCEPTED EMPLOYMENT AT A SCHOOL DISTRICT, INTERMEDIATE UNIT OR VOCATIONAL-TECHNICAL SCHOOL SHALL BE CREDITED BY THE HIRING SCHOOL DISTRICT, INTERMEDIATE UNIT OR VOCATIONAL-TECHNICAL SCHOOL FOR ALL SICK LEAVE ACCUMULATED IN THE SCHOOL AND SHALL BE CREDITED FOR YEARS OF SERVICE IN THE SCHOOL FOR PURPOSES OF SALARY SCHEDULE PLACEMENT.

(B) SUCH EMPLOYEES SHALL FURTHER BE CREDITED FOR THEIR YEARS OF SERVICE IN THE SCHOOL FOR PURPOSES OF SABBATICAL LEAVE ELIGIBILITY, SUSPENSION AND REALIGNMENT RIGHTS AND ELIGIBILITY FOR ANY RETIREMENT INCENTIVES OR SEVERANCE PAYMENTS IN A HIRING SCHOOL DISTRICT, INTERMEDIATE UNIT OR VOCATIONAL-TECHNICAL SCHOOL.

(II) NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO

SUPERSEDE OR PREEMPT ANY PROVISION OF AN INDIVIDUAL EMPLOYMENT AGREEMENT BETWEEN A SCHOOL DISTRICT, INTERMEDIATE UNIT OR VOCATIONAL-TECHNICAL SCHOOL AND AN EMPLOYEE ENTERED INTO PRIOR TO THE EFFECTIVE DATE OF THIS SECTION, OR ANY PROVISION OF A COLLECTIVE BARGAINING AGREEMENT IN EFFECT AS OF THE EFFECTIVE DATE OF THIS SECTION AND NEGOTIATED BY A SCHOOL ENTITY AND AN EXCLUSIVE REPRESENTATIVE OF THE EMPLOYEES IN ACCORDANCE WITH THE ACT OF JULY 23, 1970 (P.L.563, NO.195), KNOWN AS THE PUBLIC EMPLOYEE RELATIONS ACT.

(4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, FUNDS RECEIVED UNDER THE ARRA SHALL BE SPENT IN ACCORDANCE WITH THE ARRA AND APPLICABLE RULES AND GUIDELINES DEVELOPED BY THE FEDERAL GOVERNMENT.

(5) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A BOARD OF SCHOOL DIRECTORS OF A SCHOOL DISTRICT MAY REOPEN ITS 2010-2011 BUDGET TO REFLECT FEDERAL AND STATE ALLOCATIONS FOR FISCAL YEAR 2010-2011 PROVIDED BY THE GENERAL APPROPRIATION ACT.

(6) ANNUAL PAYMENTS FROM THE APPROPRIATION TO INSTITUTIONS OF HIGHER LEARNING FOR DEFRAYING THE EXPENSES OF HEARING-IMPAIRED OR SIGHT-IMPAIRED STUDENTS SHALL NOT EXCEED \$500 PER STUDENT.

(7) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, FEDERAL AND STATE FUNDS SHALL BE DISTRIBUTED TO EACH COMMUNITY COLLEGE IN AN AMOUNT EQUAL TO THE AMOUNT PAID UNDER SECTION 1913-A(B)(1.6) OF THE PUBLIC SCHOOL CODE OF 1949, DURING THE 2008-2009 FISCAL YEAR. IF INSUFFICIENT FUNDS ARE APPROPRIATED, THE PAYMENTS SHALL BE MADE ON A PRO RATA BASIS.

(8) FUNDS APPROPRIATED FOR SPECIAL EDUCATION PAYMENTS TO SCHOOL DISTRICTS SHALL BE DISTRIBUTED TO EACH SCHOOL DISTRICT IN AN AMOUNT EQUAL TO THE AMOUNT PAID DURING THE 2008-2009 SCHOOL YEAR UNDER SECTION 2509.5(ZZ) OF THE PUBLIC SCHOOL CODE OF 1949. IF INSUFFICIENT FUNDS ARE APPROPRIATED, THE PAYMENTS SHALL BE MADE ON A PRO RATA BASIS.

(9) (I) FUNDS APPROPRIATED FOR THE EDUCATIONAL ASSISTANCE PROGRAM ESTABLISHED IN SECTION 1502-C OF THE PUBLIC SCHOOL CODE OF 1949 SHALL BE DISTRIBUTED TO EACH SCHOOL ENTITY IN AN AMOUNT EQUAL TO THE AMOUNT PAID DURING THE 2009-2010 SCHOOL YEAR. IF INSUFFICIENT FUNDS ARE APPROPRIATED, THE PAYMENTS SHALL BE MADE ON A PRO RATA BASIS.

(II) FOR PURPOSES OF THE EDUCATIONAL ASSISTANCE PROGRAM ESTABLISHED IN SECTION 1502-C OF THE PUBLIC

SCHOOL CODE OF 1949 AND THIS PARAGRAPH, "SCHOOL ENTITY" SHALL MEAN ANY OF THE FOLLOWING LOCATED IN THIS COMMONWEALTH: A SCHOOL DISTRICT, JOINT SCHOOL DISTRICT, AREA VOCATIONAL-TECHNICAL SCHOOL OR INDEPENDENT SCHOOL.

(10) FUNDS APPROPRIATED FOR PENNSYLVANIA ACCOUNTABILITY GRANTS SHALL BE DISTRIBUTED TO EACH SCHOOL DISTRICT IN AN AMOUNT EQUAL TO THE AMOUNT PAID DURING THE 2009-2010 SCHOOL YEAR. IF INSUFFICIENT FUNDS ARE APPROPRIATED, THE PAYMENTS SHALL BE MADE ON A PRO RATA BASIS.

(11) NOTWITHSTANDING THE PROVISIONS OF 24 PA.C.S. § 8329(A) (RELATING TO PAYMENTS ON ACCOUNT OF SOCIAL SECURITY DEDUCTIONS FROM APPROPRIATIONS) WHEN CALCULATING PAYMENTS BY THE COMMONWEALTH UNDER 24 PA.C.S. § 8329, THE DEPARTMENT OF EDUCATION SHALL TREAT WAGES PAID OUT OF THE ARRA STATE STABILIZATION FUND OR OUT OF ARRA FUNDS APPROPRIATED FOR INDIVIDUAL WITH DISABILITIES EDUCATION (PART B - PRESCHOOL -AGE 3-5) AS COVERED WAGES WHICH ARE NOT FEDERALLY FUNDED.

(12) THE FOLLOWING APPLY TO LIBRARIES:

(I) FUNDS APPROPRIATED FOR LIBRARIES SHALL BE DISTRIBUTED TO EACH LIBRARY UNDER THE FOLLOWING FORMULA:

(A) DIVIDE THE SUM OF THE AMOUNT OF FUNDING THAT THE LIBRARY RECEIVED IN FISCAL YEAR 2009-2010 UNDER SECTION 1722-J(14) BY THE TOTAL STATE-AID SUBSIDY FOR FISCAL YEAR 2009-2010.

(B) MULTIPLY THE QUOTIENT UNDER CLAUSE (A) BY THE TOTAL STATE-AID SUBSIDY FOR 2010-2011.

(II) FOLLOWING DISTRIBUTION OF FUNDS APPROPRIATED FOR STATE AID TO LIBRARIES, ANY REMAINING FUNDS MAY BE DISTRIBUTED AT THE DISCRETION OF THE STATE LIBRARIAN.

(III) IF FUNDS APPROPRIATED FOR STATE AID TO LIBRARIES IN FISCAL YEAR 2010-2011 ARE LESS THAN FUNDS APPROPRIATED IN FISCAL YEAR 2002-2003, THE STATE LIBRARIAN MAY WAIVE STANDARDS AS PRESCRIBED IN SECTION 103 OF THE ACT OF JUNE 14, 1961 (P.L.324, NO.188), KNOWN AS THE LIBRARY CODE, RELATING TO HOURS OF OPERATION, CONTINUING PROFESSIONAL DEVELOPMENT, COLLECTIONS, EXPENDITURES AND OTHER ASPECTS OF LIBRARY OPERATION.

(IV) (A) EACH LIBRARY SYSTEM RECEIVING STATE AID UNDER THIS PARAGRAPH MAY DISTRIBUTE THE LOCAL LIBRARY SHARE OF THAT AID IN A MANNER AS DETERMINED BY THE BOARD OF DIRECTORS OF THE LIBRARY SYSTEM.

(B) THIS SUBPARAGRAPH SHALL NOT APPLY TO A LIBRARY SYSTEM OPERATING IN A COUNTY OF THE SECOND CLASS.

(13) NOTWITHSTANDING SECTION 2510.1 OF THE PUBLIC SCHOOL CODE OF 1949, PAYMENTS MADE TO SCHOOL DISTRICTS FOR THE INSTRUCTION OF HOMEBOUND CHILDREN SHALL ONLY BE MADE TO THE EXTENT FUNDS ARE APPROPRIATED FOR THIS PURPOSE.

(14) THE APPROPRIATION FOR BASIC EDUCATION FUNDING SHALL BE DISTRIBUTED AS FOLLOWS:

(I) THE COMMONWEALTH SHALL PAY TO EACH SCHOOL DISTRICT A BASIC EDUCATION FUNDING ALLOCATION FOR THE 2009-2010 SCHOOL YEAR WHICH SHALL CONSIST OF THE SUM OF THE FOLLOWING:

(A) AN AMOUNT EQUAL TO THE ALLOCATIONS RECEIVED BY THE SCHOOL DISTRICT UNDER SECTION 1722-J (17)(I)

(A) AND (B) AND (C)(III).

(B) IF A SCHOOL DISTRICT HAS BEEN DECLARED A COMMONWEALTH PARTNERSHIP SCHOOL DISTRICT ON OR BEFORE JUNE 30, 2010, UNDER ARTICLE XVII-B OF THE PUBLIC SCHOOL CODE OF 1949, AN AMOUNT EQUAL TO \$2,000,000.

(C) (I) THIRTY-TWO AND SIX ONE-HUNDREDTHS PERCENT (32.06%) OF THE AMOUNT DETERMINED UNDER SECTION 2502.48(C)(1) OF THE PUBLIC SCHOOL CODE OF 1949.

(II) ANY ADDITIONAL AMOUNT REQUIRED SO THAT THE TOTAL AMOUNT PROVIDED UNDER CLAUSE (A) AND THIS CLAUSE EQUALS 2% GREATER THAN THE AMOUNT PROVIDED UNDER SECTION 1722-J (17)(I).

(II) FOR THE PURPOSE OF THE CALCULATION UNDER SECTION 2502.48(C)(1) OF THE PUBLIC SCHOOL CODE OF 1949, FOR PAYMENTS MADE UNDER THIS SUBSECTION:

(A) THE AMOUNT PER STUDENT UNDER SECTION 2502.48(A) OF THE PUBLIC SCHOOL CODE OF 1949 SHALL BE INCREASED BY THE 2009-2010 INDEX AND BY THE 2010-2011 INDEX. THE TERM "INDEX" SHALL HAVE THE MEANING GIVEN TO IT UNDER SECTION 2501 OF THE PUBLIC SCHOOL CODE OF 1949.

(B) THE NUMBER USED FOR THE PURPOSE OF EACH SCHOOL DISTRICT'S CALCULATION UNDER SECTION 2502.48(B)(5)(II)(B) OF THE PUBLIC SCHOOL CODE OF 1949 SHALL NOT BE LESS THAN ONE.

(III) ANY INCREASE IN BASIC EDUCATION FUNDING UNDER THIS PARAGRAPH SHALL QUALIFY AS AN INCREASE IN BASIC EDUCATION FUNDING FOR THE PURPOSE OF SECTION 2502.49 OF THE PUBLIC SCHOOL CODE OF 1949. THE DEPARTMENT OF EDUCATION MAY GRANT A WAIVER FOR THE USE OF UP TO 25% OF THE FUNDS SUBJECT TO SECTION 2502.49(A)(1) OF THE PUBLIC

SCHOOL CODE OF 1949 IF ALL OF THE FOLLOWING APPLY:

(A) THE SCHOOL DISTRICT WOULD OTHERWISE BE REQUIRED TO REDUCE OR ELIMINATE ONE OR MORE OF THE PROGRAMS LISTED UNDER SECTION 2502.49(A)(1) OF THE PUBLIC SCHOOL CODE OF 1949 DUE TO A PROJECTED BUDGET SHORTFALL.

(B) THE FUNDS SUBJECT TO THE WAIVER WILL BE USED TO MAINTAIN ONE OR MORE EXISTING PROGRAMS LISTED UNDER SECTION 2502.49(A)(1) OF THE PUBLIC SCHOOL CODE OF 1949.

(C) THE SCHOOL DISTRICT HAS, IN THE DETERMINATION OF THE DEPARTMENT OF EDUCATION, PURSUED ALTERNATIVE OPPORTUNITIES FOR GREATER EFFICIENCY AND INTERNAL SAVINGS IN ORDER TO FUND THE PROGRAM OR PROGRAMS WITHOUT NEED FOR A WAIVER.

(D) THE PROGRAM TO BE MAINTAINED ADDRESSES A SIGNIFICANT NEED OF THE SCHOOL DISTRICT'S STUDENTS AND HAS DEMONSTRATED EFFECTIVENESS AT INCREASING STUDENT ACHIEVEMENT IN THE SCHOOL DISTRICT, IN THE DETERMINATION OF THE DEPARTMENT OF EDUCATION.

(IV) THE DECISION TO GRANT A WAIVER UNDER SUBPARAGRAPH (III) SHALL BE AT THE SOLE DISCRETION OF THE DEPARTMENT OF EDUCATION AND SHALL NOT BE SUBJECT TO APPEAL.

(15) (I) THE DEPARTMENT OF EDUCATION MAY UTILIZE UP TO \$4,500,000 OF UNDISTRIBUTED FUNDS NOT EXPENDED, ENCUMBERED OR COMMITTED FROM APPROPRIATIONS FOR GRANTS AND SUBSIDIES MADE TO THE DEPARTMENT TO ASSIST SCHOOL DISTRICTS CERTIFIED ON OR BEFORE JUNE 30, 2010, AS AN EDUCATION EMPOWERMENT DISTRICT UNDER SECTION 1705-B(H)(3) OF THE PUBLIC SCHOOL CODE OF 1949.

(II) THERE IS HEREBY ESTABLISHED A RESTRICTED ACCOUNT IN THE STATE TREASURY FROM WHICH PAYMENTS UNDER THIS PARAGRAPH SHALL BE PAID. FUNDS SHALL BE TRANSFERRED BY THE SECRETARY TO THE RESTRICTED ACCOUNT TO THE EXTENT NECESSARY TO MAKE PAYMENTS UNDER THIS PARAGRAPH. FUNDS IN THE RESTRICTED ACCOUNT ARE HEREBY APPROPRIATED TO CARRY OUT THE PURPOSES OF THIS PARAGRAPH. THE SUBSIDY PAYMENT FROM THIS RESTRICTED ACCOUNT SHALL BE UTILIZED TO SUPPLEMENT THE OPERATIONAL BUDGET OF THE ELIGIBLE SCHOOL DISTRICTS.

(16) COMMUNITY COLLEGES SHALL COMPLY WITH THE PROVISIONS OF SECTION 1737-J.

(17) THE APPROPRIATION FOR SCHOOL IMPROVEMENT GRANTS

SHALL BE DISTRIBUTED AS FOLLOWS:

(I) EACH ELIGIBLE SCHOOL DISTRICT SHALL BE ELIGIBLE TO RECEIVE A SCHOOL IMPROVEMENT GRANT UNDER THIS PARAGRAPH SUBJECT TO THE FOLLOWING PROVISIONS:

(A) WITHIN 45 DAYS AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH, THE ELIGIBLE SCHOOL DISTRICT MUST SUBMIT A PLAN FOR THE USE OF THE SCHOOL IMPROVEMENT GRANT TO THE DEPARTMENT OF EDUCATION FOR APPROVAL.

(B) WITHIN TEN DAYS AFTER RECEIPT OF THE PLAN, THE DEPARTMENT OF EDUCATION SHALL APPROVE OR MODIFY THE PLAN. THE DEPARTMENT OF EDUCATION MAY APPROVE A PLAN ONLY IF THE PLAN DEMONSTRATES THAT THE SCHOOL IMPROVEMENT GRANT FUNDS WILL BE USED IN A MANNER CONSISTENT WITH THE USES REQUIRED UNDER THE FEDERAL SCHOOL IMPROVEMENT GRANTS PROGRAM.

(C) WITHIN FIVE DAYS AFTER RECEIPT OF APPROVAL FROM THE DEPARTMENT OF EDUCATION, THE ELIGIBLE SCHOOL DISTRICT MUST POST ITS APPROVED OR MODIFIED PLAN ON ITS PUBLIC INTERNET WEBSITE.

(D) THE DEPARTMENT OF EDUCATION SHALL PROVIDE ELIGIBLE SCHOOL DISTRICTS WITH TECHNICAL ASSISTANCE IN THE IMPLEMENTATION OF AN APPROVED OR MODIFIED PLAN.

(II) SUBJECT TO THE REQUIREMENTS OF THIS PARAGRAPH, EACH ELIGIBLE SCHOOL DISTRICT SHALL RECEIVE A BASE ANNUAL GRANT OF \$450,000 AND AN ADDITIONAL GRANT OF UP TO \$75 PER AVERAGE DAILY MEMBERSHIP FOR THE PRIOR SCHOOL YEAR OF THE ELIGIBLE SCHOOL DISTRICT. THE ELIGIBLE SCHOOL DISTRICT SHALL GIVE PRIORITY IN ALLOCATING THE GRANT FUNDING TO THE PERSISTENTLY LOWEST ACHIEVING SCHOOLS WITHIN THE ELIGIBLE SCHOOL DISTRICT.

(III) AS USED IN THIS PARAGRAPH, THE FOLLOWING WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SUBPARAGRAPH UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

"ELIGIBLE SCHOOL DISTRICT." A SCHOOL DISTRICT THAT RECEIVED A SCHOOL IMPROVEMENT GRANT FOR THE 2009-2010 SCHOOL YEAR UNDER SECTION 1709-B OF THE PUBLIC SCHOOL CODE OF 1949, WHICH SECTION EXPIRED ON JUNE 30, 2010, AND EACH SCHOOL DISTRICT OF THE FIRST CLASS DESIGNATED AS DISTRESSED UNDER SECTION 691(C) OF THE PUBLIC SCHOOL CODE OF 1949.

"FEDERAL SCHOOL IMPROVEMENT GRANTS PROGRAM." THE SCHOOL IMPROVEMENT GRANTS AUTHORIZED BY SECTION 1003(G)

OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 (PUBLIC LAW 107-110, 115 STAT. 1425) AND ARRA.

"PERSISTENTLY LOWEST ACHIEVING SCHOOL." A SCHOOL ACHIEVING WITHIN THE LOWEST MEASURED GROUP OF 5% IN THIS COMMONWEALTH AS CERTIFIED BY THE DEPARTMENT OF EDUCATION FOR THE MOST RECENT SCHOOL YEAR FOR WHICH DATA IS POSTED ON THE DEPARTMENT OF EDUCATION'S PUBLIC INTERNET WEBSITE.

(B) DEFINITIONS.--THE WORDS AND PHRASES USED IN THIS SECTION AND NOT OTHERWISE DEFINED IN SUBARTICLE A SHALL HAVE THE MEANINGS GIVEN TO THEM IN THE ACT OF MARCH 10, 1949 (P.L.30 , NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949.

SECTION 1723-L. DEPARTMENT OF ENVIRONMENTAL PROTECTION. THE FOLLOWING SHALL APPLY TO APPROPRIATIONS FOR THE DEPARTMENT OF ENVIRONMENTAL PROTECTION IN THE GENERAL APPROPRIATION ACT:

(1) (RESERVED).

(2) NOTWITHSTANDING THE PROVISIONS OF SECTION 502 OF THE ACT OF JULY 9, 2008 (1ST SP.SESS., P.L.1873, NO.1), KNOWN AS THE ALTERNATIVE ENERGY INVESTMENT ACT, IN FISCAL YEAR 2010-2011, NO FUNDS SHALL BE APPROPRIATED FROM THE GENERAL FUND TO THE DEPARTMENT FOR THE CONSUMER ENERGY PROGRAM. ANY APPROPRIATION FOR FISCAL YEAR 2010-2011 IS REVOKE D .

SECTION 1724-L. DEPARTMENT OF GENERAL SERVICES (RESERVED).

SECTION 1725-L. DEPARTMENT OF HEALTH.

THE FOLLOWING SHALL APPLY TO APPROPRIATIONS FOR THE DEPARTMENT OF HEALTH IN THE GENERAL APPROPRIATION ACT:

(1) FUNDS APPROPRIATED FOR LUPUS PROGRAMS SHALL BE DISTRIBUTED IN THE SAME PROPORTION AS DISTRIBUTED IN FISCAL YEAR 2009-2010.

(2) FUNDS APPROPRIATED FOR ARTHRITIS OUTREACH AND EDUCATION SHALL BE EQUITABLY DISTRIBUTED AMONG THE CENTRAL, WESTERN AND EASTERN REGIONS OF THIS COMMONWEALTH BASED ON THE RATIO OF POPULATION SERVED IN EACH REGION TO THE TOTAL POPULATION SERVED IN THIS COMMONWEALTH.

(3) FUNDS APPROPRIATED FOR BIOTECHNOLOGY RESEARCH INCLUDE \$839,000 FOR A REGENERATIVE MEDICINE CENTER LOCATED IN A COUNTY OF THE SECOND CLASS AND \$1,145,000 FOR AN INSTITUTION FOR HEPATITIS AND VIRUS RESEARCH LOCATED IN A COUNTY OF THE SECOND CLASS A, WHICH CONDUCTS RESEARCH RELATED TO DEVELOPING NEW THERAPIES FOR VIRAL HEPATITIS AND LIVER CANCER.

SECTION 1726-L. INSURANCE DEPARTMENT (RESERVED).

SECTION 1727-L. DEPARTMENT OF LABOR AND INDUSTRY.

THE FOLLOWING SHALL APPLY TO APPROPRIATIONS FOR THE

DEPARTMENT OF LABOR AND INDUSTRY IN THE GENERAL APPROPRIATION ACT:

(1) THE APPROPRIATION FOR PAYMENT TO THE VOCATIONAL REHABILITATION FUND FOR WORK OF THE STATE BOARD OF VOCATIONAL REHABILITATION INCLUDES \$2,153,000 FOR A STATEWIDE PROFESSIONAL SERVICE PROVIDER ASSOCIATION FOR THE BLIND TO PROVIDE SPECIALIZED SERVICES AND PREVENTION OF BLINDNESS SERVICES AND \$431,000 TO PROVIDE SPECIALIZED SERVICES AND PREVENTION OF BLINDNESS SERVICES IN CITIES OF THE FIRST CLASS.

(2) FOR THE "REED ACT-UNEMPLOYMENT INSURANCE" AND "REED ACT-EMPLOYMENT SERVICES AND UNEMPLOYMENT INSURANCE" APPROPRIATIONS, THE TOTAL AMOUNT WHICH MAY BE OBLIGATED SHALL NOT EXCEED THE LIMITATIONS UNDER SECTION 903 OF THE SOCIAL SECURITY ACT (49 STAT. 620, 42 U.S.C. § 1103).

SECTION 1728-L. DEPARTMENT OF MILITARY AND VETERANS AFFAIRS (RESERVED).

SECTION 1729-L. DEPARTMENT OF PUBLIC WELFARE.

THE FOLLOWING SHALL APPLY TO APPROPRIATIONS FOR THE DEPARTMENT OF PUBLIC WELFARE FROM THE GENERAL APPROPRIATION ACT:

(1) AUTHORIZED TRANSFERS FOR CHILD-CARE SERVICES. THE FOLLOWING SHALL APPLY:

(I) THE DEPARTMENT, UPON APPROVAL OF THE SECRETARY, MAY TRANSFER FEDERAL FUNDS APPROPRIATED FOR TANFBG 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 TEN DAYS PRIOR TO A TRANSFER UNDER THIS SUBPARAGRAPH TO THE CHAIRMAN AND MINORITY CHAIRMAN OF THE APPROPRIATIONS COMMITTEE OF THE SENATE AND THE CHAIRMAN AND MINORITY CHAIRMAN OF THE APPROPRIATIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

(II) THE DEPARTMENT, UPON APPROVAL OF THE SECRETARY, MAY TRANSFER FEDERAL FUNDS APPROPRIATED FOR CCDFBG 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 TEN DAYS PRIOR TO A TRANSFER UNDER THIS SUBPARAGRAPH TO THE CHAIRMAN AND MINORITY CHAIRMAN OF THE APPROPRIATIONS COMMITTEE OF THE SENATE AND THE CHAIRMAN AND MINORITY

CHAIRMAN OF THE APPROPRIATIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

(2) FEDERAL AND STATE MEDICAL ASSISTANCE PAYMENTS. THE FOLLOWING SHALL APPLY:

(I) WHEN MAKING PAYMENTS FOR MEDICAL ASSISTANCE OUTPATIENT OR CAPITATION SERVICES, THE DEPARTMENT SHALL NOT REQUIRE A RECIPIENT TO OBTAIN A PHYSICIAN REFERRAL IN ORDER TO RECEIVE CHIROPRACTIC SERVICES.

(II) NO FUNDS APPROPRIATED FOR APPROVED CAPITATION PLANS SHALL BE USED TO PAY A PROVIDER WHO FAILS TO SUPPLY INFORMATION IN A FORM REQUIRED BY THE DEPARTMENT IN ORDER TO FACILITATE CLAIMS FOR FEDERAL FINANCIAL PARTICIPATION FOR SERVICES RENDERED TO GENERAL ASSISTANCE CLIENTS.

(III) FOR FISCAL YEAR 2010-2011, PAYMENTS TO HOSPITALS FOR COMMUNITY ACCESS FUND GRANTS SHALL BE DISTRIBUTED UNDER THE FORMULAS UTILIZED FOR THESE GRANTS IN FISCAL YEAR 2009-2010. IF THE TOTAL FUNDING AVAILABLE FOR COMMUNITY ACCESS FUND PAYMENTS IN FISCAL YEAR 2010-2011 IS LESS THAN THAT AVAILABLE IN FISCAL YEAR 2009-2010, PAYMENTS SHALL BE MADE ON A PRO RATA BASIS.

(IV) QUALIFYING STATE-RELATED ACADEMIC MEDICAL CENTERS SHALL NOT RECEIVE ANY LESS FUNDING THAN RECEIVED FOR THE FISCAL YEAR 2004-2005 STATE APPROPRIATION LEVEL IF FEDERAL FUNDING FOR ACADEMIC MEDICAL CENTERS IS NOT MADE AVAILABLE TO THOSE ACADEMIC MEDICAL CENTERS DURING FISCAL YEAR 2010-2011.

(V) (RESERVED).

(VI) FUNDS APPROPRIATED FOR MEDICAL ASSISTANCE TRANSPORTATION SHALL ONLY BE UTILIZED AS A PAYMENT OF LAST RESORT FOR TRANSPORTATION FOR ELIGIBLE MEDICAL ASSISTANCE RECIPIENTS.

(VII) AMOUNTS ALLOCATED FROM FUNDS APPROPRIATED FOR MEDICAL ASSISTANCE OUTPATIENT SERVICES FOR THE SELECT PLAN FOR WOMEN PREVENTATIVE HEALTH SERVICES SHALL BE USED FOR WOMEN'S MEDICAL SERVICES, INCLUDING NONINVASIVE CONTRACEPTION SUPPLIES.

(VIII) FEDERAL OR STATE FUNDS APPROPRIATED UNDER THE GENERAL APPROPRIATION ACT IN ACCORDANCE WITH THE ACT OF MARCH 24, 2004 (P.L.148, NO.15), KNOWN AS THE PENNSYLVANIA TRAUMA SYSTEMS STABILIZATION ACT, NOT USED TO MAKE PAYMENTS TO HOSPITALS QUALIFYING AS LEVEL III TRAUMA CENTERS SHALL BE USED TO MAKE PAYMENTS TO HOSPITALS QUALIFYING AS LEVEL I AND II TRAUMA CENTERS.

(3) BREAST CANCER SCREENING. 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).

(4) WOMEN'S SERVICE PROGRAMS. THE FOLLOWING SHALL APPLY:

(I) FUNDS APPROPRIATED FOR WOMEN'S SERVICE PROGRAMS GRANTS TO NONPROFIT AGENCIES WHOSE PRIMARY FUNCTION IS TO PROVIDE ALTERNATIVES TO ABORTION SHALL BE EXPENDED TO PROVIDE SERVICES TO WOMEN UNTIL CHILDBIRTH AND FOR UP TO 12 MONTHS THEREAFTER, INCLUDING FOOD, SHELTER, CLOTHING, HEALTH CARE, COUNSELING, ADOPTION SERVICES, PARENTING CLASSES, ASSISTANCE FOR POSTDELIVERY STRESS AND OTHER SUPPORTIVE PROGRAMS AND SERVICES AND FOR RELATED OUTREACH PROGRAMS. AGENCIES MAY SUBCONTRACT WITH OTHER NONPROFIT ENTITIES WHICH OPERATE PROJECTS DESIGNED SPECIFICALLY TO PROVIDE ALL OR A PORTION OF THESE SERVICES. PROJECTS RECEIVING FUNDS REFERRED TO IN THIS SUBPARAGRAPH SHALL NOT PROMOTE, REFER 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.

(5) COUNTY CHILDREN AND YOUTH PROGRAMS. THE FOLLOWING SHALL APPLY:

(I) NO MORE THAN 50% OF FUNDS ALLOCATED FROM THE STATE APPROPRIATION FOR COUNTY CHILDREN AND YOUTH PROGRAMS TO EACH COUNTY SHALL BE EXPENDED UNTIL EACH COUNTY SUBMITS TO THE DEPARTMENT DATA FOR THE PRIOR STATE FISCAL YEAR, AND UPDATED QUARTERLY, ON THE UNDUPLICATED CASELOADS, UNDUPLICATED SERVICES AND NUMBER OF CASEWORKERS BY COUNTY PROGRAM. DATA SHALL BE SUBMITTED IN A FORM ACCEPTABLE TO THE DEPARTMENT. A COPY OF THE DATA SHALL BE SENT TO THE CHAIRMAN AND MINORITY CHAIRMAN OF THE APPROPRIATIONS COMMITTEE OF THE SENATE AND TO THE CHAIRMAN AND THE MINORITY CHAIRMAN OF THE APPROPRIATIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

(II) REIMBURSEMENT FOR CHILDREN AND YOUTH SERVICES MADE PURSUANT TO SECTION 704.1 OF THE ACT OF JUNE 13, 1967 (P.L.31, NO.21), KNOWN AS THE PUBLIC WELFARE CODE, SHALL NOT EXCEED THE AMOUNT OF STATE FUNDS APPROPRIATED.

IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT COUNTIES DO NOT EXPERIENCE ANY ADVERSE FISCAL IMPACT DUE TO THE DEPARTMENT'S MAXIMIZATION EFFORTS.

(6) COMMUNITY-BASED FAMILY CENTERS. NO FUNDS APPROPRIATED FOR COMMUNITY-BASED FAMILY CENTERS MAY BE CONSIDERED AS PART OF THE BASE FOR CALCULATION OF THE COUNTY CHILD WELFARE NEEDS-BASED BUDGET FOR A FISCAL YEAR.
SECTION 1730-L. DEPARTMENT OF REVENUE.

THE FOLLOWING SHALL APPLY TO APPROPRIATIONS FOR THE DEPARTMENT OF REVENUE FROM THE GENERAL APPROPRIATION ACT:

(1) THERE IS HEREBY CREATED WITHIN THE GENERAL FUND A RESTRICTED ACCOUNT TO BE KNOWN AS THE ENHANCED REVENUE COLLECTION ACCOUNT. REVENUES COLLECTED AND THE AMOUNT OF REFUNDS AVOIDED AS A RESULT OF EXPANDED TAX RETURN REVIEW AND TAX COLLECTION ACTIVITIES SHALL BE DEPOSITED INTO THE ACCOUNT.

(2) OF THE FUNDS IN THE ENHANCED REVENUE COLLECTION ACCOUNT, FOR EACH OF FISCAL YEAR 2010-2011 AND 2011-2012, UP TO \$4,300,000 IS HEREBY APPROPRIATED TO THE DEPARTMENT OF REVENUE 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, 2011, AND EACH JUNE 15 THEREAFTER SHALL BE TRANSFERRED TO THE GENERAL FUND OR OTHER APPROPRIATE FUND.

(3) THE DEPARTMENT OF REVENUE SHALL ISSUE A REPORT TO THE GOVERNOR, THE MAJORITY AND MINORITY CHAIRS OF THE APPROPRIATIONS COMMITTEE OF THE SENATE AND THE MAJORITY AND MINORITY CHAIRS OF THE APPROPRIATIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES BY JUNE 1, 2011, AND BY EACH JUNE 1 THEREAFTER, WITH THE FOLLOWING INFORMATION:

(I) A DETAILED BREAKDOWN OF THE DEPARTMENT'S ADMINISTRATIVE COSTS IN IMPLEMENTING THE ACTIVITIES DESCRIBED UNDER PARAGRAPH (1).

(II) THE AMOUNT OF REVENUE COLLECTED AND THE AMOUNT OF REFUNDS AVOIDED AS A RESULT OF THE ACTIVITIES DESCRIBED UNDER PARAGRAPH (1). THE REPORT SHALL ALSO DETAIL THE TYPE OF TAX GENERATING THE REVENUE AND AVOIDED REFUNDS.

SECTION 1731-L. DEPARTMENT OF STATE (RESERVED).

SECTION 1732-L. DEPARTMENT OF TRANSPORTATION (RESERVED).

SECTION 1733-L. PENNSYLVANIA STATE POLICE.

THE FOLLOWING SHALL APPLY TO APPROPRIATIONS FOR THE PENNSYLVANIA STATE POLICE FROM THE GENERAL APPROPRIATION ACT:

(1) PAYMENTS MADE TO MUNICIPALITIES UNDER 53 PA.C.S. §

2170 (RELATING TO REIMBURSEMENT OF EXPENSES) SHALL BE LIMITED TO FUNDS AVAILABLE. IF FUNDS ARE NOT AVAILABLE TO MAKE FULL PAYMENTS, THE MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION SHALL MAKE PAYMENTS ON A PRO RATA BASIS.
(2) (RESERVED).

SECTION 1734-L. STATE CIVIL SERVICE COMMISSION (RESERVED).

SECTION 1735-L. PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY (RESERVED).

SECTION 1736-L. PENNSYLVANIA FISH AND BOAT COMMISSION (RESERVED).

SECTION 1737-L. STATE SYSTEM OF HIGHER EDUCATION.

EACH PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL COMPLY WITH THE PROVISIONS OF SECTION 1737-J FOR THE FISCAL YEAR BEGINNING JULY 1, 2010.

SECTION 1737.1-L. STATE-RELATED INSTITUTIONS.

EACH STATE-RELATED INSTITUTION SHALL COMPLY WITH THE PROVISIONS OF SECTION 1737.1-J FOR THE FISCAL YEAR BEGINNING JULY 1, 2010.

SECTION 1738-L. PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY.

THE FOLLOWING SHALL APPLY TO APPROPRIATIONS FOR THE PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY FROM THE GENERAL

APPROPRIATION ACT:

(1) MAXIMIZATION OF FUNDS. THE PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY SHALL USE FUNDS APPROPRIATED FOR MATCHING PAYMENTS FOR STUDENT AID FUNDS TO MAXIMIZE THE RECEIPT OF FEDERAL FUNDS TO THE FULLEST EXTENT POSSIBLE.

(2) LIMITATION. NO COLLEGE, UNIVERSITY OR INSTITUTION RECEIVING A DIRECT APPROPRIATION FROM THE COMMONWEALTH SHALL BE ELIGIBLE TO PARTICIPATE IN THE INSTITUTIONAL ASSISTANCE GRANTS PROGRAM.

(3) AGRICULTURAL LOAN FORGIVENESS. IN DISTRIBUTING FUNDS APPROPRIATED FOR AGRICULTURAL LOAN FORGIVENESS, THE AGENCY SHALL GIVE PREFERENCE TO RENEWAL APPLICANTS.

SECTION 1739-L. PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION (RESERVED).

SECTION 1740-L. PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY (RESERVED).

SECTION 1741-L. ENVIRONMENTAL HEARING BOARD (RESERVED).

SECTION 1742-L. PENNSYLVANIA BOARD OF PROBATION AND PAROLE (RESERVED).

SECTION 1743-L. PENNSYLVANIA PUBLIC TELEVISION NETWORK COMMISSION (RESERVED).

SECTION 1744-L. PENNSYLVANIA SECURITIES COMMISSION (RESERVED).

SECTION 1745-L. STATE TAX EQUALIZATION BOARD (RESERVED).

SECTION 1746-L. HEALTH CARE COST CONTAINMENT COUNCIL.

THE HEALTH CARE COST CONTAINMENT COUNCIL SHALL SUBMIT A REPORT TO THE CHAIRMAN AND MINORITY CHAIRMAN OF THE APPROPRIATIONS COMMITTEE OF THE SENATE AND THE CHAIRMAN AND MINORITY CHAIRMAN OF THE APPROPRIATIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES SPECIFYING THE AMOUNT AND SOURCE OF PROCEEDS

RECEIVED FROM THE SALE OF DATA BY THE COUNCIL. THE REPORT SHALL SUPPLEMENT THE ANNUAL REPORT OF FINANCIAL EXPENDITURES REQUIRED UNDER SECTION 17.1 OF THE ACT OF JULY 8, 1986 (P.L.408, NO.89), KNOWN AS THE HEALTH CARE COST CONTAINMENT ACT. FORTY PERCENT OF THE PROCEEDS RECEIVED FROM THE SALE OF DATA MAY BE USED FOR THE OPERATIONS OF THE COUNCIL. THE REMAINDER OF THE PROCEEDS SHALL BE DEPOSITED IN THE GENERAL FUND AND SHALL NOT BE EXPENDED UNLESS APPROPRIATED BY THE GENERAL ASSEMBLY.

SECTION 1747-L. STATE ETHICS COMMISSION (RESERVED).

SECTION 1748-L. STATE EMPLOYEES' RETIREMENT SYSTEM (RESERVED).

SECTION 1749-L. THADDEUS STEVENS COLLEGE OF TECHNOLOGY (RESERVED).

SECTION 1750-L. PENNSYLVANIA HOUSING FINANCE AGENCY (RESERVED).

SECTION 1751-L. LIHEABG (RESERVED).

SECTION 1752-L. BUDGET STABILIZATION RESERVE FUND (RESERVED).

SUBARTICLE C

LEGISLATIVE DEPARTMENT

SECTION 1761-L. AUTHORIZATION TO TRANSFER CERTAIN LEGISLATIVE APPROPRIATIONS.

(A) TRANSFER.--ALL APPROPRIATIONS MADE IN THE GENERAL APPROPRIATION ACT OF 2010 OR IN ANY OTHER ACT IN ANY FISCAL YEAR TO AN ACCOUNT OF AN AGENCY WITHIN SECTIONS 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263 AND 264 OF THE GENERAL APPROPRIATION ACT OF 2010 REMAINING UNEXPENDED ON THE EFFECTIVE DATE OF THE GENERAL APPROPRIATION ACT OF 2010 MAY BE TRANSFERRED TO THE ACCOUNTS OF THE AGENCIES WITHIN SECTIONS 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263 AND 264 UPON THE WRITTEN CONCURRENCE OF ALL OF THE FOLLOWING:

(1) THE PRESIDENT PRO TEMPORE OF THE SENATE.

(2) THE MAJORITY LEADER OF THE SENATE.

(3) THE MINORITY LEADER OF THE SENATE.

(4) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

(5) THE MAJORITY LEADER OF THE HOUSE OF REPRESENTATIVES.

(6) THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES.

(B) LIMITATION.--THE POWER TO TRANSFER APPROPRIATIONS UNDER

SUBSECTION (A) SHALL BE LIMITED TO THE 2010-2011 FISCAL YEAR.

SUBARTICLE D

JUDICIAL DEPARTMENT

SECTION 1781-L. SUPREME COURT (RESERVED).

SECTION 1782-L. SUPERIOR COURT (RESERVED).

SECTION 1783-L. COMMONWEALTH COURT (RESERVED).

SECTION 1784-L. COURTS OF COMMON PLEAS (RESERVED).

SECTION 1785-L. COMMUNITY COURTS; MAGISTERIAL DISTRICT JUDGES (RESERVED).

SECTION 1786-L. PHILADELPHIA TRAFFIC COURT (RESERVED).

SECTION 1787-L. PHILADELPHIA MUNICIPAL COURT (RESERVED).

SECTION 1788-L. JUDICIAL CONDUCT BOARD (RESERVED).

SECTION 1789-L. COURT OF JUDICIAL DISCIPLINE (RESERVED).

SECTION 1790-L. JUROR COST REIMBURSEMENT (RESERVED).

SECTION 1791-L. COUNTY COURT REIMBURSEMENT (RESERVED).

SECTION 1792-L. SENIOR JUDGES (RESERVED).

SECTION 1793-L. TRANSFER OF FUNDS BY SUPREME COURT (RESERVED).

ARTICLE XVII-M

2010-2011 RESTRICTIONS ON APPROPRIATIONS

FOR FUNDS AND ACCOUNTS

SECTION 1701-M. APPLICABILITY.

EXCEPT AS SPECIFICALLY PROVIDED IN THIS ARTICLE, THIS ARTICLE APPLIES TO THE GENERAL APPROPRIATION ACT OF 2010 AND ALL OTHER APPROPRIATION ACTS OF 2010.

SECTION 1702-M. STATE LOTTERY FUND.

(1) FUNDS APPROPRIATED FOR PENNCARE SHALL NOT BE UTILIZED FOR ADMINISTRATIVE COSTS BY THE DEPARTMENT OF AGING.

(2) (RESERVED).

SECTION 1703-M. ENERGY CONSERVATION AND ASSISTANCE FUND. (RESERVED).

SECTION 1704-M. JUDICIAL COMPUTER SYSTEM AUGMENTATION ACCOUNT (RESERVED).

SECTION 1704.1-M. ACCESS TO JUSTICE ACCOUNT (RESERVED) .

SECTION 1705-M. EMERGENCY MEDICAL SERVICES OPERATING FUND (RESERVED).

SECTION 1706-M. STATE STORES FUND (RESERVED).

SECTION 1707-M. MOTOR LICENSE FUND.

A PORTION OF THE APPROPRIATION FOR THE OFFICE OF THE BUDGET MAY BE DISTRIBUTED UPON APPROVAL OF THE SECRETARY TO OTHER STATE AGENCIES TO PAY FOR COMPTROLLER SERVICES PROVIDED TO THE AGENCY. THE SECRETARY SHALL PROVIDE NOTICE TEN DAYS PRIOR TO A DISTRIBUTION UNDER THIS SECTION TO THE CHAIRMAN AND MINORITY CHAIRMAN OF THE APPROPRIATIONS COMMITTEE OF THE SENATE AND THE CHAIRMAN AND MINORITY CHAIRMAN OF THE APPROPRIATIONS COMMITTEE

OF THE HOUSE OF REPRESENTATIVES.
SECTION 1708-M. HAZARDOUS MATERIAL RESPONSE FUND (RESERVED).
SECTION 1709-M. MILK MARKETING FUND (RESERVED).
SECTION 1710-M. HOME INVESTMENT TRUST FUND (RESERVED).
SECTION 1711-M. TUITION PAYMENT FUND (RESERVED).
SECTION 1712-M. BANKING DEPARTMENT FUND (RESERVED).
SECTION 1713-M. FIREARM RECORDS CHECK FUND (RESERVED).
SECTION 1714-M. BEN FRANKLIN TECHNOLOGY DEVELOPMENT AUTHORITY
FUND (RESERVED).
SECTION 1715-M. TOBACCO SETTLEMENT FUND.

(A) DEPOSITS.--

(1) NOTWITHSTANDING SECTIONS 303(B)(2), (3) AND (4) AND
306 OF THE ACT OF JUNE 26, 2001 (P.L.755, NO.77), KNOWN AS
THE TOBACCO SETTLEMENT ACT, THE FOLLOWING SHALL APPLY:

(I) FOR FISCAL YEAR 2010-2011, THE STRATEGIC
CONTRIBUTION PAYMENTS RECEIVED IN FISCAL YEAR 2009-2010,
PURSUANT TO THE MASTER SETTLEMENT AGREEMENT SHALL BE
DEPOSITED IN THE TOBACCO SETTLEMENT FUND.

(II) FOR FISCAL YEAR 2010-2011, \$15,000,000 OF THE
FUNDS DERIVED UNDER SECTION 303(B)(3) OF THE TOBACCO
SETTLEMENT ACT SHALL BE DEPOSITED INTO THE TOBACCO
SETTLEMENT FUND.

(III) FOR FISCAL YEAR 2010-2011, 25% OF THE MONEY
APPROPRIATED UNDER SECTION 306(B)(1)(III) OF THE TOBACCO
SETTLEMENT ACT MAY NOT BE EXPENDED, TRANSFERRED OR LAPSED
BUT SHALL REMAIN IN THE TOBACCO SETTLEMENT FUND.

(IV) FOR FISCAL YEAR 2010-2011, 33.3% OF THE MONEY
APPROPRIATED UNDER SECTION 306(B)(1)(VI) OF THE TOBACCO
SETTLEMENT ACT MAY NOT BE EXPENDED, TRANSFERRED OR LAPSED
BUT SHALL REMAIN IN THE TOBACCO SETTLEMENT FUND.

(2) MONEY DEPOSITED INTO THE FUND UNDER PARAGRAPH (1)
SHALL BE APPROPRIATED FOR HEALTH-RELATED PURPOSES. IF
APPLICABLE, THE AMOUNT APPROPRIATED IN ACCORDANCE WITH THIS
PARAGRAPH SHALL BE MATCHED BY APPROPRIATED FEDERAL AUGMENTING
FUNDS.

(B) TRANSFERS.--

(1) NOTWITHSTANDING SECTIONS 306 AND 307 OF THE TOBACCO
SETTLEMENT ACT, THE FOLLOWING SHALL APPLY.

(I) FOR FISCAL YEAR 2010-2011, 100% OF THE MONEY
RECEIVED IN FISCAL YEAR 2009-2010 AND APPROPRIATED UNDER
SECTION 306(B)(1)(I) OF THE TOBACCO SETTLEMENT ACT SHALL
BE TRANSFERRED FROM THE TOBACCO ENDOWMENT ACCOUNT FOR
LONG-TERM HOPE TO THE TOBACCO SETTLEMENT FUND.

(II) (RESERVED).

(2) MONEY TRANSFERRED UNDER PARAGRAPH (1)(I) SHALL BE APPROPRIATED FOR HEALTH-RELATED PURPOSES. IF APPLICABLE, THE AMOUNT APPROPRIATED IN ACCORDANCE WITH THIS PARAGRAPH SHALL BE MATCHED BY APPROPRIATED FEDERAL AUGMENTING FUNDS.

(3) NOTWITHSTANDING ANY PROVISIONS OF LAW TO THE CONTRARY, AFTER ALL TRANSFERS REQUIRED UNDER PARAGRAPH (1)(I) ARE MADE, \$121,000,000 REMAINING IN THE TOBACCO ENDOWMENT ACCOUNT FOR LONG-TERM HOPE SHALL BE TRANSFERRED TO A RESTRICTED RECEIPT ACCOUNT HEREBY CREATED IN THE GENERAL FUND AND SHALL BE USED TO AUGMENT THE APPROPRIATION FOR PAYMENT OF REQUIRED CONTRIBUTION FOR PUBLIC SCHOOL EMPLOYEES' RETIREMENT.

(4) NOTWITHSTANDING THE PROVISIONS OF CHAPTER 3 OF THE TOBACCO SETTLEMENT ACT, ALL REMAINING ASSETS, CASH AND INVESTMENTS IN THE TOBACCO ENDOWMENT ACCOUNT FOR LONG-TERM HOPE, AFTER THE TRANSFER IN PARAGRAPHS (1)(I) AND (3) ARE MADE, AND ANY OTHER FUNDS DEPOSITED IN THE ACCOUNT IN FISCAL YEAR 2010-2011, SHALL BE TRANSFERRED BY JUNE 1, 2011, TO THE TOBACCO SETTLEMENT FUND.

(5) NOTWITHSTANDING THE PROVISIONS OF CHAPTER 3 OF THE TOBACCO SETTLEMENT ACT, FOR FISCAL YEAR 2010-2011, \$250,000,000 SHALL BE TRANSFERRED FROM THE TOBACCO SETTLEMENT FUND TO THE GENERAL FUND.

(C) ALLOCATION.--FUNDING FOR LOCAL PROGRAMS UNDER SECTION 708(B) OF THE TOBACCO SETTLEMENT ACT SHALL BE ALLOCATED AS FOLLOWS:

(1) THIRTY PERCENT OF GRANT FUNDING TO PRIMARY CONTRACTORS FOR LOCAL PROGRAMS SHALL BE ALLOCATED EQUALLY AMONG EACH OF THE 67 COUNTIES.

(2) THE REMAINING 70% OF GRANT FUNDING TO PRIMARY CONTRACTORS FOR LOCAL PROGRAMS SHALL BE ALLOCATED ON A PER CAPITA BASIS OF EACH COUNTY WITH A POPULATION GREATER THAN 60,000. THE PER CAPITA FORMULA SHALL BE APPLIED ONLY TO THAT PORTION OF THE POPULATION THAT IS GREATER THAN 60,000 FOR EACH COUNTY.

(3) BUDGETS SHALL BE DEVELOPED BY EACH PRIMARY CONTRACTOR TO REFLECT SERVICE PLANNING AND EXPENDITURES IN EACH COUNTY. EACH PRIMARY CONTRACTOR WILL ENSURE THAT SERVICES ARE AVAILABLE TO RESIDENTS OF EACH COUNTY AND MUST EXPEND THE ALLOCATED FUNDS ON A PER-COUNTY BASIS PURSUANT TO PARAGRAPHS (1) AND (2).

(4) THE DEPARTMENT OF HEALTH SHALL COMPILE A DETAILED ANNUAL REPORT OF EXPENDITURES PER COUNTY AND THE SPECIFIC PROGRAMS OFFERED IN EACH REGION. THIS REPORT SHALL BE MADE

AVAILABLE ON THE DEPARTMENT OF HEALTH'S PUBLICLY AVAILABLE INTERNET WEBSITE 60 DAYS FOLLOWING THE CLOSE OF EACH FISCAL YEAR.

(5) DURING THE THIRD QUARTER OF THE FISCAL YEAR, FUNDS WHICH HAVE NOT BEEN SPENT WITHIN A SERVICE AREA MAY BE REALLOCATED TO SUPPORT PROGRAMMING IN THE SAME REGION.

(D) USE OF MONEY FOR LOBBYING PROHIBITED.--NO MONEY DERIVED FROM AN APPROPRIATION BY THE GENERAL ASSEMBLY FROM THE TOBACCO SETTLEMENT FUND MAY BE USED FOR THE LOBBYING OF ANY STATE PUBLIC OFFICIAL.

SECTION 1716-M. COMMUNITY HEALTH REINVESTMENT RESTRICTED ACCOUNT.

(A) ESTABLISHMENT.--THERE IS ESTABLISHED IN THE STATE TREASURY A RESTRICTED RECEIPT ACCOUNT IN THE TOBACCO SETTLEMENT FUND TO BE KNOWN AS THE COMMUNITY HEALTH REINVESTMENT RESTRICTED ACCOUNT. INTEREST EARNED ON MONEY IN THE ACCOUNT SHALL REMAIN IN THE ACCOUNT.

(B) AGREEMENT ON COMMUNITY HEALTH REINVESTMENT.--EACH CALENDAR YEAR, A CORPORATION UNDER 40 PA.C.S. CH. 61 (RELATING TO HOSPITAL PLAN CORPORATIONS) OR 63 (RELATING TO PROFESSIONAL HEALTH SERVICES PLAN CORPORATIONS) THAT IS A PARTY TO THE AGREEMENT ON COMMUNITY HEALTH REINVESTMENT ENTERED INTO FEBRUARY

2, 2005, BY THE INSURANCE DEPARTMENT AND THE CAPITAL BLUE CROSS, HIGHMARK, INC., HOSPITAL SERVICE ASSOCIATION OF NORTHEASTERN PENNSYLVANIA AND INDEPENDENCE BLUE CROSS, AND PUBLISHED IN THE PENNSYLVANIA BULLETIN AT 35 PA.B. 4155 (JULY 23, 2005), OR ANY SUBSEQUENT AGREEMENT, SHALL PAY TO THE ACCOUNT THE AMOUNT CALCULATED FOR SUCH CALENDAR YEAR IN SECTION 5 OF THE AGREEMENT, PUBLISHED AT 35 PA.B. 4156.

(C) APPROPRIATION.--THE MONEY IN THE ACCOUNT, INCLUDING ALL INTEREST EARNED, IS APPROPRIATED TO THE INSURANCE DEPARTMENT TO BE USED IN ACCORDANCE WITH THE AGREEMENT ON COMMUNITY HEALTH REINVESTMENT DESCRIBED IN SUBSECTION (B).

SECTION 1717-M. HEALTH CARE PROVIDER RETENTION ACCOUNT.

(RESERVED).

SECTION 1717.1-M. MEDICAL CARE AVAILABILITY AND REDUCTION OF ERROR FUND. (RESERVED).

SECTION 1718-M. BUDGET STABILIZATION RESERVE FUND. (RESERVED).

SECTION 1718.1-M. (RESERVED).

SECTION 1719-M. RESTRICTED RECEIPT ACCOUNTS.

(A) GENERAL PROVISIONS.--THE SECRETARY MAY CREATE RESTRICTED

RECEIPT ACCOUNTS FOR THE PURPOSE OF ADMINISTERING FEDERAL GRANTS

ONLY FOR THE PURPOSES DESIGNATED IN THIS SECTION.

(B) DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT.--THE FOLLOWING RESTRICTED RECEIPT ACCOUNTS MAY BE ESTABLISHED FOR THE

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT:

(1) ARC HOUSING REVOLVING LOAN PROGRAM.

(2) (RESERVED).

(C) DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES.--THE FOLLOWING RESTRICTED RECEIPT ACCOUNTS MAY BE ESTABLISHED FOR THE

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES:

(1) FEDERAL AID TO VOLUNTEER FIRE COMPANIES.

(2) FEDERAL LAND AND WATER CONSERVATION FUND ACT.

(3) NATIONAL FOREST RESERVE ALLOTMENT.

(4) FEDERAL LAND AND WATER CONSERVATION FUND ACT - CONSERVATION AND NATURAL RESOURCES.

(D) DEPARTMENT OF EDUCATION.--THE FOLLOWING RESTRICTED RECEIPT ACCOUNTS MAY BE ESTABLISHED FOR THE DEPARTMENT OF EDUCATION:

(1) EDUCATION OF THE DISABLED - PART C.

(2) LSTA - LIBRARY GRANTS.

(3) THE PENNSYLVANIA STATE UNIVERSITY FEDERAL AID.

(4) EMERGENCY IMMIGRATION EDUCATION ASSISTANCE.

(5) EDUCATION OF THE DISABLED - PART D.

(6) HOMELESS ADULT ASSISTANCE PROGRAM.

(7) SEVERELY HANDICAPPED.

(8) MEDICAL ASSISTANCE REIMBURSEMENTS TO LOCAL EDUCATION AGENCIES.

(E) DEPARTMENT OF ENVIRONMENTAL PROTECTION.--THE FOLLOWING RESTRICTED RECEIPT ACCOUNTS MAY BE ESTABLISHED FOR THE DEPARTMENT OF ENVIRONMENTAL PROTECTION:

(1) FEDERAL WATER RESOURCES PLANNING ACT.

(2) FLOOD CONTROL PAYMENTS.

(3) SOIL AND WATER CONSERVATION ACT - INVENTORY OF PROGRAMS.

(F) DEPARTMENT OF HEALTH.--THE FOLLOWING RESTRICTED RECEIPT ACCOUNTS MAY BE ESTABLISHED FOR THE DEPARTMENT OF HEALTH:

(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.

SECTION 1720-M. STATE GAMING FUND (RESERVED).

SECTION 1721-M. PENNSYLVANIA RACEHORSE DEVELOPMENT FUND (RESERVED).

SECTION 1722-M. STRAW PURCHASE PREVENTION EDUCATION FUND (RESERVED).

SECTION 1723-M. BUDGET STABILIZATION RESERVE FUND.

NOTWITHSTANDING THE PROVISIONS OF SUBARTICLE A OF ARTICLE XVII-A, IN FISCAL YEAR 2010-2011, \$745,000 SHALL BE TRANSFERRED FROM THE BUDGET STABILIZATION RESERVE FUND TO THE GENERAL FUND. THE PROVISIONS OF SECTION 1703-A SHALL NOT APPLY TO THIS SECTION.

SECTION 1724-M. EMERGENCY MEDICAL SERVICES OPERATING FUND.

NOTWITHSTANDING THE PROVISIONS OF 35 PA.C.S. CH. 81 (RELATING TO EMERGENCY MEDICAL SERVICES SYSTEM) AND 75 PA.C.S. § 3121 (RELATING TO EMS COSTS), IN FISCAL YEAR 2010-2011, \$5,000,000 SHALL BE TRANSFERRED FROM THE EMERGENCY MEDICAL SERVICES OPERATING FUND TO THE GENERAL FUND.

SECTION 1725-M. HIGHWAY BEAUTIFICATION FUND.

NOTWITHSTANDING THE ACT OF DECEMBER 15, 1971 (P.L.596, NO.160), KNOWN AS THE OUTDOOR ADVERTISING CONTROL ACT OF 1971, FOR FISCAL YEAR 2010-2011, \$800,000 SHALL BE TRANSFERRED FROM THE HIGHWAY BEAUTIFICATION FUND TO THE GENERAL FUND.

SECTION 1726-M. KEYSTONE RECREATION, PARK AND CONSERVATION

FUND.

NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, FOR FISCAL YEAR 2010-2011, THE TOTAL AMOUNT OF FUNDING AVAILABLE TO THE STATE SYSTEM OF HIGHER EDUCATION FOR DEFERRED MAINTENANCE

UNDER THE ACT OF JULY 2, 1993 (P.L.359, NO.50), KNOWN AS THE KEYSTONE RECREATION, PARK AND CONSERVATION FUND ACT, SHALL BE TRANSFERRED FROM THE KEYSTONE RECREATION, PARK AND CONSERVATION

FUND TO THE GENERAL FUND.

SECTION 1727-M. LOCAL GOVERNMENT CAPITAL PROJECT FUND.

NOTWITHSTANDING ARTICLE XVI-D, FOR FISCAL YEAR 2010-2011, \$1,000,000 SHALL BE TRANSFERRED FROM THE LOCAL GOVERNMENT CAPITAL PROJECT FUND TO THE GENERAL FUND.

SECTION 1728-M. LOW-LEVEL WASTE FUND.

NOTWITHSTANDING THE ACT OF FEBRUARY 9, 1988 (P.L.31, NO.12), KNOWN AS THE LOW-LEVEL RADIOACTIVE WASTE DISPOSAL ACT, FOR FISCAL YEAR 2010-2011, \$2,700,000 SHALL BE TRANSFERRED FROM THE LOW-LEVEL WASTE FUND TO THE GENERAL FUND.

SECTION 1729-M. PENNSYLVANIA ECONOMIC REVITALIZATION FUND.

NOTWITHSTANDING THE ACT OF JULY 2, 1984 (P.L.512, NO.104), KNOWN AS THE PENNSYLVANIA ECONOMIC REVITALIZATION ACT, FOR FISCAL YEAR 2010-2011, \$5,400,000 SHALL BE TRANSFERRED FROM THE PENNSYLVANIA ECONOMIC REVITALIZATION FUND TO THE GENERAL FUND. MONEYS REMAINING IN THE FUND SHALL BE USED TO RETIRE ALL OF THE OUTSTANDING DEBT PAYABLE ATTRIBUTED TO THE FUND.

SECTION 1730-M. SMALL BUSINESS FIRST FUND.

NOTWITHSTANDING 12 PA.C.S. PT. III (RELATING TO ECONOMIC DEVELOPMENT PROGRAMS), FOR FISCAL YEAR 2010-2011, \$4,000,000 SHALL BE TRANSFERRED FROM THE SMALL BUSINESS FIRST FUND TO THE GENERAL FUND.

ARTICLE XVII-N

RETIREMENT

SECTION 1701-N. PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM RECERTIFICATION TO SECRETARY OF THE BUDGET.

NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW TO THE CONTRARY, THE PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD SHALL, EFFECTIVE FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, RECERTIFY TO THE SECRETARY OF THE BUDGET AND THE EMPLOYERS, AS DEFINED IN 24 PA.C.S. § 8102 (RELATING TO DEFINITIONS), WITHIN 20 DAYS OF THE EFFECTIVE DATE OF THIS SECTION, THE EMPLOYER CONTRIBUTION RATE EXPRESSED AS A PERCENTAGE OF MEMBERS' PAYROLL NECESSARY FOR THE

FUNDING OF PROSPECTIVE ANNUITIES FOR ACTIVE MEMBERS AND THE

ANNUITIES OF ANNUITANTS TO BE 5.00%, PLUS THE PREMIUM ASSISTANCE CONTRIBUTION RATE OF .64% IN ACCORDANCE WITH 24 PA.C.S. § 8328(F) (RELATING TO ACTUARIAL COST METHOD), AND ALSO RECERTIFY THE RATES, FACTORS AND AMOUNTS SET FORTH IN 24 PA.C.S. § 8502(K) (RELATING TO ADMINISTRATIVE DUTIES OF BOARD) TO REFLECT THE IMPACT OF THE RECERTIFIED RATES PROVIDED IN THIS SECTION. THIS RECERTIFICATION SHALL SUPERSEDE THE PRIOR CERTIFICATION FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, FOR ALL PURPOSES.

SECTION 1702-N. STATE EMPLOYEES' RETIREMENT SYSTEM.

NOTWITHSTANDING ANY PROVISION OF 71 PA.C.S. (RELATING TO STATE GOVERNMENT) OR OTHER LAW TO THE CONTRARY, AND NOTWITHSTANDING ANY ACTUARIAL CALCULATION RESULTING IN ANY EMPLOYER CONTRIBUTION RATE PREVIOUSLY MADE AND CERTIFIED BY THE STATE EMPLOYEES' RETIREMENT BOARD PURSUANT TO 71 PA.C.S. FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, AND ENDING JUNE 30, 2011, THE COMPOSITE EMPLOYER CONTRIBUTION RATE TO DETERMINE CONTRIBUTIONS BY THE COMMONWEALTH AND OTHER EMPLOYERS TO THE STATE EMPLOYEES' RETIREMENT SYSTEM FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, AND ENDING JUNE 30, 2011, SHALL BE 1% OF COMPENSATION GREATER THAN THE COMPOSITE EMPLOYER CONTRIBUTION RATE FOR THE IMMEDIATELY PRIOR FISCAL YEAR. IN ADDITION TO THE TEMPORARILY LIMITED COMPOSITE EMPLOYER CONTRIBUTION RATE ESTABLISHED BY THIS SECTION, THE COMMONWEALTH AND OTHER EMPLOYERS WHOSE EMPLOYEES ARE ACTIVE MEMBERS IN THE STATE EMPLOYEES' RETIREMENT SYSTEM SHALL MAKE THE CONTRIBUTIONS TO FUND THE BENEFITS COMPLETION PLAN ESTABLISHED UNDER 71 PA.C.S. § 5941 (RELATING TO BENEFITS COMPLETION PLAN) AS CERTIFIED BY THE STATE EMPLOYEES' RETIREMENT BOARD.

SECTION 4. INTENT REGARDING LEGISLATION.

(A) IT IS THE INTENT OF THE HOUSE MAJORITY LEADERSHIP AND SENATE MAJORITY LEADERSHIP TO PASS LEGISLATION THAT RAISES REVENUE FROM THE EXTRACTION OF MARCELLUS SHALE NATURAL GAS BY OCTOBER 1, 2010, WITH AN EFFECTIVE DATE FOR IMPLEMENTATION NO LATER THAN JANUARY 1, 2011. IT IS THE FURTHER INTENT TO HAVE REVENUE RAISED FROM THE EXTRACTION OF MARCELLUS SHALE NATURAL GAS TO BE DIVIDED BY A RATIO TO BE DETERMINED BY LEGISLATION BETWEEN THE COMMONWEALTH, COUNTIES AND MUNICIPALITIES, AND ENVIRONMENTAL INITIATIVES.

(B) IT IS THE INTENT OF THE SENATE MAJORITY LEADERSHIP AND HOUSE MAJORITY LEADERSHIP TO PASS LEGISLATION ESTABLISHING A NEW INDEPENDENT AGENCY TO BE KNOWN AS THE INDEPENDENT FISCAL OFFICE NO LATER THAN OCTOBER 1, 2010, WITH AN EFFECTIVE DATE FOR IMPLEMENTATION NO LATER THAN JANUARY 1, 2011.

(C) THIS SECTION SHALL EXPIRE DECEMBER 1, 2010.

SECTION 5. REPEALS ARE AS FOLLOWS:

(1) THE GENERAL ASSEMBLY DECLARES THAT THE REPEAL UNDER PARAGRAPH (2) IS NECESSARY TO EFFECTUATE THE ADDITION OF SECTION 1761-L OF THE ACT.

(2) SECTION 1909 OF THE ACT OF , 2010 (P.L. , NO.), KNOWN AS THE GENERAL APPROPRIATION ACT OF 2010, IS REPEALED.

(3) THE GENERAL ASSEMBLY DECLARES THAT THE REPEAL UNDER PARAGRAPH (4) IS NECESSARY TO EFFECTUATE THE ADDITION OF SECTION 1723-M OF THE ACT.

(4) SECTION 2912-F(C) OF THE ACT OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS THE TAX REFORM CODE OF 1971, IS REPEALED.

SECTION 6. IF ENACTED AFTER JULY 1, 2010, THIS ACT SHALL BE RETROACTIVE TO JULY 1, 2010.

SECTION 7. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.