

FISCAL CODE - OMNIBUS AMENDMENTS AND RELATED REPEALS

Act of Jul. 11, 2022, P.L. 540, No. 54

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Session of 2022

No. 2022-54

HB 1421

AN ACT

Amending the act of April 9, 1929 (P.L.343, No.176), entitled "An act relating to the finances of the State government; providing for cancer control, prevention and research, for ambulatory surgical center data collection, for the Joint Underwriting Association, for entertainment business financial management firms, for private dam financial assurance and for reinstatement of item vetoes; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth, authorizing the Commonwealth to issue tax anticipation notes to defray current expenses, implementing the provisions of section 7(a) of Article VIII of the Constitution of Pennsylvania authorizing and restricting the incurring of certain debt and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," in emergency COVID-19 response, further providing for definitions, repealing provisions relating to money in account, providing for Executive Offices, for Whole-Home Repairs Program and for arts and culture recovery

grants, further providing for emergency education relief to nonpublic schools and for funding for library services and providing for biotechnology research, for use of money, for Child Care Stabilization Program, for Behavioral Health Commission or Adult Mental Health, for Department of Revenue, for State university assistance for fiscal year 2022-2023, for Development Cost Relief Program, for Housing Options Grant Program and for Department of Conservation and Natural Resources; in Rental and Utility Assistance Grant Program, further providing for reallocation of grants; in American Rescue Plan Rental and Utility Assistance Grant Program, further providing for department; in Treasury Department, providing for Commonwealth payment security; in oil and gas wells, further providing for Oil and Gas Lease Fund; in transportation network companies, motor carrier companies and parking authority of a city of the first class, further providing for transportation network company extension; providing for Agriculture Conservation Assistance Program, for Clean Water Procurement Program and for human services; in special funds, further providing for funding, for transfer, for H2O PA Account and for other grants; in additional special funds and restricted accounts, further providing for establishment of special fund and account, for use of fund, for distributions from Pennsylvania Race Horse Development Fund, for Workers' Compensation Security Fund transfer to COVID-19 Response Restricted Account and for Opioid Settlement Restricted Account; providing for additional special funds and restricted accounts; in 2021-2022 budget implementation, further providing for executive offices and for Department of Human Services; in general budget implementation, further providing for Executive Offices, for Department of Corrections, for Department of Education, for Department of Health, for Department of Labor and Industry, for Department of Military and Veterans Affairs, for Department of Human Services, for Department of Revenue, for Pennsylvania Infrastructure Investment Authority, for Pennsylvania Board of Probation and Parole, for Pennsylvania Public Television Network Commission, for Pennsylvania Securities Commission and for State Tax Equalization Board, providing for State-related universities and further providing for surcharges and for Multimodal Transportation Fund; providing for 2022-2023 budget implementation and for 2022-2023 restrictions on appropriations for funds and accounts; abrogating regulations; and making related repeals.

The General Assembly finds and declares as follows:

(1) The intent of this act is to provide for the implementation of the 2022-2023 Commonwealth budget.

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

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

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

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

(6) For the reasons set forth in paragraphs (1), (2), (3), (4) and (5), it is the intent of the General Assembly through this act to provide for the implementation of the 2022-2023 Commonwealth budget.

(7) Every provision of this act relates to the implementation of the operating budget of the Commonwealth for this fiscal year, addressing in various ways the fiscal operations, revenues and potential liabilities of the Commonwealth. To that end, this act is intended to implement the 2022-2023 Commonwealth budget without specifically appropriating public money from the General Fund. This act provides accountability for spending and makes transfers or other changes necessary to impact the availability of revenue

in order to meet the requirements of section 13 of Article VIII of the Constitution of Pennsylvania and to implement the act of July 8, 2022 (P.L. , No.1A), known as the General Appropriation Act of 2022.

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

Section 1. Section 101-C of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, is amended by adding a definition to read:
Section 101-C. 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:

* * *

"American Rescue Plan Act of 2021" or "ARPA." The American Rescue Plan Act of 2021 (Public Law 117-2, 135 Stat. 4).

* * *

Section 2. Section 111-C(g) of the act is repealed:
Section 111-C. Money in account.

* * *

[(g) Transfer.--

(1) Federal money from the Coronavirus State Fiscal Recovery Fund in the account other than amounts appropriated under Part XXX of the act of June 30, 2021 (P.L.1325, No.1A), known as the General Appropriation Act of 2021, and Article I-J, shall be transferred to the General Fund for use under section 602(c)(1) of the Social Security Act (49 Stat. 620, 42 U.S.C. § 802(c)(1)) for fiscal years beginning after June 30, 2022.

(2) A transfer under paragraph (1) shall be made by the State Treasurer on the following schedule:

(i) For the 2022-2023 fiscal year, the transfer shall be made no earlier than July 31, 2022.

(ii) For the 2023-2024 fiscal year, the transfer shall be made no earlier than July 31, 2023.

(3) The amount of the transfer under paragraph (1) made for a fiscal year may not be higher than the amount which may be used for the fiscal year under 42 U.S.C. § 802(c)(1).

(4) Any money which remains in the account after a transfer under paragraph (1) shall be transferred under paragraph (2) in the following fiscal year.]

Section 3. Article I-C of the act is amended by adding a subarticle to read:

**SUBARTICLE B.1
EXECUTIVE OFFICES**

Section 115-C. Transfer to the Unemployment Compensation Trust Fund.

(a) Certification of information.--No later than September 1, 2022, November 1, 2022, December 15, 2022, and February 1, 2023, the Secretary of Labor and Industry shall certify to the Secretary of the Budget, the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives all of the following:

(1) The balance of the Unemployment Compensation Trust Fund as of the date of the certification.

(2) The estimated revenues to be deposited into the Unemployment Compensation Trust Fund for the remainder of the fiscal year.

(3) The estimated expenditures from the Unemployment Compensation Trust Fund for the remainder of the fiscal year.

(4) The balance of the loans from the Federal Government as of the date of the certification.

(5) Whether the balance of the loans under paragraph (4) will subject the Commonwealth to a FUTA credit reduction if the loans are not repaid by January 1, 2023.

(b) Transfer.--Upon receipt of a certification under subsection (a), the Secretary of the Budget shall transfer amounts from the appropriation for COVID Relief - ARPA - Transfer to the Unemployment Compensation Trust Fund to the Unemployment Compensation Trust Fund. Amounts transferred to the Unemployment Compensation Trust Fund under this subsection shall be used as follows:

(1) To repay advances prior to November 10, 2022, to avoid a reduction in the tax credit available to employers under 26 U.S.C. § 3302 (relating to credits against tax).

(2) To repay the entire outstanding advances prior to January 1, 2023, to avoid a reduction in the tax credit available to employers under 26 U.S.C. § 3302.

(3) Excess money remaining after advances are paid in accordance with paragraphs (1) and (2) shall be used to repay outstanding advances prior to April 30, 2023.

(4) After April 30, 2023, any remaining money shall be used in the following order of priority:

(i) The repayment of outstanding advances.

(ii) The payment of benefits under the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, if the department determines that additional advances will not be necessary for at least one year.

Section 116-C. Local Law Enforcement Support Grant Program.

(a) Establishment.--The commission shall establish the Local Law Enforcement Support Grant Program for law enforcement agencies.

(b) Administration.--The program shall provide a law enforcement agency with the necessary resources to allow the law enforcement agency to implement information technology improvements, purchase or upgrade equipment, cover nontraditional law enforcement personnel costs, support retention and recruitment efforts and provide necessary training and cover related expenses.

(c) Applications.--The commission shall prescribe the form and manner in which an application may be submitted to receive a grant award under the program. The commission shall accept applications on an annual basis.

(d) Use of grants.--From money appropriated for COVID Relief - ARPA - Local Law Enforcement Support, a law enforcement agency may use a grant award under the program for any of the following:

(1) Technology and information technology improvements, including, but not limited to, record management systems, report management systems and national incident-based reporting system updates.

(2) Hardware and software equipment, including, but not limited to, body-worn cameras, vehicle cameras and mobile information technology equipment.

(3) Nonsworn personnel costs, including, but not limited to, civilian personnel, co-responder models, crisis intervention specialists or civilian community relations specialists.

(4) Nonreoccurring personnel costs for sworn officers, including, but not limited to, officer wellness programs, programs that support increased diversity and retention and recruitment programs.

(5) Policy development, evidence-based practices and training, including, but not limited to, crisis intervention training, use of force training, implicit bias training, deescalation training and associated costs related to training.

(e) Prioritization.--The commission shall prioritize issuing grants under the program for areas of this Commonwealth with high rates of violence or to law enforcement agencies with low clearance rates.

(f) Limitations.--The following shall apply to grants issued by the commission under the program:

(1) A grant award to a city of the first class shall not exceed \$25,000,000.

(2) A grant award to a city of the second class shall not exceed \$20,000,000.

(3) A grant award to a municipality with a population of 55,000 or greater based on the most recent Federal decennial census, not including a city of the first class or a city of the second class, shall not exceed \$10,000,000.

(4) A grant award to a municipality with a population between 18,000 and 55,000 based on the most recent Federal decennial census, not including a city of the first class or a city of the second class, shall not exceed \$5,000,000.

(5) A grant award to a municipality with a population less than 18,000 based on the most recent Federal decennial census, not including a city of the first class or a city of the second class, shall not exceed \$1,000,000.

(6) A grant award to a transit agency or campus police or university police department shall not exceed \$5,000,000.

(7) A grant award to an airport authority police department or a county park police force shall not exceed \$500,000.

(g) Supplement not supplant.--Grant money allocated through the program shall be used to supplement and not supplant existing funding. Nothing in this section shall be construed to prohibit a law enforcement agency from making an application to receive a grant award under the program in a subsequent year for the same purpose and amount in the prior year.

(h) Diversity.--The commission shall ensure that grant awards made under the program are geographically dispersed throughout this Commonwealth.

(i) Performance metrics.--The commission shall include performance metrics to measure the progress of grants awarded under the program.

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

"Commission." The Pennsylvania Commission on Crime and Delinquency.

"Law enforcement agency." Any of the following:

(1) A public agency of a political subdivision having general police powers and charged with making arrests in connection with the enforcement of the criminal or traffic laws.

(2) A campus police or university police department, as used in section 2416 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, certified by the Office of Attorney General as a criminal justice agency under the definition of criminal justice agency in 18 Pa.C.S. § 9102 (relating to definitions).

(3) A railroad or street railway police department formed with officers commissioned under 22 Pa.C.S. Ch. 33 (relating to railroad and street railway police) or any prior statute providing for the commissioning.

(4) An airport authority police department, including the Harrisburg International Airport Police.

(5) A county park police force under section 2511(b) of the act of August 9, 1955 (P.L.323, No.130), known as The County Code.

"Most recent Federal decennial census." The population figures for the most recent Federal decennial census as published by the Department of General Services in the most recent Pennsylvania Manual as of the effective date of this section.

"Program." The Local Law Enforcement Support Grant Program established under subsection (a).

Section 117-C. Gun Violence Investigation and Prosecution Grant Program.

(a) Establishment.--The commission shall establish the Gun Violence Investigation and Prosecution Grant Program.

(b) Administration.--The program shall make grants to county district attorneys' offices and local law enforcement agencies to investigate and prosecute the following:

(1) A violation of 18 Pa.C.S. Ch. 61 (relating to firearms and other dangerous articles).

(2) A crime of violence as defined in 42 Pa.C.S. § 9714(g) (relating to sentences for second and subsequent offenses) where a firearm or a replica of a firearm, as defined in 42 Pa.C.S. § 9712(e) (relating to sentences for offenses committed with firearms), is used in the commission of the crime.

(c) Applications.--The commission shall prescribe the form and manner in which an application may be submitted to receive a grant award under the program. The commission shall accept applications on an annual basis.

(d) Use of grant funds.--From money appropriated for COVID Relief - ARPA - Gun Violence Investigation and Prosecution, grant funds may be used for any of the following purposes:

(1) To improve and enhance coordination of Federal, State and local law enforcement investigations and prosecutions of violations of 18 Pa.C.S. Ch. 61 and crimes of violence involving firearms.

(2) To support personnel costs, including salaries and overtime, relating to investigations and prosecutions of violations of 18 Pa.C.S. Ch. 61 and crimes of violence involving firearms, with priority given to applications focusing on straw purchasers and firearms trafficking.

(3) To purchase technology systems, including related hardware and software, to improve investigations and prosecutions or increase clearance rates, including the purchase of gunshot detection technology and other technologies that support firearm violence reduction initiatives.

(4) Initiatives that support the tracing of firearms used to commit crimes or delinquent acts and the identification of illegal firearms traffickers.

(5) Any other efforts that aid in the investigation, arrest and prosecution of a crime involving firearms.

(e) Limitations.--The limitations under section 116-C(f) for the law enforcement grant program shall apply to a grant awarded under this section.

(f) Priority in awards.--In awarding grants under this program, the commission shall prioritize applications for areas of this Commonwealth experiencing high rates of gun violence. The commission shall reserve no less than 10% of available grant funds for county district attorneys' offices and law enforcement agencies serving rural communities.

(g) Information collection.--To assist the commission in determining the effectiveness of grant outcomes under the program, the Administrative Office of Pennsylvania Courts shall provide the commission with real-time data information on all individuals charged with firearm offenses and their disposition outcomes. The commission shall use the data received under this subsection to provide a real-time analysis on grant recipient outcomes on the commission's publicly accessible Internet website.

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

"Law enforcement agency." Shall have the same meaning as provided under section 116-C(j).

"Program." The Gun Violence Investigation and Prosecution Grant Program established under subsection (a).
Section 118-C. Violence Intervention and Prevention.

(a) Use of funds.--Money appropriated for COVID Relief - ARPA - Violence Intervention and Prevention shall be used solely to provide grants and technical assistance to community-based organizations, institutions of higher education, municipalities, district attorneys and other entities in accordance with section 1306-B(b) of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, and notwithstanding section 1306-B(h)(7) of the Public School Code of 1949 for programs eligible under section 1306-B(j)(22) of the Public School Code of 1949.

(b) (Reserved).

Section 4. The act is amended by adding sections to read:
Section 135-C. Whole-Home Repairs Program.

(a) Program established.--The department shall establish the Whole-Home Repairs Program. In administering the Whole-Home Repairs Program, the department shall coordinate with existing Federal and State resources relating to home repairs. From money appropriated for COVID Relief - ARPA - Whole Home Repairs Program, the department shall award funds to no more than one applicant per county. The department may develop and publish guidelines to implement the Whole-Home Repairs Program. The department and grantees may receive up to 4% each for administrative costs to implement this subsection from money appropriated for the Whole-Home Repairs Program. Nothing in this subsection shall be construed to prohibit an applicant which receives funds from the program under this section from subgranting the funds to another entity approved by the department to perform any of the purposes specified in subsection (b), (c) or (d). An applicant which subgrants the funds to another entity shall notify the department and the department shall maintain a list of the applicants and subgrantees contact information on its publicly accessible Internet website.

(b) Grants.--An applicant who receives funds from the Whole-Home Repairs Program shall make grants available to homeowners whose household income does not exceed 80% of the area median income and shall make loans available to small landlords renting affordable units and recorded against a residential property in a mortgage security. A single grant to a homeowner or a single loan to a small landlord may not exceed \$50,000 per owner-occupied or rental unit and may be used to address habitability concerns, improve energy or water efficiency or to make units accessible for individuals with disabilities.

(c) Loan forgiveness.--The following shall apply:

(1) A loan to a small landlord under subsection (b) may be forgiven if all of the following apply:

(i) The small landlord offered a three-year extension of the lease to a tenant occupying a unit when the funds were accepted by the small landlord.

(ii) Annual increases in monthly rent have not exceeded 3% of the base rent or the unit has been occupied by a tenant participating in the Housing Choice Voucher Program for a period of no less than 15 years.

(iii) In the prior 15 years, the small landlord has not committed a serious violation with regard to the small landlord's rental property for which the small

landlord has taken no substantial steps to correct the violation.

(iv) The small landlord has maintained ownership of the unit for a period of no less than 15 years.

(2) The applicant shall recapture a loan not forgiven under this paragraph.

(d) Use of funds.--An applicant who receives funds from the Whole-Home Repairs Program shall also use the funds to do all of the following:

(1) Administer the program under this section, including staff, implementing systems and data management tools designed to maximize enrollment in all existing home repair programs administered by nonprofit organizations, governmental entities and public utilities.

(2) Invest in work force development programs that will connect trainees to jobs through committed employer partnerships related to improving the habitability and performance of homes, including cash stipends for trainees and costs related to the design and implementation of pre-apprenticeship, apprenticeship and publicly funded on-the-job training programs.

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

"Affordable unit." A unit where the rent is affordable to a tenant at or below 60% of the area median income adjusted for household size, as defined annually by the Pennsylvania Housing Finance Agency's PennHOMES Program countywide limits.

"Applicant." A nonprofit or governmental entity that serves one or more county.

"Department." The Department of Community and Economic Development.

"Habitability concern." Home repairs that are required to ensure that residential units are:

- (1) fit for human habitation;
- (2) free from defective conditions of health and safety hazards, including asbestos, mold, pests and lead; or
- (3) free of conditions preventing the installation of measures to improve energy or water efficiency and lower utility costs.

"Small landlord." A person who meets all of the following criteria:

- (1) The person is a landlord.
- (2) The person has an ownership stake in no more than five properties and no more than 15 rental units.

(3) The person rents the properties or units under paragraph (2) for use as a primary residence for a fee, regardless of the length or form of lease.

Section 136-C. Arts and culture recovery grants.

(a) Use of funds.--From money appropriated for COVID Relief - ARPA - Cultural and Museum Preservation Grant Program, the sum of \$15,000,000 shall be transferred to the Commonwealth Financing Authority for the purpose of awarding grants to nonprofit arts and culture organizations, local arts and culture districts and arts and culture professionals located in this Commonwealth to ensure the stability and recovery of the Commonwealth's arts and culture sector from the COVID-19 pandemic. The authority shall issue guidelines to implement this section, which, at a minimum, shall include the following:

(1) Eligibility requirements for grant awards to nonprofit arts and culture organizations, local arts and culture districts, professional artists and other individuals or nonprofit entities which the authority determines meets the intent of this program.

(2) Allowable use of grant funds, which shall include reimbursement of revenue lost due to the COVID-19 pandemic, funding for operating costs to maintain essential functions and recruit and retain core staff, costs related to establishing new programs or marketing and any other use which the authority determines meets the intent of this program.

(3) Minimum and maximum grant amounts, provided that the maximum grant award shall be \$500,000 per applicant.

(b) (Reserved).

Section 5. Section 141-C of the act is amended by adding a subsection to read:

Section 141-C. Emergency education relief to nonpublic schools.

* * *

(a.1) Reallocation.--From money appropriated for Emergency Education Relief to Nonpublic Schools in 2020-2021, \$1,400,000 shall be reallocated to the amount appropriated for COVID Relief GEER during the 2020-2021 fiscal year. The funding shall only be used in accordance with Federal regulations and this section to support nonpublic schools.

* * *

Section 6. Section 145-C(a) of the act is amended by adding paragraphs to read:

Section 145-C. Emergency education relief to nonpublic schools.

(a) Application and reporting.--From money appropriated for COVID Relief - ARPA - Emergency Assistance to Non-Public Schools, the following shall apply:

* * *

(6) Nonpublic schools that qualify for a grant under paragraph (1) may choose any educational service provider provided through an intermediate unit that is administering the program under this section, in accordance with Federal law and guidance.

(7) No later than February 14, 2023, each intermediate unit that is administering the program under this section shall report to each nonpublic school for which it administers a grant award of the amount of money that remains unexpended and shall make a report to the Department of Education of the total amount of money that remains unexpended for all nonpublic schools for which it administers grants.

* * *

Section 7. Section 146-C of the act, added June 30, 2021 (P.L.62, No.24), is amended to read:

Section 146-C. Funding for library services.

(a) General rule.--From money appropriated for COVID Relief - ARPA - IMLS, the following shall apply:

(1) Each library receiving an allocation in fiscal year 2020-2021 under section 2324 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, shall receive an equal share of \$890,000.

(2) The amount of \$3,810,000 shall be distributed to libraries as follows:

(i) Multiply the amount received by the library in fiscal year 2020-2021 under section 2324 of the Public School Code of 1949 by \$3,810,000.

(ii) Divide the product from subparagraph (i) by the sum of the amounts received by libraries under section 2324 of the Public School Code of 1949.

(3) The amount of \$86,000 shall be allocated to the State Library for administration.

(4) Any money to be distributed under this section which remains unexpended, uncommitted or unencumbered as of the effective date of this paragraph, may be distributed at the discretion of the State Librarian.

(b) (Reserved).

Section 8. The act is amended by adding sections to read:
Section 151-C. Biotechnology research.

(a) Use of funds.--From funds appropriated for COVID Relief - ARPA - Biotechnology Research, the Department of Health shall award grants to support any of the following Statewide priorities:

(1) Attract, grow and expand biotechnology, pharmaceutical, life science or health research and development capacity located in this Commonwealth, including

partnerships between industry and institutions of higher education.

(2) Increase biotechnology, pharmaceutical, life science or health manufacturing capacity located in this Commonwealth.

(3) Promote the growth or development of new and innovative technologies from biotechnology, life science, pharmaceutical and health fields.

(4) Support the commercialization of research in biotechnology, pharmaceutical, life science or health fields, including research developed or conducted in this Commonwealth.

(b) Guidelines.--The Department of Health shall issue guidelines to implement this section.
Section 161-C. Use of money.

(a) Uses.--The following shall apply:

(1) Subject to paragraph (2), from money appropriated for COVID Relief - ARPA - Long-Term Living Programs, \$250,000,000 shall be used for the following purposes:

(i) The sum of \$131,157,000 for the purpose of making payments to nonpublic and county nursing facilities, which shall be allocated as follows:

(A) Of the amount under this subparagraph, \$104,926,000 shall be distributed as a one-time payment to each nonpublic and county nursing facility, which shall be determined as follows:

(I) Divide:

(a) the facility's number of medical assistance days for the third quarter of calendar year 2021 as reported under Article VIII-A of the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code; by

(b) the total number of medical assistance days for all facilities for the third quarter of calendar year 2021 as reported under Article VIII-A of the Human Services Code.

(II) Multiply:

(a) the quotient under subclause (I); by

(b) \$104,926,000.

(B) Of the amount under this subparagraph, \$26,231,000 shall be distributed as a one-time payment to each nonpublic and county nursing facility, which shall be determined as follows:

(I) Divide:

(a) the number of the facility's licensed beds as of July 1, 2022; by

(b) the total licensed beds of all nonpublic and county nursing facilities as of July 1, 2022.

(II) Multiply:

(a) the quotient under subclause (I); by

(b) \$26,231,000.

(ii) The sum of \$74,946,000 for the purpose of making payments for personal assistance services provided by home health care agencies, home care agencies and direct care workers employed through the participant-directed employer model. Each home health care provider, home care provider or direct care worker employed through the participant-directed employer model shall receive a one-time payment, which shall be determined as follows:

(A) Of the amount under this subparagraph, \$59,957,000 shall be distributed as a one-time payment to a home health care provider or home care provider, which shall be determined as follows:

(I) Divide:

(a) the provider's number of medical assistance 15-minute units, excluding overtime, invoiced in the third quarter of calendar year 2021; by

(b) the total medical assistance 15-minute units for all home health care providers and home care providers, excluding overtime, invoiced in the third quarter of calendar year 2021.

(II) Multiply:

(a) the quotient under subclause (I); by

(b) \$59,957,000.

(B) Of the amount under this subparagraph, \$14,989,000 shall be distributed as a one-time payment to each direct care worker employed through the participant-directed employer model who provides personal assistance services, which shall be determined as follows:

(I) Divide:

(a) the number of personal assistance 15-minute units provided by a direct care worker employed through the participant-directed employer model, excluding overtime, invoiced in the third quarter of calendar year 2021; by

(b) all personal assistance 15-minute units provided by all direct care workers employed through the participant-directed

employer model, excluding overtime, invoiced in the third quarter of calendar year 2021.

(II) Multiply:

- (a) the quotient under subclause (I); by
- (b) \$14,989,000.

(iii) The sum of \$26,767,000 for the purpose of making payments to assisted living residences and personal care homes, which shall be allocated as follows:

(A) Of the amount under this subparagraph, \$24,090,000 shall be distributed as a one-time payment to each assisted living residence and personal care home, which shall be determined as follows:

(I) Divide:

(a) the occupancy of the assisted living residence or personal care home, as determined by the Department of Human Services' most recent inspection on or before July 1, 2022; by

(b) the total occupancy of all assisted living residences, including those with a special care designation, and personal care homes, as determined by the Department of Human Services' most recent inspections on or before July 1, 2022.

(II) Multiply:

- (a) the quotient under subclause (I); by
- (b) \$24,090,000.

(B) Of the amount under this subparagraph, \$2,677,000 shall be distributed as a one-time payment to each personal care home, which shall be determined as follows:

(I) Divide:

(a) the personal care facility's number of individuals for whom the facility received a payment from the Department of Human Services for Supplemental Security Income in March 2022; by

(b) the total of all personal care facilities' individuals for whom payments for Supplemental Security Income were made by the Department of Human Services in March 2022.

(II) Multiply:

- (a) the quotient under subclause (I); by
- (b) \$2,677,000.

(iv) The sum of \$6,959,000 for the purpose of making payments for adult day care services as a one-time

payment to each adult day care services provider, which shall be determined as follows:

(A) Divide:

(I) the adult day care services provider's total medical assistance fee-for-service and Community HealthChoices payments for the third quarter of calendar year 2021; by

(II) the sum of all adult day care services providers' medical assistance fee-for-service and Community HealthChoices payments for the third quarter of calendar year 2021.

(B) Multiply:

(I) the quotient under clause (A); by

(II) \$6,959,000.

(v) The sum of \$535,000 for the purpose of making payments for residential habilitation services as a one-time payment to each provider, which shall be determined as follows:

(A) Divide:

(I) the residential habilitation services provider's total medical assistance fee-for-service and Community HealthChoices payments for the third quarter of calendar year 2021; by

(II) the total sum of all residential habilitation medical assistance fee-for-service and Community HealthChoices payments for the third quarter of calendar year 2021.

(B) Multiply:

(I) the quotient under clause (A); by

(II) \$535,000.

(vi) The following shall apply:

(A) The sum of \$4,283,000 for the purpose of making payments for eligible Medicaid ventilator or tracheostomy qualified medical assistance nonpublic and county nursing facilities. A nonpublic or county nursing facility shall qualify for payment if a payment under section 443.1(7)(vii) of the Human Services Code was made for the quarter ending March 31, 2022.

(B) The amount appropriated under this subparagraph shall be distributed as a one-time payment to each qualified medical assistance nonpublic and county nursing facility, determined as follows:

(I) Divide:

(a) the facility's payment amount received under section 443.1(7)(vii) of the

Human Services Code for quarter ending March 31, 2022; by

(b) the sum of all payment amounts received under section 443.1(7)(vii) of the Human Services Code for the quarter ending March 31, 2022.

(II) Multiply:

(a) the quotient under subclause (I); by

(b) \$4,283,000.

(vii) The following shall apply:

(A) The sum of \$5,353,000 shall be used for making payments to organizations that have entered into an agreement with the Department of Human Services to operate a LIFE Program, as defined under section 602 of the Human Services Code, in a specified county or set of counties, as determined by the department. Each organization shall receive a one-time payment, which shall be determined as follows:

(I) Divide:

(a) the organization's total amount reimbursed for long-term care - managed care for the third quarter of calendar year 2021; by

(b) the total amount reimbursed for long-term care - managed care for the third quarter of calendar year 2021.

(II) Multiply:

(a) the quotient under subclause (I); by

(b) \$5,353,000.

(B) (Reserved).

(2) The following shall apply to an eligible person or entity receiving a payment under paragraph (1):

(i) An eligible person or entity receiving a payment under this section must be in operation as of July 1, 2022.

(ii) A person or entity receiving a payment shall provide documentation to the Department of Human Services, in a format prescribed by the department, for the purpose of an audit review.

(iii) A payment received may not otherwise be reimbursed by a Federal, State or other source of funding.

(3) From money appropriated for COVID Relief - ARPA - Low-Income Home Energy Assistance Program, the entire amount shall only be expended if:

(i) all other money received from the Federal government for the LIHEAP Program, less any amounts allowed to be carried over to the following fiscal year under Federal law, are expended or committed; and

(ii) the Secretary of the Budget notifies the chairperson and minority chairperson of the Appropriations Committee of the Senate, the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives and the State Treasurer that all State and non-American Rescue Plan Act Federal funds have been expended or committed.

(b) (Reserved).

Section 162-C. Child Care Stabilization Program.

(a) Child Care Stabilization Program.--The Child Care Stabilization Program is established within the department for the purpose of making retention and recruitment payments to qualified staff in accordance with this article, which shall be distributed as one-time payments to each child-care provider who applies and qualifies.

(b) Use of money.--From money appropriated for COVID Relief - ARPA - Child Care Stabilization to the department, the entire amount shall be used for making payments under the program under this section.

(c) Applications.--The department shall develop an application for qualified child-care providers to apply for program funding under this section. At the discretion of the department, but no later than January 1, 2023, the department shall begin accepting applications. The application shall be made available and posted on the department's publicly accessible Internet website. The department shall accept and process applications on a rolling basis until either funding for the program under this section has been exhausted or the Federal deadline for the use of the American Rescue Plan Act of 2021, whichever occurs first.

(d) Department decision.--The department shall approve or deny an application received under subsection (c) no later than 30 days after receipt of the application.

(e) Conditions.--The following apply to payments received under this section:

(1) Payment received from the department under this section may not supplant existing staff wages and may not otherwise be reimbursed by Federal or State funding.

(2) A qualified staff member may only receive one payment for retention or recruitment under this section.

(3) Payment to a qualified staff member under this section may not exceed \$2,500.

(4) A qualified child-care provider receiving a payment from the department under this section must be in operation as of June 30, 2022, and must maintain operations until at least December 31, 2022.

(5) A qualified child-care provider receiving a payment from the department under this section shall spend the money by the following deadlines:

(i) Staff retention payments under this section shall be made within 90 days of receipt of payment.

(ii) Staff recruitment payments under this section shall be made within 180 days of receipt of payment.

(6) A qualified child-care provider receiving a payment from the department under this section shall submit a report, in a form and manner as prescribed by the department, as follows:

(i) A qualified child-care provider receiving a payment from the department under this section shall submit a report to the department by:

(A) June 30, 2023, regarding staff retention payments; or

(B) September 30, 2023, regarding staff recruitment payments.

(ii) (Reserved).

(7) The department may recover a payment from a qualified child-care provider that receives payment from the department under this section if the entity does not comply with the provisions of this section or with Federal or State law or guidance. A qualified child-care provider that receives a payment from the department under this section shall provide documents, records and other information related to a payment made under this section in the time, manner and format requested by either the department or by any other Federal or Commonwealth agency that is authorized to audit the payments.

(f) Report.--Within 90 days of the reporting deadlines under subsection (e), the department shall issue a report to the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives regarding the aggregate staff retention and staff recruitment payment information received under subsection (e). The report shall be posted to the department's publicly accessible Internet website. The publicly available report may not include any proprietary recruitment and retention plan information.

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

"Department." The Department of Human Services of the Commonwealth.

"Qualified child-care provider." Either of the following:

(1) Child-care provider certified under 55 Pa. Code Chs. 3270 (relating to child care centers), 3280 (relating to group child care homes), unless those providers are under investigation of fraud, refuse to renew or revocation, or 3290 (relating to family child care homes), unless those providers are under investigation of fraud, refuse to renew or revocation.

(2) A relative provider unless directly engaged in child care supervision activities exempt from certification under 55 Pa. Code Chs. 3270, 3280 and 3290.

"Qualified staff." An employee of a qualified child-care provider who is involved in direct supervision of children or environmental services. The term shall not include executives, contracted staff, administrators and administrative support staff or owners of child-care provider.

Section 163-C. Behavioral Health Commission for Adult Mental Health.

(a) Commission.--The Behavioral Health Commission for Adult Mental Health is established in the Department of Human Services.

(b) Composition.--The commission shall consist of the following members:

(1) The Secretary of Human Services or a designee.

(2) The Insurance Commissioner or a designee.

(3) The Secretary of Drug and Alcohol Programs or a designee.

(4) The Secretary of Health or a designee.

(5) A representative of the Pennsylvania Commission on Crime and Delinquency.

(6) An individual appointed by the President pro tempore of the Senate.

(7) An individual appointed by the Minority Leader of the Senate.

(8) An individual appointed by the Speaker of the House of Representatives.

(9) An individual appointed by the Minority Leader of the House of Representatives.

(10) The following members appointed by the Governor:

(i) Two active members of the Mental Health Planning Council.

(ii) Two current or former behavioral health consumers or family members with lived experience of navigating diagnosis, treatment and recovery.

(iii) An individual from a list of recommendations compiled by the Pennsylvania Association of County Administrators of Mental Health and Developmental Services with experience in county provision of mental health services to the uninsured and underinsured.

(iv) Two representatives of behavioral health managed care organizations, one of whom must provide services in a rural county and one of whom must provide services in an urban county.

(v) An individual from a list of recommendations compiled by the Hospital and Healthsystem Association of Pennsylvania.

(vi) An individual member of local law enforcement who is certified in crisis intervention teams and an active member of a mental health crisis intervention team with experience working in crisis response from a list of recommendations compiled by the Pennsylvania Chiefs of Police Association.

(vii) A psychologist who specializes in mental, social and emotional development from a list of recommendations compiled by the Pennsylvania Psychological Association.

(viii) A licensed clinical social worker from a list of recommendations compiled by the Pennsylvania Chapter of the National Association of Social Workers.

(ix) An individual who is a subject matter expert in evidenced-based trauma-informed treatment modalities and trauma-informed approaches.

(x) An individual who specializes in culturally competent behavioral health care.

(xi) A recognized subject matter expert in the treatment of co-occurring mental health and substance use disorders from a list of recommendations compiled by the Rehabilitation and Community Providers Association with experience in behavioral health matters.

(xii) A recognized subject matter expert in behavioral health from a list of recommendations compiled by the Pennsylvania Association of Community Health Centers.

(c) Chairperson.--The chairperson of the commission shall be selected by the Governor from among the members of the commission.

(d) Vice chairperson.--A vice chairperson shall be designated by the chairperson of the commission from among the

members of the commission to preside at meetings in the absence of the chairperson.

(e) (Reserved).

(f) Quorum.--A majority of the members of the commission shall constitute a quorum and a quorum shall be required for all actions.

(g) Actions.--A vote of the majority of the members of the commission present shall be sufficient for all actions taken by the commission. Members may participate in a meeting by means of conference telephone or other electronic technology by means of which all persons participating in the meeting can hear each other. Participation in a meeting pursuant to this subsection shall constitute presence at the meeting.

(h) Meetings.--The following shall apply:

(1) The commission shall hold its first meeting no later than 60 days from the effective date of this subsection.

(2) The commission shall convene no less than two meetings with county mental health administrations to review the provision of behavioral health care and identify recommendations for improvements in coordination of care. The commission shall hold at least one meeting with representatives from a rural county mental health administration and related entities and at least one meeting with representatives from a mental health administration from either an urban or suburban county and related entities.

(3) As used in this subsection, "related entities" includes, but is not limited to, county commissioners, managed care organizations, behavioral health managed care organizations, single county authorities, hospitals, law enforcement, district attorneys, county child welfare agencies and county jails.

(i) Cooperation.--The Department of Human Services shall cooperate with the commission to assist the commission in carrying out its duties.

(j) Report.--The commission shall issue a report on its recommendations for the allocation of funding for the following:

(1) Delivery of services by telemedicine.

(2) Behavioral health rates, network adequacy and mental health payment parity.

(3) Work force development and retention.

(4) Expansion of certified peer support specialist services and peer-run services.

(5) The development and provision of crisis services.

(6) The integration of behavioral health and substance use disorder treatment.

(7) Cultural competencies when providing behavioral health care.

(8) The impact of social determinants of health on behavioral health.

(9) The intersection of behavioral health and the criminal justice system.

(10) Establishing an integrated care model that can deliver timely psychiatric care in a primary care setting.

(k) Recipients.--The report under subsection (j) shall be made available on the Department of Human Services' publicly accessible Internet website and shall be issued to the following:

- (1) The Governor.
- (2) The Secretary of Human Services.
- (3) The Secretary of the Budget.
- (4) The President pro tempore of the Senate.
- (5) The Majority Leader of the Senate.
- (6) The Minority Leader of the Senate.
- (7) The Speaker of the House of Representatives.
- (8) The Majority Leader of the House of Representatives.
- (9) The Minority Leader of the House of Representatives.
- (10) The chairperson and minority chairperson of the Appropriations Committee of the Senate.
- (11) The chairperson and minority chairperson of the Appropriations Committee of the House of Representatives.
- (12) The chairperson and minority chairperson of the Health and Human Services Committee of the Senate.
- (13) The chairperson and minority chairperson of the Health Committee of the House of Representatives.
- (14) The chairperson and minority chairperson of the Human Services Committee of the House of Representatives.

(l) Termination.--The Behavioral Health Commission for Adult Mental Health shall terminate upon the issuance of the report under subsection (j).

Section 9. Article I-C of the act is amended by adding a subarticle to read:

SUBARTICLE I.1

DEPARTMENT OF REVENUE

Section 185-C. Property tax rent rebate.

(a) Use of money.--Amounts appropriated for COVID Relief - ARPA - Property Tax Rent Rebate shall be transferred to the State Lottery Fund and shall be used in accordance with this section.

(b) Additional amount.--A claimant under section 704 and Chapter 13 of the act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act, shall receive an additional amount of property tax rebate or rent rebate in lieu of property taxes. The amount of property tax rebate or rent rebate in lieu of property taxes under this subsection shall be

equal to 70% of the claimant's property tax rebate or rent rebate in lieu of property taxes under section 704 and Chapter 13 of the Taxpayer Relief Act for calendar year 2021.

(c) Manner of payment to claimant.--The amount due to a claimant under subsection (b) shall be paid to the claimant in the same manner as amounts due to a claimant under section 704 and Chapter 13 of the Taxpayer Relief Act for calendar year 2021.

(d) Coordination of payment.--No later than August 31, 2022, the Department of Revenue shall begin making payments due to a claimant under subsection (b) at the same time as amounts due to the claimant under section 704 and Chapter 13 of the Taxpayer Relief Act for calendar year 2021 are made.

(e) Application.--No additional application shall be necessary for a claimant to receive the additional amount of property tax rebate or rent rebate in lieu of property taxes under this subsection.

Section 10. The act is amended by adding sections to read:
Section 192.1-C. State university assistance for fiscal year 2022-2023.

(a) Program.--Money appropriated for COVID Relief - ARPA - State System of Higher Education to the State System of Higher Education shall be paid to the State universities for the 2022-2023 fiscal year as provided in this section.

(b) Determination of payments.--Payments made to each State university for the 2022-2023 fiscal year shall be determined as follows:

(1) The Board of Governors of the State System of Higher Education in consultation with the Chancellor of the State System of Higher Education shall make payments in the aggregate amount of \$34,294,978 to the integrated universities.

(2) The amount of \$7,371,688 shall be paid to Cheyney University, to be directed by the president of the university, in consultation with the university's council of trustees.

(3) An amount determined for each State university, to be directed by the president of the university, in consultation with the university's council of trustees, that does not receive payment under paragraph (1) or (2) as follows:

(i) Multiply the average of the 2020 and 2021 fall full-time equivalent enrollment for the State university by \$83,333,334.

(ii) Divide the product under subparagraph (i) by the average of the 2020 and 2021 fall full-time

equivalent enrollment for all State universities eligible to receive payments under this paragraph.

(c) Payment deadline.--Payments made under this section shall be made no later than August 1, 2022.

(d) Reports.--The Chancellor of the State System of Higher Education shall issue an interim report by December 31, 2022, and a final report by July 15, 2023, to the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives and post the reports on the State System of Higher Education's publicly accessible Internet website. The reports shall include the following information:

(1) The 2020 and 2021 fall full-time equivalent enrollment for each State university.

(2) The 2020 and 2021 fall full-time equivalent enrollment for all State universities.

(3) The payment made to each State university under this section.

(4) The total payments made to all State universities under this section.

(5) A description of the use by the State university of the payment.

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

"Commonwealth University of Pennsylvania." The institution consisting of Bloomsburg University of Pennsylvania, Lock Haven University of Pennsylvania and Mansfield University Pennsylvania, as consolidated under section 2002-A of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949.

"Fall full-time equivalent enrollment." The total credit hours reported for the fall semester divided by 15 for undergraduate students and 12 for graduate students, with clock-hour enrollment converted to credit hours based upon national standards.

"Integrated university." The term includes:

(1) Commonwealth University of Pennsylvania.

(2) Pennsylvania Western University.

"Pennsylvania Western University." The institution consisting of California University of Pennsylvania, Clarion University of Pennsylvania and Edinboro University of Pennsylvania, as consolidated under section 2002-A of the Public School Code of 1949.

"State university." An institution which is part of the State System of Higher Education under Article XX-A of the Public School Code of 1949.

Section 195-C. Development Cost Relief Program.

(a) Establishment.--The Development Cost Relief Program is established in the agency to support the production of developments by addressing financial deficiencies attributable to the effects of the COVID-19 pandemic and other economic factors. Money appropriated for COVID Relief - ARPA - Development Cost Relief Program shall be used for the purposes of this section.

(b) Eligibility.--A development which meets all of the following criteria shall be eligible for an award under this section:

(1) Has applied for, or has received a conditional or full allocation from the agency of, low-income housing tax credits under section 42 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 42) during the 2019, 2020, 2021, 2022 or 2023 application cycles.

(2) Has not, as of the effective date of this section, received a certificate of occupancy for each unit within the development.

(3) Has experienced cost increases, or a loss in equity investment, as the result of conditions arising from or related to the effects of the COVID-19 pandemic, which in the judgment of the agency necessitates the provision of additional funding to complete the development.

(c) Application.--The agency shall make available to an eligible development an application that requires information, as determined necessary by the agency, to verify the need of the development and to determine the extent to which funding should be awarded, while ensuring that the development remains in compliance with the low-income housing tax credit program.

(d) Determination.--A determination shall be made in accordance with the following:

(1) Upon a determination of eligibility for money allocated under this section, the agency shall provide the development with a letter of commitment indicating the conditional award amount.

(2) The agency shall use the same closing process and terms for an award of money from the fund as is used for an award from the Pennsylvania Housing Affordability and Rehabilitation Enhancement Program for a low-income housing tax credit recipient development.

(e) Limitation.--Money provided for the program under this section may not be used to supplant other agency-committed resources except if the development risks noncompliance with the

low-income housing tax credit program. Projects which have received or have been approved by the agency for construction cost relief funding under section 194-C may receive additional funding under the Development Cost Relief Program.

(f) Additional amounts.--In addition to any amounts appropriated for the program under this section, any amounts which have not been awarded by the agency under section 194-C shall be available for award under this section.

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

"Agency." The Pennsylvania Housing Finance Agency.

"Development." An affordable multifamily rental development. Section 196-C. Housing Options Grant Program.

(a) Establishment.--The agency shall establish a grant program to be known as the Housing Options Grant Program.

(b) Purpose.--The program shall make grants available from amounts appropriated for COVID Relief - ARPA - Affordable Housing Construction for the development of affordable housing units, including, but not limited to, building new units, rehabbing existing properties to make them affordable housing units or preserving existing affordable units.

(c) Duties.--The agency shall make grants available to developers or nonprofit organizations consistent with the purposes of this section.

(d) Requirements.--A grant shall be made to a developer or a nonprofit organization for a project that meets the requirements for an award under the Federal Low Income Housing Tax Credit. To be eligible for a grant under this section, a developer or nonprofit organization must agree to provide matching funds of at least 25% of the grant amount to be awarded for the development. All grants shall be awarded no later than December 31, 2024.

(e) Diversity.--The agency shall ensure that the grants are geographically diverse across the Commonwealth.

(f) Reporting.--No later than June 30, 2023, and each June 30 thereafter, the agency shall report to the Governor and the General Assembly and post on the agency's publicly accessible Internet website:

(1) The number of grants awarded to a developer and nonprofit organization.

(2) The county in which each grant is awarded.

(3) The total number of applications received in the previous fiscal year and the amount of funds request.

(4) Any other information the agency deems necessary.

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

"Agency." The Pennsylvania Housing Finance Agency.

"Program." The Housing Options Grant Program established under subsection (a).

Section 11. Article I-C of the act is amended by adding a subarticle to read:

SUBARTICLE N

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Section 198-C. State Parks and Outdoor Recreation Program.

(a) Establishment.--The State Parks and Outdoor Recreation Program is established in the department to support the rehabilitation, repair and development of park and forest areas within this Commonwealth. Money appropriated to the department for COVID Relief - ARPA - State Parks and Outdoor Recreation Program shall be used to make awards for the program.

(b) Eligibility.--A project shall be eligible for an award under the program if:

(1) One of the following:

(i) The project rehabilitates, repairs or develops a State park, State forest land or the facilities of a State park or State forest land.

(ii) The award will be used for the acquisition of lands for a State park or State forest.

(2) The project is to plan, educate the public of, acquire, develop, rehabilitate or repair:

(i) Greenways.

(ii) Recreational trails, including connections between trails.

(iii) Open space, natural areas, river corridors and access to riverfronts.

(iv) Watersheds.

(v) Community parks and recreations facilities.

(vi) Community conservation and beautification projects.

(vii) Heritage areas and other conservation and recreations.

(c) Allocation.--

(1) From money appropriated for the program, 75% shall be used by the department for projects that meet the requirements of subsection (b) (1).

(2) From money appropriated for the program, 25% shall be used by the department to provide grants to eligible entities for projects that meet the requirements of subsection (b) (2).

(d) Application.--The department shall make available to an eligible entity an application that requires information as determined necessary by the department to verify the need for the project and to determine the extent to which the awards shall be awarded.

(e) Award amounts.--Awards made to eligible entities for projects that meet the requirements of subsection (b)(2) shall not be less than \$50,000, and shall not be more than \$5,000,000.

(f) Determination.--Upon a determination of eligibility for an award, the department shall provide the eligible entity with a letter of commitment indicating the conditional amount of the award.

(g) Matching funds.--The department may require matching funds for awards for eligible entities for projects awarded under subsection (b)(2).

(h) Report.--After the awarding of grants, the department shall provide a report to the chairperson and minority chairperson of the Appropriations Committee of the Senate, the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives, the chairperson and minority chairperson of the Environmental Resources and Energy Committee of the Senate and the chairperson and minority chairperson of the Environmental Resources and Energy Committee of the House of Representatives that includes the following information:

- (1) The total number of projects receiving awards.
- (2) A list of eligible entities that received awards.
- (3) The amount received by an eligible entity for each project.

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

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

"Eligible entity." A county, municipality, council of governments, conservation district or authorized organization.

"Program." The State Parks and Outdoor Recreation Program under this section.

Section 12. Sections 105-D(b) and 103-E(7) of the act, amended or added June 30, 2021 (P.L.62, No.24), are amended to read:

Section 105-D. Reallocation of grants.

* * *

(b) Time.--If the department determines that excess funds will remain on September 20, 2022, or as of any updated Federal deadline for the use of funds for emergency rental assistance under the Consolidated Appropriations Act, 2021, whichever is

later, the department may recoup and reallocate excess funding to other counties that have demonstrated a funding shortfall[.] **and the ability to spend additional funds within a timeframe to be determined by the department.** Any **excess** funding shall be reallocated by the department [according to the reallocation methodology under section 103-D(a)(7).] **in a manner to ensure that funds are spent by the Federal deadline for the use of funds.**

* * *

Section 103-E. Department.

The department shall have the power and duty to:

* * *

(7) [Recoup and reallocate unobligated grant funds as identified by the county, a county agency or a contracted entity.] **If the department determines that excess funds will remain on September 30, 2025, or as of any updated Federal deadline for the use of grant funds for emergency rental assistance under the American Rescue Plan, the department may recoup and reallocate excess funds to other counties that have demonstrated a funding shortfall and the ability to spend additional funds within a timeframe to be determined by the department. Any excess funding shall be recouped and reallocated by the department as needed in a manner to ensure that funds are spent by the Federal deadline for the use of funds.**

* * *

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

Section 301.5. Commonwealth Payment Security.--(a) To ensure the secure disbursement of public funds under the custodial control of the State Treasurer on behalf of any Commonwealth department, agency, board or commission of the executive branch, the Treasury Department shall select and require the implementation and maintenance of electronic payment security standards, measures and procedures that, in the opinion of the State Treasurer, are consistent with national financial industry standards for the electronic movement of funds and necessary to detect and prevent the fraudulent expenditure of public funds and reduce administrative costs and financial losses associated with invalid or improper fund disbursements.

(b) The electronic payment security standards, measures and procedures required under subsection (a) shall be designed to confirm and verify the existence, status, standing, maturity and signatory authority of the banking account, authenticate account ownership and control and accurately identify the identity of intended payment counterparties, prior to the initiation and completion of a payment to the account or against the account.

(c) Each Commonwealth department, agency, board or commission of the executive branch for which the Treasury Department makes payment disbursements shall cooperate and assist in the implementation of this section. The departments, agencies, boards and commissions for which the Office of the Budget provides comptroller services shall work with the Office of the Budget to implement this section.

(d) The following shall apply:

(1) Within ninety days of the effective date of this section, the State Treasurer shall provide the Commonwealth departments, agencies, boards and commissions of the executive branch for which the Treasury Department makes payment disbursements with a list of vendors that the Treasury Department has qualified to provide the payment security services under subsection (a).

(2) Within eighteen months of the effective date of this section, the Commonwealth departments, agencies, boards or commissions of the executive branch for which the Treasury Department makes payment disbursements shall implement subsection (a) by procuring electronic payment security services in accordance with 62 Pa.C.S. (relating to procurement) from the list of vendors provided by the State Treasurer under paragraph (1).

(3) The State Treasurer shall update the list of qualified vendors required by paragraph (1) every two years. The Commonwealth departments, agencies, boards and commissions of the executive branch for which the Treasury Department makes payment disbursements shall procure electronic payment security services from the updated list of qualified vendors upon the expiration of their contracts for the services in accordance with 62 Pa.C.S.

Section 14. Section 1601.2-E(e) of the act, amended June 30, 2021 (P.L.62, No.24), is amended to read:

Section 1601.2-E. Oil and Gas Lease Fund.

* * *

(e) Annual transfers.--The following apply:

(1) (i) Except as provided under subparagraph (ii), for the 2017-2018 fiscal year and each fiscal year thereafter, \$20,000,000 shall be transferred from the fund to the Marcellus Legacy Fund for distribution to the Environmental Stewardship Fund.

(ii) No amount shall be transferred from the fund to the Marcellus Legacy Fund for distribution to the Environmental Stewardship Fund for the 2019-2020, 2020-2021 [and], 2021-2022 **and 2022-2023** fiscal year.

(2) For the 2017-2018 fiscal year and each fiscal year thereafter, \$15,000,000 shall be transferred from the fund to

the Marcellus Legacy Fund for distribution to the Hazardous Sites Cleanup Fund.

Section 15. Section 1606-M of the act is amended to read:
Section 1606-M. Transportation network company extension.

Notwithstanding 53 Pa.C.S. § 57A22(1) (relating to assessment), the provisions of 53 Pa.C.S. § 57A22 shall not expire until December 31, [2022] **2027**.

Section 16. The act is amended by adding articles to read:

ARTICLE XVI-R

AGRICULTURE CONSERVATION ASSISTANCE PROGRAM

Section 1601-R. 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:

"Agricultural erosion and sediment control plan." A site-specific plan identifying BMPs to minimize accelerated erosion and sedimentation from agricultural runoff required by 25 Pa. Code Ch. 102 (relating to erosion and sediment control).

"Agricultural operation." The management and use of farming resources for production of crops, livestock or poultry.

"Agriculturally impaired stream miles." Stream miles that are designated impaired due to the identified source being agriculture as defined by the most recent Pennsylvania Integrated Water Quality Monitoring and Assessment Report by the Department of Environmental Protection.

"Animal concentration areas." The following:

(1) Barnyards, feedlots, loafing areas, exercise lots or other similar animal confinement areas that will not maintain a growing crop or where deposited manure nitrogen is in excess of crop needs.

(2) The term does not include:

(i) Areas managed as pastures or other cropland.

(ii) Pasture access ways, if they do not cause direct flow of nutrients to surface water or groundwater.

"Best management practice" or "BMP." A practice or combination of practices determined by the commission or United States Department of Agriculture Natural Resources Conservation Service to be effective and practical, considering technological, economic and institutional factors, to manage nutrients and sediment to protect surface water and groundwater.

"Commission." The State Conservation Commission.

"Conservation district." A county conservation district established under the act of May 15, 1945 (P.L.547, No.217), known as the Conservation District Law.

"Conservation plan." A United States Department of Agriculture Natural Resources Conservation Service Plan, including a schedule for implementation, that identifies site

specific conservation best management practices on an agricultural operation.

"Cropland acres." The acres of land used to produce adapted crops for harvest, which includes both cultivated and noncultivated crops and areas managed for forage production that are harvested by livestock, or a combination of livestock and mechanical harvesting.

"Eligible applicant." Any person or other legal entity that has legal or financial responsibility for one of the following:

- (1) the agricultural operation in which they are engaged; or
- (2) property on which an agricultural operation takes place.

"Erosion." The natural process by which the surface of the land is worn away by water, wind or chemical action.

"Livestock." Animals raised, stabled, fed or maintained on an agricultural operation with the purpose of generating income or providing work, recreation or transportation. The term does not include aquatic species.

"Manure management plan." A plan developed and implemented in accordance with 25 Pa. Code Ch. 91 (relating to general provisions).

"Nutrient." A substance or recognized plant nutrient, element or compound which is used or sold for its plant nutritive content or its claimed nutritive value. The term includes, but is not limited to, livestock and poultry manures, compost as fertilizer, commercially manufactured chemical fertilizers, biosolids or combinations thereof.

"Nutrient management plan." A written site-specific plan which incorporates BMPs to manage the use of plant nutrients for crop production and water quality protection consistent with the criteria established in 3 Pa.C.S. §§ 504 (relating to powers and duties of commission) and 506 (relating to nutrient management plans).

"Poultry." Birds raised, fed or maintained on an agricultural operation with the purpose of generating income.

"Program." The Agriculture Conservation Assistance Program established under this article.

"Sediment." Soils or other erodible materials transported by storm water as a product of erosion.

"Surface waters." Perennial and intermittent streams, rivers, lakes, reservoirs, ponds, wetlands, springs, natural seeps and estuaries. The term does not include water at facilities approved for wastewater treatment, such as wastewater treatment impoundments, cooling water ponds and constructed wetlands used as part of a wastewater treatment process.

"Technical assistance." Advice, technical expertise, information, training and tools provided to a landowner, commission, conservation district or others regarding program implementation, including, but not limited to, the proper planning, design and installation of best management practices.

"Watershed implementation plan." A plan created to achieve water quality improvement goals within a watershed of this Commonwealth, including, but not limited to, Chesapeake Bay Watershed implementation plans, county action plans or other watershed-based restoration and implementation plans.

Section 1602-R. Establishment.

The Agriculture Conservation Assistance Program is established in the commission.

Section 1603-R. Sources of funding.

Funding for the program may be provided through any of the following:

- (1) Money appropriated for purposes of the program.
- (2) Amounts made available from the Clean Streams Fund under section 1712-A.2(c) (1).
- (3) Federal money appropriated or authorized for purposes of the program.
- (4) Money received from another governmental agency through an interagency agreement or memorandum of understanding.
- (5) A gift or other contribution from a public or private source.
- (6) Return on money dedicated for the program, including interest on loans, investment interest or refunds.

Section 1604-R. Powers, duties and administration.

(a) Administration.--The commission may dedicate up to 4% of the funds allocated under section 1603-R for expenses incurred in administration of the program. Up to 4% of the funds provided under section 1603-R may be committed by the commission to compensate the entities performing the administrative tasks and activities under subsection (c).

(b) Powers and duties of commission.--The commission shall:

- (1) Adopt guidelines and criteria for:
 - (i) Administration and oversight of the program.
 - (ii) Best management practices to be implemented and receive funding under the program.
- (2) Provide a system of program evaluation and quality control.
- (3) Develop a training, education and technical assistance program for technicians, engineers and other individuals performing work under the program.
- (4) Designate or adopt a system for collecting and reporting of collected data on funded practices to

governmental agencies, in a manner consistent with criteria established under Federal and State laws.

(c) Delegation of powers and duties.--In performance of its powers and duties, the commission may delegate to conservation districts, The Pennsylvania State University, or other entity determined appropriate by the commission, certain duties and responsibilities necessary to carry out the program.

(d) Apportionment criteria.--The commission shall apportion the funds under section 1603-R to participating conservation districts based on written apportionment criteria developed by the commission to establish priorities based on preventing nutrient and sediment pollution. The following shall apply:

- (1) The apportionment criteria shall consider:
 - (i) Agriculturally impaired stream miles.
 - (ii) The number of cropland acres.
 - (iii) The number of farms.
 - (iv) The number of livestock and poultry.
 - (v) Other criteria as established by the commission.

(2) Any apportioned funds that are not used in any fiscal year may roll over for the following fiscal year. Any unused apportioned funds after two years shall be reapportioned to participating conservation districts in the following year, consistent with the apportionment criteria prescribed under paragraph (1).

(e) Powers and duties of participating conservation districts.--The following shall apply:

(1) Each conservation district participating in the program shall manage and administer funds apportioned by the commission in a manner consistent with this article and the guidelines established by the commission. Each participating conservation district shall enter into an agreement with the commission to establish the administrative responsibilities and activities to be performed by the conservation district.

(2) Funds apportioned to a participating conservation district shall be used for:

(i) Approving and providing financial assistance to an eligible applicant to install and implement BMPs, consistent with the criteria for approval of projects provided under subsection (h).

(ii) Costs for technical training and education and technical assistance in administration of projects approved by the conservation district, including technical assistance provided by the Pennsylvania Fish and Boat Commission and third parties in accordance with the provisions of subsection (b) (3).

(iii) Establishment of procedures for submission and approval of applications for financial assistance for

BMPs that minimize, to the extent feasible, procedural tasks and obligations for applicants.

(iv) Adoption of written criteria for ranking of applications for financial assistance and determination of proposed projects to be given priority.

(v) Entering into written agreements with recipients of approved funding.

(vi) Administration and procedures to ensure recipients of financial assistance timely complete projects in a manner that meets established design and construction standards.

(vii) Adoption of procedures to ensure that recipients of the approved funding will fully comply with requirements for future maintenance activities established under the terms of agreement.

(viii) Development of procedures to ensure proper performance of agreements executed under the program.

(ix) Other duties and responsibilities necessary to carry out the purposes of this chapter.

(3) A participating district may dedicate up to 6% of the annual amount apportioned by the commission under subsection (d) for expenses incurred in administration of the program. For purposes of this paragraph, expenses for technical assistance under subsection (e) (2) (ii) shall not be considered as expenses incurred in administration of the program.

(f) Advisory committee.--Within a conservation district, a committee may be appointed by the conservation district board to advise the program and identify local priorities and opportunities to complement other programs. The committee shall include, at a minimum, one staff member of the conservation district and one local representative of the United States Department of Agriculture Natural Resources Conservation Service and may include up to three other local representatives who are knowledgeable of agricultural operations and conservation.

(g) Applications and certifications.--The following shall apply:

(1) In a county with a delegated conservation district, an eligible applicant may apply to the delegated conservation district for an eligible project under the program. In a county without a participating delegated conservation district, an eligible applicant may apply directly to the commission for an eligible project under the program. The conservation district and commission shall prescribe the respective form and manner of the application. The application, at a minimum, shall include:

(i) The location of the project.

(ii) The description of the project, including the planned BMPs.

(iii) If applicable, the amount and sources of funding available for the project.

(iv) The total cost of the project.

(v) Any other information as required by the conservation district or commission, as applicable.

(vi) Relevance of the project to the development, improvement or implementation of the applicant's manure or nutrient management plan, conservation plan or agricultural erosion and sediment control plan.

(2) The conservation district or commission, as applicable, shall review complete applications based upon the criteria established under subsection (h) on an ongoing basis and in the order received. Within 90 days of receipt of a complete application, unless extenuating circumstances prevent the conservation district or commission from doing so, the conservation district or commission, as applicable, shall notify the applicant of:

(i) Whether the project is approved for funding under the program.

(ii) The total amount of funds approved for the project.

(iii) The amount of each type of funding approved for the project.

(3) Upon completion of a project funded under this program, the eligible applicant who received the approval for the project shall notify the conservation district or commission, as applicable, of the completion of the project and shall submit all documents to certify the completion.

(4) Projects funded under this program may be subject to inspection by the commission, conservation district or their designated agent.

(5) The funds shall be distributed upon certification and verification that the funded project has been completed and design and construction standards have been met.

(h) Criteria for evaluation of applications.--In approving applications for eligible projects under the program, the applicable delegated conservation district or commission shall give priority to complete applications based upon the following criteria:

(1) The project meets the goals of any applicable watershed implementation plan or county action plan.

(2) If applicable to the agricultural operation, the applicant has a conservation plan or agricultural erosion and sediment control plan and a manure management plan or nutrient management plan. Development of such plans shall be

included in the application if not yet developed prior to the application.

(3) The project implements best management practices included in a conservation plan, agricultural erosion and sediment control plan, manure management plan or nutrient management plan. For purposes of this paragraph, the conservation district or commission shall give priority to projects that implement best management practices for control of nitrogen or phosphorus or sediment.

(4) An agricultural operation with an animal concentration area shall have implemented best management practices necessary to abate storm water runoff, loss of sediment, loss of nutrients and runoff of other pollutants from the animal concentration area, or the implementation of such best management practices shall be included in an application for funds.

(5) Proximity to surface waters, public drinking water sources or karst geology with underground drainage systems or open sinkholes.

(6) The project meets the design and construction standards established by the commission. If standards do not exist for a best management practice approved by the commission, the commission may establish or approve design, construction and certification standards for such a best management practice.

(7) Any other criteria considered by the conservation district, as applicable, and approved by the commission.

(i) Liability for failure of performance.--An eligible applicant receiving funds under an approved project who fails to adequately perform any term of the agreement executed for the project shall be liable for repayment of money provided to the eligible applicant related to adequate performance of the agreement term. The commission or its designated agent may take action to enforce the terms of the agreement with the eligible applicant under agreement with the commission or its designated agent in law or equity to compel adequate performance of a project agreement or recoup funds provided under an approved project for which the recipient is liable for repayment under this article. Any funds repaid to the commission as a result of failure of performance of a project agreement may be provided to the conservation district that was party to that project agreement for use in other project agreements.

(j) Reports.--The commission shall perform a periodic program assessment, develop an annual report and provide the report to:

(1) The chairperson and minority chairperson of the Agriculture and Rural Affairs Committee of the Senate.

(2) The chairperson and minority chairperson of the Agriculture and Rural Affairs Committee of the House of Representatives.

(3) The chairperson and minority chairperson of the Environmental Resources and Energy Committee of the Senate.

(4) The chairperson and minority chairperson of the Environmental Resources and Energy Committee of the House of Representatives.

ARTICLE XVI-S

CLEAN WATER PROCUREMENT PROGRAM

Section 1601-S. Scope of article.

This article relates to the Clean Water Procurement Program.

Section 1602-S. 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:

"Aggregator." A person or entity that facilitates or coordinates a best management practice implemented by other persons for nutrient or sediment reduction. The term includes an agricultural or conservation business, educational institution or nonprofit agricultural or conservation organization that:

(1) acts on behalf of farmers through a production contract or cooperative membership; or

(2) administers a publicly or privately supported program for implementation of a best management practice to reduce nutrient or sediment pollution on a farm.

"Authority." The Pennsylvania Infrastructure Investment Authority.

"Best management practice." A practice or combination of practices determined by the commission or by the United States Department of Agriculture Natural Resources Conservation Service to be effective and practical, considering technological, economic and institutional factors, to manage nutrient and sediment to protect surface water and groundwater.

"Chesapeake Bay TMDL." The most current Chesapeake Bay TMDL for nitrogen, phosphorus and sediment as established by the Environmental Protection Agency.

"Commission." The State Conservation Commission.

"Department." The Department of Environmental Protection of the Commonwealth.

"Locally impaired watershed." The land area not larger than a watershed corresponding to a 12-digit Hydrologic Unit Code as designated by the United States Geological Survey, that includes a body of water on the Commonwealth's list of impaired waters under section 303(d) of the Federal Water Pollution Control Act (62 Stat. 1155, 33 U.S.C. § 1251 et seq.).

"Nutrient." Nitrogen or phosphorus.

"Nutrient or sediment reduction." A reduction in a nitrogen, phosphorus or sediment pollution load discharged to surface water or groundwater that can be directly quantified or modeled using any model approved or accepted by the department or the Environmental Protection Agency for the purpose of determining the amount of nutrient or sediment pollution reduction, in pounds per year, achieved by implementing a best management practice.

"Program." The Clean Water Procurement Program established under section 1603-S.

"Qualified bidder." A person or aggregator with a verification plan approved by the department that meets the following criteria:

(1) The person or aggregator is not listed on the Debarment and Suspension List maintained by the Department of General Services.

(2) The person or aggregator is not in default of a loan or funding agreement administered by the authority or any other Commonwealth agency.

(3) The person or aggregator does not have a history of notice of violation of the act of June 22, 1937 (P.L.1987, No.394), known as The Clean Streams Law, or regulations of the department.

"Sediment." Soils or other erodible materials transported by storm water as a product of erosion.

"Small farm." An agricultural operation, except for a CAFO, as defined in 25 Pa. Code § 92a.2 (relating to definitions).

"TMDL." Total maximum daily load.

"Verification plan." A written plan that details the method that a qualified bidder will use to verify performance of a best management practice for nutrient or sediment reduction in accordance with a protocol approved or accepted by the department.

"Verified nutrient or sediment reduction." Nutrient or sediment reduction measured in pounds created by a best management practice pursuant to a verification plan and approved by the department.

Section 1603-S. Establishment.

The Clean Water Procurement Program is established and shall provide for the purchase of a verified nutrient or sediment reduction through a competitive bidding process consistent with 62 Pa.C.S. Pt. I (relating to Commonwealth Procurement Code).
Section 1604-S. Sources of funding.

Funding for the program may be provided through any of the following:

(1) Money appropriated for the purposes of the program.

(2) Amounts made available from the Cleans Streams Fund under section 1712-A.2(c)(2).

(3) Federal money appropriated to or authorized for the purposes of the program.

(4) Money received from another governmental agency through an interagency agreement or memorandum of understanding.

(5) A gift or other contribution from a public or private source.

(6) Return on money dedicated to the program, including, but not limited to, interest on loans, investment interest or refunds.

Section 1605-S. Administrative expenses.

No more than 4% of the money appropriated for the program may be used by the department to implement the program.

Section 1606-S. Duties of authority.

The authority shall have all of the following duties:

(1) Issue a request for proposals or initiate a competitive bidding process under 62 Pa.C.S. Pt. I (relating to Commonwealth Procurement Code) for the supply of a verified nutrient or sediment reduction toward the achievement of the Chesapeake Bay TMDL. The authority shall require that a response to the request for proposals or competitive bidding process shall include:

(i) The legal name, address and contact information, including, where available, a telephone number and email address of the person submitting the proposal.

(ii) A description of the project or practices to be used or implemented to achieve the proposed nutrient or sediment reduction, including an estimate of the amount of reduction in pounds per year for each year of the contract and the basis for estimates.

(iii) The location where the projects or practices will be used or implemented.

(iv) The expected life of each reduction that will be achieved as a result of the proposed projects or practices.

(v) A description of the ownership, or written agreement with the owner, of each parcel of land or facility that will be used in implementing the projects or practices.

(vi) A description of the measures to be used to quantify, by measurement or modeling, the amounts of the reductions of nutrients or sediment resulting from the proposed projects or practices, and a verification plan to verify the reductions, at such times or intervals as the authority or the department shall specify.

- (vii) A suggested payment schedule.
- (viii) A statement of the qualified bidder's qualification, experience and resources.
- (ix) A statement of the qualified bidder's proposed surety and other financial assurances.

(2) Evaluate, in consultation with the department and the commission, the responses to the request for proposals or competitive bidding process under paragraph (1).

(3) Execute a contract with a qualified bidder. A contract under this paragraph:

- (i) May not be for a term of more than 10 years.
- (ii) Shall require periodic submissions from a qualified bidder in accordance with a verification plan approved by the department.
- (iii) Shall require that payment be conditioned on the achievement of specific outcomes based on defined performance targets in accordance with a verification plan approved by the department.
- (iv) Shall specify measures that the authority will take in the event of a failure by the qualified bidder to meet or satisfy any performance obligation, or otherwise fail to comply with any term or condition of the contract, including the withholding of payments or portions of payments that would otherwise be made, the use of payment adjustments and time schedules, including the extension of any target date, if performance targets or schedules are not met, cancellation of the contract in the event of a substantial failure of performance that cannot be readily corrected or mitigated, and other measures as may be appropriate.

(4) After the department has verified a nutrient or sediment reduction, purchase a verified nutrient or sediment reduction in accordance with the terms of a contract under paragraph (3).

Section 1607-S. Publicly funded reductions.

A verified nutrient or sediment reduction funded entirely by public funding shall not be eligible to be purchased under the program. If a percentage of a verified nutrient or sediment reduction is funded by public funding, the percentage of the remaining verified nutrient or sediment reduction that is eligible to be purchased shall be commensurate with the percentage of the verified nutrient or sediment reduction that is not provided by public funding.

Section 1608-S. Criteria.

The criteria for the evaluation of responses to the request for proposals or competitive bidding process under section 1606-S(1) and the weighted percentage to be applied to each factor in

the evaluation of the responses shall be determined by the authority in consultation with the department and commission and be published as part of the request for proposals or competitive bidding process under section 1606-S(1). The criteria to be considered must include all of the following:

(1) A verified nutrient or sediment reduction in a locally impaired watershed.

(2) A verified nutrient or sediment reduction in a county designated by the department as a Tier 1 Chesapeake Bay county.

(3) The dollar cost per pound of nutrient or sediment removed.

(4) The extent to which the project includes small farms.

(5) The quantity of nutrient or sediment loads anticipated to be reduced.

(6) The extent to which the project would provide additional community and environmental benefits, including mitigation of flooding, human exposure to toxic substances and climate change.

(7) Any additional criteria determined relevant and necessary by the authority, department and commission.
Section 1609-S. Annual report.

The authority shall publish and make available to the public an annual report on the program detailing all of following for the prior year:

(1) The total cost of the program.

(2) The best management practices implemented which resulted in nutrient or sediment reductions.

(3) The verified nutrient or sediment reductions achieved toward the satisfaction of the Chesapeake Bay TMDL.

(4) The total cost for each verified nutrient or sediment reduction.

(5) The participation of small farms in the program.

Section 1610-S. Duties of department.

The department shall:

(1) Advise the authority as the authority establishes criteria under section 1608-S.

(2) Review and approve a verification plan submitted with a response to a request for proposals or competitive bidding process under section 1606-S(1) and advise the authority regarding the acceptability of a verification plan, including what changes, if any, must be made in order for it to be acceptable. To be approved, a verification plan must describe the procedures that can be easily used by the bidder, the department or a technically qualified inspection contractor engaged by the department, to inspect any projects

or practices utilized by a bidder and determine the amount of any reduction of nutrients or sediment being achieved under the terms of the contract.

(3) Evaluate the responses to the request for proposals or competitive bidding process based on the criteria under section 1608-S and advise the authority regarding the acceptability of the responses.

(4) In accordance with a contract under section 1606-S(3), ensure, through inspections, compliance audits or other means, that a qualified bidder is in compliance with an approved verification plan. The department may enter into an agreement with a third party to perform the duty under this paragraph.

Section 1611-S. Duties of commission.

The commission shall:

(1) Advise the authority as it establishes criteria under section 1608-S.

(2) Review a response to a request for proposals or competitive bidding process under section 1606-S(1) and advise the authority accordingly.

Section 1612-S. Regulations.

The department may promulgate regulations necessary to administer the provisions of this article. A lack of regulations promulgated under this section shall not preclude the department, the commission or the authority from administering and implementing the provisions of this article.

Section 1613-S. Expiration.

This article shall expire 10 years after the effective date of this section.

ARTICLE XVI-T HUMAN SERVICES

Section 1601-T. Eligibility for public assistance.

Notwithstanding any provision of law, beginning in State fiscal year 2022-2023, the monthly State supplemental assistance amounts for residents of a domiciliary care home, as defined in section 2202-A of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, or a personal care home as defined in section 1001 of the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code, shall be as follows:

	Individual	Couple
Domiciliary Care Home	\$634.30	\$1,347.40
Personal Care Home	\$639.30	\$1,357.40

Section 1602-T. Medical assistance payments for institutional care.

Notwithstanding section 443.1(7)(iv) of the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code:

(1) Payments to county and nonpublic nursing facilities enrolled in the medical assistance program as providers of nursing facility services shall be determined in accordance with the methodologies for establishing payment rates for county and nonpublic nursing facilities specified in the Department of Human Services's regulations and the Commonwealth's approved Title XIX State Plan for nursing facility services in effect after June 30, 2007. The following shall apply:

(i) Subject to Federal approval of such amendments as may be necessary to the Commonwealth's approved Title XIX State Plan, the Department of Human Services shall apply a revenue adjustment neutrality factor to county and nonpublic nursing facility payment rates so that the estimated Statewide day-weighted average payment rate in effect for that fiscal year is limited to the amount permitted by the funds appropriated by the General Appropriation Act for the fiscal year. The revenue adjustment neutrality factor shall remain in effect until the sooner of June 30, 2026, or the date on which a new rate-setting methodology for medical assistance nursing facility services which replaces the rate-setting methodology codified in 55 Pa. Code Chs. 1187 (relating to nursing facility services) and 1189 (relating to county nursing facility services) takes effect.

(ii) Subject to Federal approval as may be necessary, the following shall apply to nonpublic and county nursing facility payment rates, to the extent funds are appropriated for the purpose of rate increases for increased direct resident care requirements and resident care and related costs:

(A) Beginning January 1, 2023, the Department of Human Services shall make capitation payments to medical assistance Community HealthChoices managed care organizations that include amounts exclusively for the purpose of making payments to nonpublic nursing facilities and county nursing facilities as provided under clause (B) (I).

(B) The Department of Human Services shall adopt a minimum payment rate for payments for services rendered to medical assistance recipients under the Community HealthChoices program, effective with dates of service of January 1, 2023, through December 31, 2025, as follows:

(I) Community HealthChoices managed care organizations shall apply no less than the minimum payment rate to make payments to

nonpublic nursing facilities and county nursing facilities for services rendered to medical assistance recipients under the Community HealthChoices program.

(II) The minimum payment rate shall be greater than or equal to the following amounts:

(a) For nonpublic nursing facilities, the nursing facility case-mix rates calculated in accordance with 55 Pa. Code Ch. 1187 and the Commonwealth's approved Title XIX State Plan in effect for the dates of service.

(b) For county nursing facilities, the county nursing facility rates in accordance with 55 Pa. Code Ch. 1189 and the Commonwealth's approved Title XIX State Plan in effect for the dates of service.

(2) (Reserved).

Section 1603-T. Resident care and related costs.

(a) County and nonpublic nursing facility.--The following applies to a county and nonpublic nursing facility enrolled in the medical assistance program:

(1) The county or nonpublic nursing facility shall demonstrate on its submitted MA-11 that 70% of its total costs, as reported by the facility, are resident care costs or other resident-related costs under 55 Pa. Code § 1187.51(e)(1) and (2) (relating to scope).

(2) Except as provided under paragraph (3), the Department of Human Services shall use the following methodology to determine the facility's compliance with paragraph (1):

(i) Add the facility's unallocated Total Net Operating Costs reported as total expenses on the facility's Schedule C of the MA-11, plus the following capital costs reported by the facility on its Schedule C, to determine the facility's total costs:

- (A) Real estate taxes.
- (B) Nursing facility assessment/HAI assessment.
- (C) Depreciation.
- (D) Interest on capital indebtedness.
- (E) Rent on facility.
- (F) Amortization capital costs.

(ii) Add the facility's unallocated Total Resident Care Costs reported as total expenses on the facility's Schedule C and the unallocated Total Other Resident Related Costs reported as total expenses on the

facility's Schedule C to determine the facility's total resident cost of care.

(iii) Divide the facility's total resident cost of care under subparagraph (ii) by the facility's total costs under subparagraph (i) to determine the percentage of total costs related to resident care costs and other resident-related costs.

(3) When a county or nonpublic nursing facility is affiliated with a continuing care retirement community, the following shall apply:

(i) The facility shall submit a supplemental cost report form apportioning the capital costs related to the nursing facility, in a form and manner as prescribed by the Department of Human Services.

(ii) The Department of Human Services shall use the following methodology to determine the facility's compliance with paragraph (1):

(A) Add the facility's unallocated Total Net Operating Costs reported as total expenses on the facility's Schedule C of the MA-11, plus the following capital costs, reported by the facility on its supplemental cost report form under subparagraph (i), to determine the facility's total costs:

(I) Real estate taxes.

(II) Nursing facility assessment/HAI assessment.

(III) Depreciation.

(IV) Interest on capital indebtedness.

(V) Rent on facility.

(VI) Amortization capital costs.

(B) Add the facility's unallocated Total Resident Care Costs reported as total expenses on the facility's Schedule C and the unallocated Total Other Resident Related Costs reported as total expenses on the facility's Schedule C to determine the facility's total resident cost of care.

(C) Divide the facility's total resident cost of care under clause (B) by the facility's total costs under clause (A) to determine the percentage of total costs related to resident care and other resident-related costs.

(b) Penalty.--

(1) If in any 12-month cost-reporting period a county or nonpublic nursing facility enrolled in the medical assistance program fails to meet the resident care percentage under subsection (a)(1), the Department of Human Services may impose a penalty on the facility up to the difference between

the 70% of total costs requirement under paragraph (2) and the percentage spent by the facility on resident care costs or other resident-related costs, but no more than 5%.

(2) The formula for determining the maximum penalty amount is as follows:

(i) Determine the percentage difference from the 70% resident care requirement by subtracting the percentage of total costs related to resident care and other resident-related costs under subsection (a) (2) (iii) or (3) (ii) (C) from 70%.

(ii) Determine the penalty amount as follows:

(A) Use the lesser of the following:

(I) Five.

(II) The difference under subparagraph (i).

(B) Multiply the lowest numeral under clause (A) by one hundredth (.01).

(C) Multiply the product under clause (B) by the county or nonpublic nursing facility's fee-for-service per diem payment rate as of June 30, 2022.

(D) Multiply the product under clause (C) by the total MA resident days of care on the facility's MA-11.

(3) A penalty imposed under this section shall be transmitted by the facility to the Department of Human Services for deposit into the Nursing Facility Quality Improvement Fund.

(4) The Department of Human Services shall enforce the penalty provisions under this subsection against full 12-month cost reports with reporting periods that begin on or after January 1, 2023, after making the first payment of the increased county and nonpublic nursing facility rates, under both the fee-for-service program and the Community HealthChoices program, beginning January 1, 2023. If the first payment of the increased county and nonpublic nursing facility rates, including payments under both the fee-for-service program and the Community HealthChoices program, is after June 30, 2023, the enforcement of the penalty provisions of this subsection shall commence with the first full 12-month cost report after payment of the increased county and nonpublic nursing facility rates.

(5) Paragraph (4) shall expire December 31, 2025.

(c) Nursing Facility Quality Improvement Fund.--

(1) The Nursing Facility Quality Improvement Fund is established as a separate fund in the State Treasury and shall be administered by the Department of Human Services.

(2) All interest earned from the investment or deposit of money accumulated in the fund shall be deposited into the fund for the same use.

(3) Money in the fund shall be expended by the Department of Human Services for the following purposes:

(i) To administer and enforce this section.

(ii) To provide funding for nursing facility quality improvement.

(d) Guidelines.--The Department of Human Services may promulgate guidelines, as necessary, to implement this section. The guidelines shall be transmitted to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin. Prior to publication of the guidelines, the Department of Human Services shall consult interested parties. The guidelines under this section shall not be subject to:

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

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

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

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

"HAI." Hospital Acquired Infection.

"MA-11." The Medical Assistance Financial and Statistical Report for Nursing Facilities and Services submitted to the Department of Human Services by either a county nursing facility or a nonpublic nursing facility for a 12-month cost report period.

"Nonpublic nursing facility." A nursing facility other than a county nursing facility or a facility owned or operated by the Federal or State Government.

"Schedule C." The computation and allocation of allowable costs schedule.

"Total MA resident days of care." The Nursing Facility MA Fee-for-Service days of care and the Nursing Facility MA Community HealthChoices days of care, as reported on the MA-11. Section 1604-T. LIFE Program.

(a) Applicability.--This section shall apply notwithstanding section 602 of the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code.

(a.1) Information materials.--Informational materials and Department of Human Services correspondence used by the Department of Human Services and the Independent Enrollment

Broker to educate or notify an eligible individual about long-term care services and supports, including an individual's rights, responsibilities and choice of managed care organization to cover long-term care services and supports, shall include the following:

- (1) A description of the LIFE program.
- (2) A statement that an eligible individual has the option to enroll in the LIFE program or a managed care organization under the Community HealthChoices program.
- (3) Contact information for LIFE providers.

(b) Training.--The Department of Human Services shall continue to provide training to the Independent Enrollment Broker on the LIFE program through the Independent Enrollment Broker LIFE module to better educate the Independent Enrollment Broker and to require that the LIFE program is offered equally to eligible individuals.

(c) Report.--At the end of each quarter, the Department of Human Services shall issue a report to the chairperson and minority chairperson of the Health and Human Services Committee of the Senate and the chairperson and minority chairperson of the Human Services Committee of the House of Representatives that tracks by county the enrollment of eligible individuals in long-term care service programs by the Independent Enrollment Broker, including managed care organizations and LIFE programs. The report shall also include documentation of compliance with subsections (a) and (b).

Section 1605-T. Limits on reimbursements to counties.

Money appropriated for community-based family centers may not be considered as part of the base for calculation of a county's child welfare needs-based budget for a fiscal year.

Section 1606-T. Nursing facility assessment time periods.

Notwithstanding section 815-A of the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code, the assessment authorized in Article VIII-A of the Human Services Code shall be imposed July 1, 2003, through June 30, 2026.

Section 17. Section 1702-A(b)(1) of the act is amended by adding a subparagraph to read:

Section 1702-A. Funding.

* * *

(b) Transfer of portion of surplus.--

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

* * *

(xiii) If the Secretary of the Budget certifies that there is a surplus in the General Fund for the 2021-2022 fiscal year, the amount of \$2,100,000,000 shall be

deposited by the end of the next succeeding quarter into the Budget Stabilization Reserve Fund.

* * *

Section 18. Section 1711-A of the act is amended to read:
Section 1711-A. Transfer.

(a) Transfer.--Notwithstanding section 704 of the act of July 6, 1989 (P.L.169, No.32), known as the Storage Tank and Spill Prevention Act, the Secretary of the Budget shall, by October 15, 2002, transfer the sum of \$100,000,000 from the Underground Storage Tank Indemnification Fund to the General Fund.

(b) Repayment.--The sum transferred under this section shall be repaid to the Underground Storage Tank Indemnification Fund after June 30, 2004, and before July 1, 2029, plus interest.

(c) Annual payment amount.--An annual payment amount shall be included in the budget submission required pursuant to section 613 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

(d) Notice and expiration.--Upon determination by the Secretary of the Budget that the money transferred from the Underground Storage Tank Indemnification Fund under subsection (a) has been repaid to the Underground Storage Tank Indemnification Fund, the Secretary of the Budget shall transmit a notice to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin. This subarticle shall expire upon publication of the notice under this subsection.

Section 19. Section 1772.1-A(a) of the act is amended and the section is amended by adding a subsection to read:
Section 1772.1-A. H2O PA Account.

(a) Establishment.--There is established in the Gaming Economic Development and Tourism Fund a restricted account to be known as the H2O PA Account, which shall contain the following:

(1) Moneys available from transfers under section 1772-A and Chapter 5 of the act of July 9, 2008 (P.L.908, No.63), known as the H2O PA Act.

(2) Moneys available from transfers under 58 Pa.C.S. § 2315(a.1)(4) (relating to Statewide initiatives).

(2.1) Of the money appropriated for COVID Relief - ARPA - Transfer to Commonwealth Financing Authority - Water and Sewer Projects, \$214,400,000 shall be deposited in the account.

(3) Other appropriations or transfers made to the account.

* * *

(d) Application of Federal law.--Notwithstanding any provision of this subarticle or the H2O PA Act to the contrary, grants awarded from money deposited in the account under

subsection (a) (2.1) shall be made in accordance with applicable Federal law.

Section 20. Section 1774.1-A of the act is amended by adding a subsection to read:

Section 1774.1-A. Other grants.

* * *

(a.4) Additional water and sewer projects.--Of the money appropriated for COVID Relief - ARPA - Transfer to Commonwealth Financing Authority - Water and Sewer Projects, \$105,600,000 shall be transferred to the authority for distribution or reimbursement for water and sewer projects with a cost of not less than \$30,000 and not more than \$500,000. In determining the grant amount for the purpose of this subsection, the authority shall not include the matching funds requirement in the calculation of the cost of the project. Notwithstanding any provisions of this subarticle to the contrary, grants awarded under this section shall be made in accordance with applicable Federal law.

* * *

Section 21. Sections 1712-A.1(a)(2)(ii) and 1713-A.1(b)(1.8) of the act, amended or added June 30, 2021 (P.L.62, No.24), are amended to read:

Section 1712-A.1. Establishment of special fund and account.

(a) Tobacco Settlement Fund.--

* * *

(2) The following shall be deposited into the Tobacco Settlement Fund:

* * *

(ii) For fiscal years 2019-2020, 2020-2021 [and], 2021-2022 **and 2022-2023**, an amount equal to the annual debt service due in the fiscal year as certified by the Secretary of the Budget pursuant to section 2804 of the Tax Reform Code of 1971, as published in the Pennsylvania Bulletin on March 3, 2018, at 48 Pa.B. 1406, shall be transferred to the fund from the taxes collected under Article XII of the Tax Reform Code of 1971 by April 30 following the beginning of the fiscal year. A deposit under this paragraph shall occur prior to the deposits and transfers under section 1296 of the Tax Reform Code of 1971.

* * *

Section 1713-A.1. Use of fund.

* * *

(b) Appropriations.--The following shall apply:

* * *

(1.8) For fiscal [year] **years 2021-2022 and 2022-2023**, the General Assembly shall appropriate money in the fund in

accordance with the following percentages based on the sum of the portion of the annual payment deposited and the amount deposited under section 1712-A.1(a)(2)(ii) in the fiscal year:

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

(ii) Twelve and six-tenths percent to be allocated as follows:

(A) Seventy percent to fund research under section 908 of the Tobacco Settlement Act.

(B) Thirty percent as follows:

(I) One million dollars for spinal cord injury research programs under section 909.1 of the Tobacco Settlement Act.

(II) From the amount remaining after the amount under subclause (I) has been determined:

(a) Seventy-five percent for pediatric cancer research institutions within this Commonwealth that are equipped and actively conducting pediatric cancer research designated by the Secretary of Health to be eligible to receive contributions. No more than \$2,500,000 in a fiscal year shall be made available to any one pediatric cancer research institution.

(b) Twenty-five percent for capital and equipment grants to be allocated by the Department of Health to entities engaging in biotechnology research, including entities engaging in regenerative medicine research, regenerative medicine medical technology research, hepatitis and viral research, drug research and clinical trials related to cancer, research relating to pulmonary embolism and deep vein thrombosis, genetic and molecular research for disease identification and eradication, vaccine immune response diagnostics, nanotechnology research and the commercialization of applied research.

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

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

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

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

* * *

Section 22. Section 1723-A.1(a)(2)(i.8) and (3)(v) and (b) of the act, amended June 30, 2021 (P.L.62, No.24), are amended and subsection (a)(3) is amended by adding a subparagraph to read:

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

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

* * *

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

* * *

(i.8) **The following apply:**

(A) For fiscal year 2021-2022, the sum of \$19,659,000 in the fund shall be transferred to the account in 22 equal weekly amounts beginning on [the effective date of this subparagraph.] July 1, 2021.

(B) For fiscal year 2022-2023, the sum of \$14,659,000 in the fund shall be transferred to the account in 22 equal weekly amounts beginning on the effective date of this clause.

* * *

(3) The following shall apply:

* * *

(v) For fiscal year 2020-2021, the department shall transfer \$10,066,000 from the fund to the State Racing Fund pursuant to 3 Pa.C.S. § 9374(a). [3 Pa.C.S. § 9374(a) shall expire June 30, 2022.]

* * *

(vii) For fiscal year 2022-2023, the department shall transfer \$10,066,000 from the fund to the State Racing Fund under subsection (b).

(b) [(Reserved).] **Annual transfers to State Racing Fund.-- The General Assembly shall authorize the transfer of funds from the fund to the State Racing Fund to provide for each cost associated with the collection and research of and testing for medication, which shall include the cost of necessary personnel, equipment, supplies and facilities, except holding**

barns or stables, to be located at horse race facilities, grounds or enclosures or at other locations designated by the commission. All such costs shall be reviewed and approved by the commission. The transfer shall be made in 52 equal weekly installments during the fiscal year before any other distribution from the fund. This subsection shall expire on June 30, 2025.

Section 23. Section 1738-A.1 of the act, added February 5, 2021 (P.L.1, No.1), is amended to read:

Section 1738-A.1. Workers' Compensation Security Fund transfer to COVID-19 Response Restricted Account.

(a) Repayment.--Any amount transferred from the Workers' Compensation Security Fund under section 1726-M(e) which is not deposited under section 134-C(c) shall be repaid to the Workers' Compensation Security Fund by July 1, 2029. If the Commonwealth receives a payment of at least \$145,000,000 from the Federal Government for the mitigation of general revenue losses incurred as a result of the public health emergency with respect to the Coronavirus Disease 2019, \$145,000,000 of the payment shall be used to repay the Workers' Compensation Security Fund within 180 days of receipt from the Federal Government.

(b) Notice and expiration.--Upon determination by the Secretary of the Budget that the money transferred from the Workers' Compensation Security Fund under subsection (a) has been repaid to the Workers' Compensation Security Fund, the Secretary of the Budget shall transmit a notice to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin. This section shall expire upon publication of the notice under this subsection.

Section 24. Section 1792-A.1 of the act, added June 30, 2021 (P.L.62, No.24), is amended to read:

Section 1792-A.1. Opioid Settlement Restricted Account.

(a) Establishment.--The Opioid Settlement Restricted Account is established within the General Fund as a restricted account.

(b) Deposits.--Money received by a State agency as a result of a settlement, litigation [or an], enforcement action [related to] or a court-ordered distribution pursuant to a Bankruptcy Code (11 U.S.C. § 101 et seq.) approved plan, arising from claims made by the Commonwealth [relating to] related to the marketing, manufacturing, sale, promotion, distribution, prescribing or dispensing of opioids shall be deemed funds of the Commonwealth and shall, upon receipt, be deposited into the account. Interest earned on money in the account shall be deposited into the account.

(b.1) Exclusion.--Money received by county, municipal or local governments and agencies, including district attorneys, arising from claims concerning the marketing,

manufacturing, sale, promotion, distribution, prescribing or dispensing of opioids shall not be deemed funds of the Commonwealth and shall not be deposited into the account.

(c) Use.--Money in the account may only be used upon appropriation by the General Assembly.

Section 25. The act is amended by adding an article to read:

ARTICLE XVII-A.2

ADDITIONAL SPECIAL FUNDS AND RESTRICTED ACCOUNTS

SUBARTICLE A

FEDERAL INFRASTRUCTURE PROJECT ACCOUNT

Section 1701-A.2. 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:

"Account." The Federal Infrastructure Project Account continued under section 1702-A.2(a).

Section 1702-A.2. Federal Infrastructure Project Account.

(a) Continuation.--The account established under section 6105.1 of the act of June 30, 2021 (P.L.499, No.1A), known as the General Appropriation Act of 2021, is continued as a restricted account within the General Fund.

(b) Deposits.--Money appropriated to or transferred to the account shall be deposited into the account.

(c) Use.--Money in the account may only be used upon appropriation by the General Assembly.

SUBARTICLE B

CLEAN STREAMS FUND

Section 1711-A.2. 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:

"Fund." The Clean Streams Fund established under section 1712-A.2(a).

Section 1712-A.2. Clean Streams Fund.

(a) Establishment.--The Clean Streams Fund is established in the State Treasury.

(b) Deposits.--The following shall be deposited into the fund:

(1) Money appropriated to the fund for COVID Relief - ARPA - Transfer to the Clean Streams Fund.

(2) Money appropriated for purposes of the fund.

(3) Federal money appropriated or authorized for purposes of the fund.

(4) Money received from a governmental agency through an interagency agreement or memorandum of understanding.

(5) A gift or other contribution from a public or private source.

(6) Return on money dedicated for the fund, including, but not limited to, interest on loans, investment interest or refunds.

(c) Distribution.--Money deposited into the fund under subsection (b) shall be distributed as follows:

(1) Seventy percent to the State Conservation Commission established under the act of May 15, 1945 (P.L.547, No.217), known as the Conservation District Law, to implement the Agriculture Conservation Assistance Program under Article XVI-R.

(2) Ten percent to the Pennsylvania Infrastructure Investment Authority to implement the Pennsylvania Clean Water Procurement Program under Article XVI-S.

(3) Ten percent to the Nutrient Management Fund established under 3 Pa.C.S. § 512 (relating to Nutrient Management Fund).

(4) Four percent to the Department of Environmental Protection for grants and reimbursements to municipalities and counties under section 17 of the act of October 4, 1978 (P.L.864, No.167), known as the Storm Water Management Act.

(5) Four percent to the Department of Conservation and Natural Resources for the Keystone Tree Restricted Account established under 27 Pa.C.S. § 6602 (relating to establishment).

(6) Two percent to the Acid Mine Drainage Abatement and Treatment Fund.

SUBARTICLE C

SPORTS TOURISM AND MARKETING ACCOUNT

Section 1721-A.2. 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:

"Department." The Department of Community and Economic Development of this Commonwealth.

"Eligible applicant." A municipality, a local authority, a nonprofit organization or a legal entity that is participating or plans to participate in a competitive selection process conducted by a site selection organization not located in this Commonwealth for the purpose of securing a single year or multiyear commitment from the site selection organization to conduct the sporting event at one or more locations in this Commonwealth.

"Financial assistance." A grant, loan or loan guarantee awarded by the department.

"High quality, amateur and professional sporting or esports event." The term includes, but is not limited to, any of the

following and any activity related to or associated with the following:

- (1) The Amateur Athletic Union Junior Olympic Games.
- (2) The Breeders' Cup World Championships.
- (3) A game of the National Collegiate Athletic Association College Football Playoff or its successor.
- (4) A National Collegiate Athletic Association college football bowl game.
- (5) A Formula One automobile race.
- (6) The Major League Baseball All-Star Game.
- (7) The Major League Soccer All-Star Game or the Major League Soccer Cup.
- (8) A mixed martial arts championship.
- (9) The Moto Grand Prix of the United States.
- (10) A National Association for Stock Car Auto Racing All-Star Race or season-ending Championship Race.
- (11) The National Basketball Association All-Star Game.
- (12) A National Collegiate Athletic Association Final Four tournament game, including men's and women's basketball and ice hockey.
- (13) A National Collegiate Athletic Association men's or women's individual or team championship game or tournament.
- (14) A national collegiate championship of an amateur sport sanctioned by the national governing body of the sport that is recognized by the United States Olympic Committee.
- (15) A Triple Crown Horse Race or a Triple Crown Harness Race.
- (16) The National Hockey League All-Star Game.
- (17) An Olympic activity, including a Junior or Senior activity, training program or feeder program sanctioned by the United States Olympic Committee's Community Olympic Development Program.
- (18) A Super Bowl.
- (19) A United States Golf Association professional or amateur championship.
- (20) The Ryder Cup, Walker Cup or Solheim Cup.
- (21) The Professional Golfers' Association Championship.
- (22) A World Cup soccer game or the World Cup soccer tournament.
- (23) The World Games.
- (24) The X Games.
- (25) The Invictus Games.

"Site selection organization." The term includes:

- (1) The Amateur Athletic Union.
- (2) The College Football Playoff Administration or its successor.

(3) The Entertainment and Sports Programming Network or an affiliate.

(4) The Federation Internationale de Football Association.

(5) The International World Games Association.

(6) Major League Baseball.

(7) Major League Soccer.

(8) The National Association for Stock Car Auto Racing.

(9) The National Basketball Association.

(10) The National Collegiate Athletic Association.

(11) The National Cutting Horse Association.

(12) The National Football League.

(13) The National Hockey League.

(14) The Ultimate Fighting Championship.

(15) The United States Golf Association.

(16) The Professional Golfers' Association of America.

(17) The United States Olympic Committee.

(18) The national governing body of a sport that is recognized by:

(i) The Federation Internationale de l'Automobile.

(ii) Formula One Management Limited.

(iii) The National Thoroughbred Racing Association.

(iv) The United States Olympic Committee.

Section 1722-A.2. Sports Tourism and Marketing Account.

(a) Establishment.--The Sports Tourism and Marketing Account is established in the Pennsylvania Gaming Economic Development and Tourism Fund as a restricted account. The purpose of the Sports Tourism and Marketing Account shall be to attract high-quality, amateur and professional sporting and esports events to this Commonwealth for the purposes of advancing and promoting year-round tourism, economic impact and quality of life through sport.

(b) Administration and distribution.--The Sports Tourism and Marketing Account shall be administered by the department.

(c) Duties of department.--The department shall:

(1) Issue program guidelines to implement this section.

(2) Establish procedures for eligible applicants to apply for financial assistance from the Sports Tourism and Marketing Account.

(3) Determine the form and manner by which an applicant can apply for financial assistance with the department.

(4) Award financial assistance to eligible applicants in accordance with this section. The department shall make payments to recipients in accordance with an agreement executed between the recipient and the department.

(d) Use of funds.--The department may award financial assistance in the form of a single year or multiyear award for any of the following:

(1) The costs relating to the preparations necessary for conducting the event.

(2) The costs of conducting the event at the venue, including costs of an improvement or renovation to an existing facility at the venue. The financial assistance under this section shall be limited to 20% of the total cost of an improvement or renovation to an existing facility, except if the facility is publicly owned.

(3) Promotion, marketing and programming costs associated with the event.

(4) Paid advertising and media buys within this Commonwealth related to the event.

(5) Production and technical expenses related to the event.

(6) Site fees and costs, such as labor, rentals, insurance, security and maintenance.

(7) Machinery and equipment purchases associated with the conduct of the event.

(8) Public infrastructure upgrades or public safety improvements that will directly or indirectly benefit the conduct of the event.

(9) Costs related to land acquisition directly related to the conduct of the event. The financial assistance under this section shall be limited to 20% of the total acquisition cost, except if the venue at which the event will be conducted is publicly owned.

(10) On-site hospitality during the conduct of the event.

(e) Prohibitions.--

(1) Except as provided under paragraph (2), financial assistance awarded under this section may not be used for any of the following:

(i) To solicit the relocation of a professional sports franchise located in this Commonwealth.

(ii) To construct an arena, stadium, playing field, racetrack, golf course or any other venue or surface upon which the sporting event will take place.

(iii) To conduct usual and customary maintenance of the facility or venue where the sporting event will take place.

(2) Paragraph (1) shall not prohibit a disbursement from the Sports Tourism and Marketing Account for the construction of temporary structures within an arena, stadium or indoor or outdoor venue where the sporting event will be conducted that

are necessary for the conduct of an event or temporary maintenance of a facility that is necessary for the preparation for or conduct of an event.

Section 1722-A.2. Sports Tourism and Marketing Account.

Notwithstanding 4 Pa.C.S. § 13C62(b)(3) (relating to sports wagering tax), for fiscal year 2022-2023, an amount equal to 5% of the tax revenue generated by the tax imposed under 4 Pa.C.S. § 13C62 or \$2,500,000, whichever is greater, shall be transferred to the Sports Tourism and Marketing Account for use by the department in accordance with this subarticle. The amount transferred under this section may not exceed \$5,000,000.

Section 1724-A.2. Study of economic impact.

No later than nine months after the completion of an event conducted in this Commonwealth that received funds under this subarticle, the Independent Fiscal Office shall complete a report analyzing the direct and indirect economic impact the event had on the Commonwealth, the county and geographic region in which the event was conducted. The report shall be provided to the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives and shall be posted on the Independent Fiscal Office's publicly accessible Internet website.

SUBARTICLE D

ELECTION INTEGRITY RESTRICTED ACCOUNT

Section 1731-A.2. (Reserved).

Section 1732-A.2. Election Integrity Restricted Account.

(a) Establishment.--The Election Integrity Restricted Account is established in the General Fund as a restricted account.

(b) Annual transfer.--No later than August 1, 2022, and each August 1 thereafter, the sum of \$45,000,000 shall be transferred from funds received under the authority of Article III of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, to the Election Integrity Restricted Account.

(c) Limitation on use.--Money in the Election Integrity Restricted Account may only be expended upon enactment of a statute to provide for the use of the money in the account and upon appropriation by the General Assembly.

Section 26. Sections 1712-B(2)(v) and 1729-B(8) and (9) of the act, repealed and added June 30, 2021 (P.L.62, No.24), are amended to read:

Section 1712-B. Executive offices.

The following apply to appropriations for the Pennsylvania Commission on Crime and Delinquency:

* * *

(2) The following apply:

* * *

[(v) From the amount appropriated, \$250,000 shall be available to the Judicial Computer System Financial Audit Committee to carry out its duties pursuant to legislation enacted by the Commonwealth after the effective date of this subparagraph.]

* * *

Section 1729-B. Department of Human Services.

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

* * *

(8) From the appropriation for 2-1-1 Communications, \$750,000 shall be allocated for a Statewide 2-1-1 System Grant Program, **and \$4,000,000 shall be used for nonrecurring infrastructure enhancements to the Statewide 2-1-1 System.**

(9) The appropriation for services for the visually impaired includes the following:

(i) an allocation of [\$2,584,000] **\$3,084,000** for Statewide professional services provider association for the blind to provide training and supportive services for individuals who are blind and preschool vision screenings and eye safety education; and

(ii) an allocation of [\$518,000] **\$618,000** to provide specialized services and prevention of blindness services in cities of the first class.

* * *

Section 27. Section 1712-E of the act is amended by adding a subsection to read:

Section 1712-E. Executive Offices.

* * *

(d) Non-State financial participation.--For the purpose of determining non-State financial participation for a redevelopment assistance capital project as defined under section 302 of the act of February 9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt Enabling Act, money distributed to counties under 58 Pa.C.S. § 2314(d) (relating to distribution of fee) may not be considered State funds if the redevelopment assistance capital project serves a purpose which is an eligible use under 58 Pa.C.S. § 2314(g).

Section 28. Section 1721-E of the act is amended to read:
Section 1721-E. Department of Corrections.

(a) Appropriations.--The following shall apply to appropriations for the Department of Corrections:

(1) When making expenditures from appropriations for the operation of State correctional institutions, the Department of Corrections shall give consideration to minimum relief factor values calculated when determining staffing levels for

corrections officers and food service instructors at each State correctional institution.

(2) [(Reserved).] **The annual general government operations funding for the Pennsylvania Parole Board shall be appropriated to the Department of Corrections via a separate line item appropriation.**

(3) **The annual general government operations funding for the Board of Pardons shall be appropriated to the Department of Corrections via a separate line item appropriation.**

(b) (Reserved).

Section 29. Sections 1722-E and 1725-E of the act are amended by adding subsections to read:

Section 1722-E. Department of Education.

* * *

(f) Payments from basic education funding or school employees' Social Security appropriations prohibited.-- Notwithstanding section 1724-A of the Public School Code of 1949 or 24 Pa.C.S. § 8329 (relating to payments on account of social security deductions from appropriations), no payments shall be made to charter schools, regional charter schools or cyber charter schools authorized under Article XVII-A of the Public School Code of 1949 to provide for Social Security and Medicare contributions from money appropriated for basic education funding or school employees' Social Security.

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

Section 1725-E. Department of Health.

* * *

(d) Repayment by Rural Health Redesign Center Authority.--No later than 15 days after the effective date of this subsection, the Secretary of Health and the Chair of the Rural Health Redesign Center Authority shall enter into an agreement to amend the Intergovernmental Agreement dated June 1, 2020, in accordance with the following:

(1) The Rural Health Redesign Center Authority shall repay the entire balance owed to the Department of Health no later than June 30, 2024.

(2) The Rural Health Redesign Center Authority shall not be required to make partial repayments prior to June 30, 2024.

Section 30. Sections 1727-E(c) and 1728-E of the act are amended to read:

Section 1727-E. Department of Labor and Industry.

* * *

(c) Reemployment Fund.--Five percent of the contributions on wages paid under section 301.4 of the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, from July 1, 2018, through September 30, [2022] **2024**, shall be deposited into the Reemployment Fund to the extent the contributions are paid on or before December 31, [2022] **2024**. The department may deposit contributions in accordance with section 301.4(e)(2) of the Unemployment Compensation Law before depositing contributions in accordance with this subsection and section 301.4(e)(3) of the Unemployment Compensation Law.

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

(a) Distributed generation systems.--The definition of "customer-generator" in section 2 of the act of November 30, 2004 (P.L.1672, No.213), known as the Alternative Energy Portfolio Standards Act, shall include net-metered distributed generation systems owned, operated or supporting the Department of Military and Veterans Affairs on property owned or leased and operated by the department with a nameplate capacity not to exceed the department's annual electric needs to support the department's facilities on its property.

(b) Contracts for burial details for veterans.--The Department of Military and Veterans Affairs may enter into contracts with a Statewide nonprofit fraternal society that represents various veterans' groups or may request the services of members of the Pennsylvania National Guard for the purpose of providing the burial details authorized by 51 Pa.C.S. § 705 (relating to burial details for veterans). If a contract under this subsection is executed, the department shall pay an amount not exceeding \$250 for each day that the burial detail is provided, and no other expenses shall be paid by the department under the contract. Other terms of the contract shall be in accordance with 51 Pa.C.S. § 705.

(c) Pay of Pennsylvania National Guard and Pennsylvania Guard.--Notwithstanding any provision of the current Armed Forces Pay and Allowance Act under 37 U.S.C. (relating to pay and allowances of the uniformed services) or a successor statute or 51 Pa.C.S. § 3101 (relating to pay of officers and enlisted personnel on special duty) or 3102 (relating to pay of officers and enlisted personnel in active State service), the base pay of

members of the Pennsylvania National Guard or Pennsylvania Guard ordered to duty under 51 Pa.C.S. § 3101 or 3102 shall not be less than \$180 per day.

Section 31. Section 1729-E introductory paragraph of the act is amended and the section is amended by adding a subsection to read:

Section 1729-E. Department of Human Services.

(a) Appropriations.--The following shall apply to appropriations for the Department of Human Services:

* * *

(b) Home and Community-Based Services for Individuals with Intellectual Disabilities Augmentation Account.--

(1) A restricted account is established in the General Fund to be known as the Home and Community-Based Services for Individuals with Intellectual Disabilities Augmentation Account.

(2) Money in the account shall not lapse.

(3) The following shall be deposited in the account:

(i) The net proceeds of the sale of real property which served as a state center for individuals with intellectual disabilities.

(ii) An annual transfer from the General Fund to the account in accordance with the following:

(A) If the amount of the appropriation for state centers for individuals with intellectual disabilities in a fiscal year is less than the amount of the appropriation for the prior fiscal year, the Secretary of the Budget shall certify the difference as the amount to be transferred.

(B) The transfer under this subparagraph shall be made no later than last day of the first quarter of a fiscal year.

(iii) Any amounts appropriated or transferred to the account.

(4) Money in the account is hereby appropriated to the Department of Human Services to provide home and community-based supports, including quality direct support professional capacity, to provide housing supports for individuals with intellectual disabilities and to provide home and community-based supports for people on the emergency waiting list as determined by the department after receiving input from the Office of Developmental Programs and the Information Sharing and Advisory Committee.

Section 32. Section 1730-E(c)(2) and (3) of the act are amended and the subsection is amended by adding a paragraph to read:

Section 1730-E. Department of Revenue.

* * *

(c) Military installation remediation program.--
Notwithstanding Chapter 3-A of the act of December 8, 2004
(P.L.1801, No.238), known as the Transit Revitalization
Investment District Act, and any law providing for the
confidentiality of tax records, the following shall apply:

* * *

(2) The qualified authority shall have access to State
or local tax information filed on or after November 27, 2019,
by a qualified business for a designated parcel under section
301-A(a)(4) of the Transit Revitalization Investment District
Act solely for the purpose of documenting the certification
required under Chapter 3-A of the Transit Revitalization
Investment District Act[.] **or determining the amount
allocated to any uses specified under section 303-A(a) of the
Transit Revitalization Investment District Act.** Any other use
of the tax information described in this subsection shall be
prohibited as provided under law.

(2.1) The following apply to a qualified authority:

**(i) The terms of members of the governing body of a
qualified authority serving as of December 31, 2022,
shall terminate on December 31, 2022.**

**(ii) Notwithstanding 53 Pa.C.S. § 5610(a) (relating
to governing body), beginning on January 1, 2023, the
governing body of a qualified authority shall be composed
of the following members, who shall be appointed by the
qualified municipality:**

**(A) Five permanent residents of the qualified
municipality.**

**(B) Two permanent residents of a municipality
that has within its geographic bounds a former
military installation where activities caused per-
and polyfluoroalkyl public drinking water
contamination and which municipality is immediately
adjacent to a qualified municipality.**

**(iii) The terms of members of the board of the
qualified authority who are appointed under subparagraph
(ii) after December 31, 2022, shall be staggered as
provided under 53 Pa.C.S. § 5610.**

(3) As used in this [section] **subsection**, the following
words and phrases shall have the meanings given to them in
this paragraph unless the context clearly indicates
otherwise:

"Military installation remediation project." As defined
in section 103 of the Transit Revitalization Investment
District Act.

"Qualified authority." As defined in section 103 of the Transit Revitalization Investment District Act.

"Qualified municipality." As defined in section 103 of the Transit Revitalization Investment District Act.

"Qualified tax." As defined in section 103 of the Transit Revitalization Investment District Act.

"Qualified taxpayer." As defined in section 103 of the Transit Revitalization Investment District Act.

Section 33. Sections 1740-E, 1742-E, 1743-E, 1744-E and 1745-E of the act are amended to read:

Section 1740-E. Pennsylvania Infrastructure Investment Authority [(Reserved)].

(a) Use of certain Federal funds.--

(1) Federal funds received by the Commonwealth pursuant to the Infrastructure Investment and Jobs Act (Public Law 117-58, 135 Stat. 429) or the Water Infrastructure Improvements for the Nation Act (Public Law 114-322, 130 Stat. 1628) and which are appropriated to the Pennsylvania Infrastructure Investment Authority for water projects under paragraph (2) shall be administered by the Pennsylvania Infrastructure Investment Authority in accordance with the Infrastructure Investment and Jobs Act and the Water Infrastructure Improvements for the Nation Act.

(2) Paragraph (1) shall apply to Federal funds appropriated to the Pennsylvania Infrastructure Investment Authority for the following purposes:

(i) From amounts appropriated from the Clean Water State Revolving Fund for programs to address emerging contaminants.

(ii) From amounts appropriated from the Drinking Water State Revolving Fund for programs to address lead service line replacement and emerging contaminants.

(iii) From amounts appropriated for Water Infrastructure Improvements for the Nation Act for programs to address small and underserved communities and emerging contaminants.

(iv) Other Federal amounts that are made available under the Infrastructure Investment and Jobs Act or the Water Infrastructure Improvements for the Nation Act which are eligible to be awarded as a grant or principal forgiveness.

(3) Awards of Federal funds by the Pennsylvania Infrastructure Investment Authority under paragraph (1) shall not be subject to the provisions of section 10(e) and (i) and any other conflicting provision of the act of March 1, 1988 (P.L.82, No.16), known as the Pennsylvania Infrastructure Investment Authority Act.

(4) The Pennsylvania Infrastructure Investment Authority shall issue guidance on the implementation of paragraphs (1) and (3).

(b) (Reserved).

Section 1742-E. [Pennsylvania Board of Probation and Parole] (Reserved).

Section 1743-E. [Pennsylvania Public Television Network Commission] (Reserved).

Section 1744-E. [Pennsylvania Securities Commission] (Reserved).

Section 1745-E. [State Tax Equalization Board] (Reserved).

Section 34. The act is amended by adding a section to read:

Section 1754-E. State-related universities.

(a) Appropriations.--The following shall apply to appropriations to State-related universities:

(1) Money appropriated to State-related universities shall only be used for costs directly related to the provision of instruction for graduate and undergraduate students and costs incurred in providing student-related services and community outreach services, consistent with the existing laws of this Commonwealth.

(2) (Reserved).

(b) (Reserved).

Section 35. Section 1795.1-E(c)(3)(i) of the act is amended, subsection (b) is amended by adding a paragraph, subsection (c)(1) is amended by adding a subparagraph and the section is amended by adding a subsection to read:

Section 1795.1-E. Surcharges.

* * *

(b) Imposition.--

* * *

(3) An additional surcharge of \$10 shall be charged and collected by a division of the unified judicial system. This paragraph shall expire July 31, 2023. The additional surcharge under this paragraph shall be deposited into the Judicial Department Operations Augmentation Account under subsection (d).

(c) Other surcharge and fees.--

(1) In addition to the fees imposed under 42 Pa.C.S. §§ 3733(a.1) and 3733.1 (relating to surcharge), except as set forth in paragraph (2), the following apply:

* * *

(iv) A surcharge of \$11.25 shall be charged and collected by a division of the unified judicial system. This subparagraph shall expire July 31, 2023. The surcharge under this subparagraph shall be deposited into

the Judicial Department Operations Augmentation Account under subsection (d).

* * *

(3) The following apply:

[(i) The separate reserve account within the Judicial Computer System Augmentation Account established under 42 Pa.C.S. § 3733.1(c)(1) is continued, and the surcharge under paragraph (1)(i) shall be deposited into the separate reserve account. Notwithstanding 42 Pa.C.S. § 3732 (relating to utilization of funds in account), money deposited under this paragraph is appropriated to the Supreme Court, upon compliance with Article XV, for the operation of the Judicial Department.]

* * *

(d) Judicial Department Operations Augmentation Account.--
The separate reserve account within the Judicial Computer System Augmentation Account established under the former 42 Pa.C.S. § 3733.1(c)(1) is reestablished as a restricted revenue account in the General Fund to be known as the Judicial Department Operations Augmentation Account. Notwithstanding 42 Pa.C.S. § 3732 (relating to utilization of funds in account), money deposited in the restricted revenue account is appropriated to the Supreme Court, upon compliance with Article XV, for the operation of the Judicial Department.

Section 36. Section 1798.3-E(d) of the act, amended June 30, 2021 (P.L.62, No.24), is amended to read:

Section 1798.3-E. Multimodal Transportation Fund.

* * *

(d) Expiration.--This section shall expire December 31, [2022] **2023.**

Section 37. The act is amended by adding articles to read:

ARTICLE XVII-F.1
2022-2023 BUDGET IMPLEMENTATION
SUBARTICLE A
PRELIMINARY PROVISIONS

Section 1701-F.1. Applicability.

Except as specifically provided in this article, this article applies to the General Appropriation Act of 2022 and all other appropriation acts of 2022.

Section 1702-F.1. 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 of 2022." The act of July 8, 2022 (P.L. , No.1A), known as the General Appropriation Act of 2022.

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

"Most recent Federal decennial census." The population figures for the most recent Federal decennial census as published by the Department of General Services in the most recent Pennsylvania Manual as of the effective date of this section.

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

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

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

Section 1703-F.1. (Reserved).

Section 1704-F.1. (Reserved).

SUBARTICLE B

EXECUTIVE DEPARTMENTS

Section 1711-F.1. Governor (Reserved).

Section 1712-F.1. Executive offices.

The following apply to appropriations for the executive offices:

(1) The following apply to money appropriated for the Pennsylvania Commission on Crime and Delinquency:

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

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

(iii) From the amount appropriated, \$400,000 shall be used for an innovative police data sharing pointer index system that will allow participating law enforcement agencies access to incident report data.

(iv) From the amount appropriated, \$600,000 shall be used for a diversion program for first-time nonviolent offenders facing prison sentences. The diversion program must include education and employment services, case management and mentoring.

(v) No less than \$3,000,000 shall be available as a pilot program to offset costs incurred by a city of the first class and a county of the second class A that is also a home rule county in connection with hiring additional assistant district attorneys designated as a Special United States Attorney by a United States

Attorney's office through participation in the Project Safe Neighborhoods program and who will exclusively prosecute crimes under 18 U.S.C. § 922(g) (relating to unlawful acts).

(vi) \$500,000 shall be used to support a Statewide child predator unit.

(vii) \$500,000 shall be used for training and equipment needs to support improvements in the identification, investigation and prosecution of 18 Pa.C.S. § 6312 (relating to sexual abuse of children).

(viii) \$100,000 shall be allocated for criminal indigent defense training.

(2) From money appropriated for violence and delinquency prevention programs:

(i) no less than the amount used in the 2014-2015 fiscal year shall be used for programs in a city of the second class; and

(ii) no less than the amount used in the 2014-2015 fiscal year shall be used for blueprint mentoring programs that address reducing youth violence in cities of the first, second and third class with programs in cities of the second class and third class also receiving a proportional share of \$200,000.

(3) Money appropriated for violence intervention and prevention shall be used solely to provide grants and technical assistance to community-based organizations, institutions of higher education, municipalities, district attorneys and other entities in accordance with section 1306-B(b) of the Public School Code of 1949 and notwithstanding section 1306-B(h) (7) of the Public School Code of 1949 for programs eligible under section 1306-B(j) (22) of the Public School Code of 1949.

(4) Money appropriated for county intermediate punishment shall be distributed to counties for county adult probation supervision and drug and alcohol and mental health treatment programs for offenders sentenced to restrictive conditions of probation imposed under 42 Pa.C.S. § 9763(c) or (d) (relating to conditions of probation) and are certified in accordance with 42 Pa.C.S. § 2154.1(b) (relating to adoption of guidelines for restrictive conditions). The portion of money for drug and alcohol and mental health treatment programs shall be based on national statistics that identify the percentage of incarcerated individuals that are in need of treatment for substance issues but in no case shall be less than 80% of the amount appropriated.

Section 1713-F.1. Lieutenant Governor (Reserved).

Section 1714-F.1. Attorney General.

The following shall apply to appropriations to the Attorney General:

(1) From amounts appropriated for a joint local-State firearm task force in a city of the first class, no more than 20% may be allocated for a district attorney in a city of the first class.

(2) (Reserved).

Section 1715-F.1. Auditor General.

The following shall apply to appropriations to the Department of the Auditor General:

(1) From money appropriated for special financial audits, \$500,000 shall be used for the financial auditing of entities that receive money through contracts with the Department of Human Services from money appropriated for Medical Assistance - Capitation, Medical Assistance Community HealthChoices, Medical Assistance - Long-term Living, Mental Health Services or the Intellectual Disabilities - Community Waiver Program.

(2) Appropriations made to the Department of Auditor General shall include funding to conduct an audit of a school district in which the school board has approved a motion to request an audit by the Auditor General within the six months prior to the effective date of this paragraph. The audit shall be conducted as provided by law. To the extent possible, the audit shall include a review of the books, contracts and transactions of the school district, including those related to Federal and State funding of the school district for the previous five school years.

Section 1716-F.1. Treasury Department (Reserved).

Section 1717-F.1. Department of Aging (Reserved).

Section 1718-F.1. Department of Agriculture.

The following apply to appropriations for the Department of Agriculture:

(1) From money appropriated for general government operations, the following apply:

(i) No less than the amount transferred in the 2014-2015 fiscal year shall be transferred to the Dog Law Restricted Account.

(ii) No less than \$250,000 shall be used for the Commission of Agricultural Education Excellence to assist in development and implementation of agricultural education programming.

(2) From money appropriated for agricultural preparedness and response, the following shall apply:

(i) No less than \$25,000,000 shall be used for costs associated with preparing for and responding to an

outbreak of highly pathogenic avian influenza in the form of grants to assist with income losses and costs associated with workforce payroll and benefits, mortgage interest and rent payments, utility payments, costs of delayed repopulating and reopening facilities and other losses or costs associated with response not otherwise eligible for or covered by Federal funding, insurance, contracts or other funding sources.

(ii) No less than \$6,000,000 shall be used for costs incurred by the Pennsylvania Animal Diagnostic Laboratory System in preparing for and responding to an outbreak of highly pathogenic avian influenza.

(3) From money appropriated for agricultural excellence programs, no less than \$250,000 shall be allocated to the Center for Beef Excellence for grants to be used for producer education and physical infrastructure development to increase the inventory of beef cattle in this Commonwealth.

(4) From money appropriated for agricultural research, the following apply:

(i) No less than \$300,000 shall be used for an agricultural resource center.

(ii) No less than \$100,000 shall be used for agricultural law research programs, including those addressing energy development, in conjunction with a land-grant university.

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

(6) Money appropriated for the Animal Health and Diagnostic Commission shall be equally distributed to the animal diagnostic laboratory system laboratories located at a land grant university and at a school of veterinary medicine located within this Commonwealth.

Section 1719-F.1. Department of Community and Economic Development.

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

(1) From money appropriated for general government operations, no less than \$1,900,000 shall be used to support a manufacturing technology development effort, to assist Pennsylvania small businesses with enhanced cyber security and to test coal ash refuse extraction of rare earth metals for domestic chip manufacturing in a county of the fourth class with a population of at least 143,679 but not more than 144,200 under the most recent Federal decennial census.

(2) (Reserved).

(3) From money appropriated for marketing to attract tourists:

(i) \$4,093,000 to fund the activities of the tourism office within the department; and

(ii) the remaining money includes an allocation to be used to plan, market and conduct a series of arts and cultural activities that generate Statewide and regional economic impact, and \$500,000 shall be used for an annual Statewide competition serving approximately 2,000 athletes with intellectual disabilities from across this Commonwealth to be held in a county of the fourth class.

(4) From money appropriated for Pennsylvania First, no less than \$8,000,000 shall be used to fund the Workforce and Economic Development Network of Pennsylvania (WEDnetPA) for workforce training grants provided through an alliance of educational providers, including, but not limited to, State System of Higher Education universities, the Pennsylvania College of Technology and community colleges located in this Commonwealth.

(5) From money appropriated for Keystone Communities:

(i) \$6,377,000 shall be used to fund the Main Street Program, Elm Street Program, Enterprise Zone Program and accessible housing. The allocation for the Main Street Program, Elm Street Program, Enterprise Zone Program and accessible housing shall be distributed in the same proportion as amounts allocated in fiscal year 2012-2013.

(ii) The remaining money shall be used for projects supporting economic growth, community development and municipal assistance throughout this Commonwealth.

(6) From money appropriated for partnerships for regional economic performance, the amount of \$1,000,000 shall be distributed on a pro rata basis for grants and other activities allowed under Department of Community and Economic Development guidelines in effect for fiscal year 2021-2022.

(7) Notwithstanding section 4(1) of the act of October 11, 1984 (P.L.906, No.179), known as the Community Development Block Grant Entitlement Program for Nonurban Counties and Certain Other Municipalities, the Commonwealth may use up to 3% of the money received pursuant to the Housing and Community Development Act of 1974 (Public Law 93-383, 88 Stat. 633) for administrative costs.

(8) Money appropriated for local municipal relief shall include an allocation to provide State assistance to individuals, persons or political subdivisions directly affected by natural or manmade disasters, public safety emergencies, other situations that pose a public safety

danger or other situations at the discretion of the department. State assistance may be limited to grants for projects that do not qualify for Federal assistance to help repair damages to primary residences, personal property and public facilities and structures. Grants shall be made available for reimbursement in a disaster emergency area only when a Presidential disaster declaration does not cover the area or when the department determines that a public safety emergency has occurred.

Section 1720-F.1. Department of Conservation and Natural Resources (Reserved).

Section 1721-F.1. Department of Corrections.

The following apply to appropriations for the Department of Corrections:

(1) From amounts appropriated for general government operations, no less than \$1,750,000 shall be used for nonnarcotic medication substance use disorder treatment, which may include the establishment and administration of a nonnarcotic medication assisted substance abuse treatment grant program.

(2) Notwithstanding any other provision of law to the contrary, for the purposes of any program funded under paragraph (1) and established under 61 Pa.C.S. Ch. 46 (relating to nonnarcotic medication assisted substance abuse treatment grant pilot program), the term "eligible offender" means a defendant or inmate convicted of a criminal offense who will be committed to the custody of the county and who meets the clinical criteria for an opioid or alcohol use disorder as determined by a physician.

Section 1722-F.1. Department of Drug and Alcohol Programs (Reserved).

Section 1723-F.1. Department of Education.

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

(1) From money appropriated for general government operations, no less than \$1,500,000 shall be used for an educational and professional development online course initiative. The department shall establish a central online clearinghouse in accordance with the Public School Code of 1949, which shall include an online database of online courses for students in grades K-12 and online professional development courses, and to make the clearinghouse accessible to school entities, nonpublic schools, home education programs and the general public.

(2) From money appropriated for the Pre-K Counts Program, the per-student grant award amount for grants made pursuant to section 1514-D of the Public School Code of 1949

shall be increased by 14.3% over the amount paid in fiscal year 2021-2022.

(3) From an appropriation for adult and family literacy programs, summer reading programs and the adult high school diplomas program. The following apply:

(i) no less than the amount allocated in the 2014-2015 fiscal year shall be allocated for an after-school learning program servicing low-income students located in a county of the sixth class with a population, based on the most recent Federal decennial census, of at least 60,000 but not more than 70,000; and

(ii) no less than the amount allocated in the 2016-2017 fiscal year shall be used for an after-school learning program servicing low-income students located in a county of the third class with a population, based on the most recent Federal decennial census, of at least 320,000 but not more than 321,000.

(4) Notwithstanding any other provision of law, the appropriation for pupil transportation may not be redirected for any purpose.

(5) From money appropriated for Pennsylvania Chartered Schools for Deaf and Blind Children, the following apply:

(i) Upon distribution of the final tuition payment for the fiscal year, the balance of the appropriation, excluding amounts under subparagraph (ii), shall be used to pay the schools' increased share of required contributions for public school employees' retirement and shall be distributed pro rata based on each school's contributions for the prior fiscal year.

(ii) \$1,000,000 is included for capital-related costs and deferred maintenance to be divided equally between each approved private school.

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

(7) Money appropriated for regional community college services shall be distributed to each entity that received funding in fiscal year 2019-2020 in an amount equal to the amount it received in that fiscal year and a pro rata share of \$85,000.

(8) Notwithstanding any other provision of law, money appropriated for community education councils shall be distributed in a manner that each community education council

which received funding in fiscal year 2021-2022 shall receive an amount equal to the amount it received in that fiscal year and a pro rata share of \$96,000.

Section 1724-F.1. Department of Environmental Protection
(Reserved).

Section 1725-F.1. Department of General Services.

From money appropriated to the Department of General Services for Capitol fire protection, the City of Harrisburg shall use the money to support the provisions of fire services to the Capitol complex.

Section 1726-F.1. Department of Health.

The following apply to appropriations for the Department of Health:

(1) From money appropriated for general government operations, sufficient money is included for the coordination of donated dental services.

(2) From money appropriated for diabetes programs, \$100,000 shall be allocated for Type I diabetes awareness, education and outreach.

(3) From money appropriated for primary health care practitioner, the following apply:

(i) No less than \$3,451,000 shall be used for Primary Care Loan Repayment Program Grant Awards.

(ii) No less than \$1,500,000 shall be used for the Pennsylvania Academy of Family Physicians Residency Program.

(iii) Grantees other than as provided under subparagraphs (i) and (ii) that received amounts in the 2021-2022 fiscal year shall receive the amount each grantee received in the 2021-2022 fiscal year and a pro rata allocation of \$558,000.

(4) Money appropriated for services for children with special needs shall be distributed to grantees in the same proportion as distributed in fiscal year 2019-2020.

(5) From money appropriated for adult cystic fibrosis and other chronic respiratory illnesses, the following apply:

(i) No less than \$212,000 shall be used for a program promoting cystic fibrosis research in a county of the second class.

(ii) No less than \$106,000 shall be used for research related to childhood cystic fibrosis in a city of the first class with a hospital that is nationally accredited as a cystic fibrosis treatment center and specializes in the treatment of children.

(iii) Any money not used under subparagraph (i) or (ii) shall be distributed to grantees in the same proportion as distributed in fiscal year 2019-2020.

(6) Money appropriated for diagnosis and treatment for Cooley's anemia shall be distributed to grantees in the same proportion as distributed in fiscal year 2019-2020.

(7) Money appropriated for hemophilia services shall be distributed to grantees in the same proportion as distributed in fiscal year 2019-2020.

(8) Money appropriated for lupus programs shall be distributed proportionately to each entity that received funding in fiscal year 2018-2019.

(9) From money appropriated for sickle cell anemia services, including camps for children with sickle cell anemia, the following shall apply:

(i) Grantees which received amounts in fiscal year 2019-2020 shall receive an amount which is in the same proportion as distributed in fiscal year 2019-2020.

(ii) \$75,000 shall be distributed to a qualifying academic medical center located in a county of the third class with a population between 260,000 and 270,000 under the most recent Federal decennial census for expanded care of adult sickle cell disease.

(10) Money appropriated for Lyme disease includes \$930,000 for costs related to free tick testing for residents performed in conjunction with a university that is part of the State System of Higher Education, including outreach and marketing.

(11) Money appropriated for biotechnology research shall include allocations for regenerative medicine research, for regenerative medicine medical technology, for hepatitis and viral research, for drug research and clinical trials related to cancer, pulmonary embolism and deep vein thrombosis, for genetic and molecular research for disease identification and eradication, for vaccine immune response diagnostics, for nanotechnology and for the commercialization of applied research.

(12) From the appropriation for leukemia/lymphoma, the entire amount shall be allocated to a branch of an eastern Pennsylvania chapter of a nonprofit organization, where the branch is located within a city of the third class that is located in two counties of the third class, dedicated to awareness, education, patient assistance and outreach related to blood cancer.

Section 1727-F.1. Insurance Department (Reserved).

Section 1728-F.1. Department of Labor and Industry.

The following apply to appropriations to the Department of Labor and Industry:

(1) From money appropriated for Industry Partnerships, no less than the amount allocated in the 2014-2015 fiscal

year shall be used for a work force development program that links veterans with employment in a home rule county that was formerly a county of the second class A.

(2) (Reserved).

Section 1729-F.1. Department of Military and Veterans Affairs
(Reserved).

Section 1730-F.1. Department of Human Services.

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

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

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

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

(2) (Reserved).

(3) Subject to the availability of Federal money and eligibility under Federal TANF rules, grantees who operated within the PA WorkWear program in the prior fiscal year and who remain in operation shall be offered a grant for the fiscal year to continue service delivery under substantially similar terms as previous PA WorkWear grants unless both parties agree to alternate terms. Nothing in this paragraph shall prohibit the Department of Human Services from offering a grant to a prospective PA WorkWear provider to replace a prior grantee who chooses not to continue to operate in the program.

(4) From money appropriated for medical assistance capitation:

(i) No less than the amount used in the 2014-2015 fiscal year shall be used for prevention and treatment of depression and its complications in older Pennsylvanians in a county of the second class.

(ii) Subject to Federal approval as may be necessary and contingent on Federal financial participation, sufficient funds are included to provide rates for

ambulance transportation at the following amounts, beginning on January 1, 2023:

(A) For basic life support, not less than \$325 per loaded trip.

(B) For advanced life support, not less than \$400 per loaded trip.

(C) For ground mileage, not less than \$4 per mile for each loaded mile beyond 20 loaded miles.

(5) The following shall apply to amounts appropriated for medical assistance fee-for-service:

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

(ii) Amounts allocated from money appropriated for fee-for-service used for the SelectPlan for Women's preventative health services shall be used for women's medical services, including noninvasive contraception supplies.

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

(A) normal newborn care; and

(B) mothers' obstetrical delivery.

(iv) No less than \$330,000 shall be used for cleft palates and other craniofacial anomalies.

(v) No less than \$800,000 shall be distributed to a hospital for clinical ophthalmologic services located in a city of the first class.

(vi) No less than \$700,000 shall be distributed for improvements to an acute care hospital located in a city of the first class.

(vii) No less than \$5,000,000 shall be distributed to a hospital in a city of the third class in a home rule county that was formerly a county of the second class A, provided that services and specialties available on the effective date of this paragraph must remain available until July 1, 2023, and compliance with any other requirements imposed by the Department of Human Services. The Department of Human Services may recoup funds from

any hospital failing to meet the conditions under this paragraph.

(viii) No less than \$2,000,000 shall be distributed to a university located in a city of the first class to research the impact of trauma-informed programs on community violence prevention and health disparities.

(ix) No less than \$3,000,000 shall be distributed to an enrolled outpatient therapy service provider located in a city of the second class in a county of the second class that provides behavioral health and medical rehabilitation pediatric outpatient services.

(x) No less than \$2,500,000 shall be distributed to an acute care hospital in a city of the third class with a population between 14,000 and 15,000 according to the most recent Federal decennial census in a county of the third class with a population between 360,000 and 370,000 according to the most recent Federal decennial census.

(xi) Subject to Federal approval as may be necessary and contingent on Federal financial participation, sufficient funds are included to provide rates for ambulance transportation at the following amounts, beginning on January 1, 2023:

(A) For basic life support, not less than \$325 per loaded trip.

(B) For advanced life support, not less than \$400 per loaded trip.

(C) For ground mileage, not less than \$4 per mile for each loaded mile beyond 20 loaded miles.

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

(7) Qualifying physician practice plans that received money for fiscal year 2017-2018 shall not receive less than the State appropriation made available to those physician practice plans during fiscal year 2017-2018.

(8) Federal or State money appropriated under the General Appropriation Act of 2022 in accordance with 35 Pa.C.S. § 8107.3 (relating to funding) not used to make payments to hospitals qualifying as Level III trauma

centers or seeking accreditation as Level III trauma centers shall be used to make payments to hospitals qualifying as Levels I and II trauma centers.

(9) Qualifying academic medical centers that received money for fiscal year 2017-2018 shall receive the same amount from the State appropriation made available to those academic medical centers during fiscal year 2017-2018.

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

(11) The following shall apply:

(i) Money appropriated for women's service programs grants to nonprofit agencies whose primary function is to promote childbirth and provide alternatives to abortion shall be expended to provide services to women until childbirth and for up to 12 months thereafter, including food, shelter, clothing, health care, counseling, adoption services, parenting classes, assistance for postdelivery stress and other supportive programs and services and for related outreach programs. Agencies may subcontract with other nonprofit entities that operate projects designed specifically to provide all or a portion of these services. Projects receiving money referred to in this subparagraph shall not promote, refer for or perform abortions or engage in any counseling which is inconsistent with the appropriation referred to in this subparagraph and shall be physically and financially separate from any component of any legal entity engaging in such activities.

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

(12) From money appropriated for medical assistance long-term living:

(i) No less than the amount distributed in the 2014-2015 fiscal year shall be distributed to a county nursing home located in a home rule county that was formerly a county of the second class A with more than 725 beds and a Medicaid acuity at 0.79 as of August 1, 2015.

(ii) No less than the amount used in the 2020-2021 fiscal year shall be distributed to a nonpublic nursing home located in a county of the first class with more than 395 beds and a Medicaid acuity at 1.15 as of August 1, 2021, to ensure access to necessary nursing care in that county.

(iii) \$5,000,000 shall be distributed to a nonpublic nursing home located in a county of the eighth class with more than 119 beds and a Medicaid acuity at 1.07 as of August 1, 2021, to ensure access to necessary nursing home care in that county.

(iv) An additional \$500,000 shall be paid in equal payments to nursing facilities which remain open as of the effective date of this section that qualified for supplemental ventilator care and tracheostomy care payments in fiscal year 2014-2015 with a percentage of medical assistance recipient residents who required medically necessary ventilator care or tracheostomy care greater than 90%.

(v) Subject to Federal approval of necessary amendments of the Title XIX State Plan, \$16,000,000 is allocated for medical assistance day-one incentive payments to qualified nonpublic nursing facilities under methodology and criteria under section 443.1(7)(vi) of the Human Services Code. The Department of Human Services shall determine a nonpublic nursing facility's overall and medical assistance occupancy rate to qualify for a medical assistance day-one incentive payment for the fiscal year based on a nursing facility's resident day quarter ending December 31, 2019, for the first of two payments and a nursing facility's resident day quarter ending March 31, 2020, for the second of two payments.

(vi) No less than \$500,000 shall be allocated to a special rehabilitation facility in peer group number 13 in a city of the third class with a population between 115,000 and 120,000 based upon the most recent Federal decennial census.

(vii) Subject to Federal approval, sufficient funds are included to provide a 17.5% annualized rate increase effective January 1, 2023, that is calculated in accordance with section 443.1 of the Human Services Code and 55 Pa. Code Chs. 1187 (relating to nursing facility services) and 1189 (relating to county nursing facility services), including for costs associated with compliance with section 1603-T.

(13) From money appropriated for medical assistance Community HealthChoices, subject to Federal approval, sufficient funds are included to make payments with dates of service beginning January 1, 2023, in accordance with section 1602-T(1)(ii).

(14) From money appropriated for autism intervention and services:

(i) \$600,000 shall be allocated to a behavioral health facility located in a county of the fifth class with a population between 130,000 and 135,000 under the most recent Federal decennial census and shall be distributed to a health system that operates both a general acute care hospital and a behavioral health facility that has a center for autism and developmental disabilities located in a county of the fifth class with a population between 130,000 and 135,000 under the most recent Federal decennial census;

(ii) \$300,000 shall be allocated to an institution of higher education that provides autism education and diagnostic curriculum located in a city of the first class that operates a center for autism in a county of the second class A;

(iii) \$300,000 shall be allocated to an institution of higher education that provides autism education and diagnostic curriculum and is located in a county of the second class;

(iv) no less than the amount distributed in the 2014-2015 fiscal year shall be allocated for programs to promote the health and fitness of persons with developmental disabilities located in a city of the first class;

(v) \$500,000 shall be allocated for the expansion of an adult autism program in a county of the third class; and

(vi) \$600,000 shall be allocated for an entity that provides alternative educational services to individuals with autism and developmental disabilities in the county which was most recently designated as a county of the second class A.

(15) (Reserved).

(16) From money appropriated for child-care services, no less than \$25,000,000 shall be allocated to apply an income limit for subsidized child care during redetermination of eligibility to no more than 300% of the Federal poverty income guidelines or 85% of the State median income, whichever is lower. Notwithstanding any other provision of law, the department shall determine copayment amounts for family incomes above 235% of the Federal poverty income guidelines in order to support economic self-sufficiency. The department shall transmit notice of the copayment schedule to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.

(17) (Reserved).

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

(19) From the appropriation for 2-1-1 Communications, \$750,000 shall be allocated for a Statewide 2-1-1 System Grant Program.

(20) The appropriation for services for the visually impaired includes the following:

(i) an allocation of \$3,084,000 for a Statewide professional services provider association for the blind to provide training and supportive services for individuals who are blind and preschool vision screenings and eye safety education; and

(ii) an allocation of \$618,000 to provide specialized services and prevention of blindness services in cities of the first class.

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

(22) The following duty shall apply:

(i) The Secretary of Human Services shall report on a quarterly basis in person to the secretary, the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives information documenting each of the following State appropriations and their associated Federal appropriations:

(A) Medical Assistance - Capitation.

(B) Medical Assistance - Fee-for-Service.

(C) Payment to Federal Government - Medicare Drug Program.

(D) Medical Assistance - Workers with Disabilities.

(E) Medical Assistance - Long-Term Living.

(F) Medical Assistance - Community HealthChoices.

(G) Long-Term Care Managed Care.

(H) Intellectual Disabilities - Intermediate Care Facilities.

(I) Intellectual Disabilities - Community Waiver Program.

(J) Autism Intervention and Services.

(K) Early Intervention.

(ii) The information included in a report under subparagraph (i) shall include the following:

(A) Number of enrollees by month.

(B) Average cost per enrollee.

(C) Required payment amounts by appropriation during the fiscal year.

(D) Revised estimate of the money needed by appropriation to make required payments for the remainder of the fiscal year.

(iii) If revised estimates under subparagraph (ii) (D) indicate supplemental money may be necessary, the secretary shall provide a detailed explanation, in writing, of the reasons the revised estimates differ from the General Appropriation Act of 2022, or information provided previously under this paragraph.

(23) The Department of Human Services shall not add non-medically necessary services to the Medical Assistance Program that would result in the need for a supplemental appropriation without the approval of the General Assembly. Each proposed service shall be outlined in the Governor's Executive Budget or subsequent updates provided in writing to the General Assembly.

(24) Of the funding appropriated for COVID Relief - ARPA - Adult Mental Health Programs, no funding shall be expended until enabling legislation is enacted by the General Assembly.

Section 1731-F.1. Department of Revenue (Reserved).

Section 1732-F.1. Department of State (Reserved).

Section 1733-F.1. Department of Transportation.

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

(1) From money appropriated for infrastructure projects, \$1,900,000 shall be allocated for costs related to capital equipment for a rural transit service headquartered in this Commonwealth that provides intercity line-run service with at least six different line runs.

(2) (Reserved).

Section 1734-F.1. Pennsylvania State Police (Reserved).

Section 1735-F.1. Pennsylvania Emergency Management Agency.

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

(1) Money appropriated for search and rescue programs shall be used to support programs related to training working service dogs focusing on rescue and public safety.

(2) Money appropriated for the State Fire Commissioner includes funding for a Statewide recruitment and retention

coordinator and regional technical advisors to develop, implement and deliver recruitment and retention training programs and provide technical assistance to local fire organizations and local governments.

(3) Money appropriated for State disaster assistance shall be used to provide individual disaster recovery assistance to assist in the recovery from emergencies and non-federally declared disasters. Amounts under this paragraph may be used for critical needs assistance and to repair damage to residential properties not compensated by insurance or any other funding sources. The agency shall publish guidelines to implement this paragraph.

Section 1736-F.1. State-related universities.

The following shall apply to appropriations for State-related universities:

(1) Representatives from a State-related university which receives funding under the act of July 8, 2022 (P.L. , No.3A) known as the State-related University Nonpreferred Appropriation Act of 2022, shall appear before the Appropriations Committee of the Senate and the Appropriations Committee of the House of Representatives no fewer than three times during the fiscal year.

(2) Every tuition invoice that includes a discount due to money appropriated under the State-related University Nonpreferred Appropriation Act of 2022 shall specify that the funding for the discount comes from money appropriated by the General Assembly.

Section 1737-F.1. State System of Higher Education (Reserved).

Section 1738-F.1. Pennsylvania Higher Education Assistance Agency.

The following shall apply to appropriations for the Pennsylvania Higher Education Assistance Agency:

(1) The Pennsylvania Higher Education Assistance Agency shall allocate \$500,000 from the Higher Education Assistance Fund for the Cheyney University Keystone Academy.

(2) From money appropriated for payment of education assistance grants, the amount of \$1,000,000 shall be allocated to a State-owned university located in Tioga County for merit scholarships.

(3) From money appropriated for Pennsylvania Internship Program grants, funds may be used for internship and seminar programs.

Section 1739-F.1. Thaddeus Stevens College of Technology.

The following shall apply to appropriations for the Thaddeus Stevens College of Technology:

(1) From funds appropriated for Thaddeus Stevens College of Technology, the President of the college shall cause to be

prepared and submitted to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the Majority Leader and the Minority Leader of Senate, the Majority Leader and the Minority Leader of the House of Representatives, the chairperson and minority chairperson of the Education Committee of the Senate, the chairperson and minority chairperson of the Education Committee of the House of Representatives and the Secretary of Education a comprehensive report outlining the use of funds appropriated, to specifically include the strategies and use of funds to expand student enrollment.

(2) (Reserved).

Section 1740-F.1. Pennsylvania Historical and Museum Commission
(Reserved).

Section 1741-F.1. Environmental Hearing Board (Reserved).

Section 1742-F.1. Health Care Cost Containment Council
(Reserved).

Section 1743-F.1. State Ethics Commission (Reserved).

Section 1744-F.1. Commonwealth Financing Authority.

Notwithstanding any provision of law or guidelines to the contrary, for the purposes of the Statewide Local Share Account Program, the Department of Community and Economic Development may not deem an application ineligible if it is for a project where a down payment was required and the applicant made the down payment after the application submission date. This section shall apply regardless of when a purchase agreement was executed.

SUBARTICLE C

STATE GOVERNMENT SUPPORT AGENCIES

Section 1751-F.1. Legislative Reference Bureau (Reserved).

Section 1752-F.1. Legislative Budget and Finance Committee
(Reserved).

Section 1753-F.1. Legislative Data Processing Committee
(Reserved).

Section 1754-F.1. Joint State Government Commission (Reserved).

Section 1755-F.1. Local Government Commission (Reserved).

Section 1756-F.1. Legislative Audit Advisory Commission
(Reserved).

Section 1757-F.1. Independent Regulatory Review Commission
(Reserved).

Section 1758-F.1. Capitol Preservation Committee (Reserved).

Section 1759-F.1. Pennsylvania Commission on Sentencing
(Reserved).

Section 1760-F.1. Center for Rural Pennsylvania (Reserved).

Section 1761-F.1. Commonwealth Mail Processing Center
(Reserved).

Section 1762-F.1. Legislative Reapportionment Commission
(Reserved).

Section 1763-F.1. Independent Fiscal Office (Reserved).

SUBARTICLE D

JUDICIAL DEPARTMENT

Section 1771-F.1. Supreme Court (Reserved).

Section 1772-F.1. Superior Court (Reserved).

Section 1773-F.1. Commonwealth Court (Reserved).

Section 1774-F.1. Courts of common pleas (Reserved).

Section 1775-F.1. Community courts; magisterial district judges
(Reserved).

Section 1776-F.1. Philadelphia Municipal Court (Reserved).

Section 1777-F.1. Judicial Conduct Board (Reserved).

Section 1778-F.1. Court of Judicial Discipline (Reserved).

Section 1779-F.1. Juror cost reimbursement (Reserved).

Section 1780-F.1. County court reimbursement (Reserved).

SUBARTICLE E

GENERAL ASSEMBLY

(Reserved)

ARTICLE XVII-F.2

2022-2023 RESTRICTIONS ON APPROPRIATIONS

FOR FUNDS AND ACCOUNTS

Section 1701-F.2. Applicability.

Except as specifically provided in this article, this article applies to the act of July 8, 2022 (P.L. , No.1A), known as the General Appropriation Act of 2022, and all other appropriation acts of 2022.

Section 1702-F.2. 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 of 2022. " The act of July 8, 2022 (P.L. , No.1A), known as the General Appropriation Act of 2022.

"Most recent Federal decennial census." The population figures for the most recent Federal decennial census as published by the Department of General Services in the most recent Pennsylvania Manual as of the effective date of this section.

Section 1703-F.2. State Lottery Fund.

The following apply:

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

(2) (Reserved).

Section 1704-F.2. Tobacco Settlement Fund (Reserved).

Section 1705-F.2. Judicial Computer System Augmentation Account
(Reserved).

Section 1706-F.2. Emergency Medical Services Operating Fund
(Reserved).

Section 1707-F.2. The State Stores Fund (Reserved).

Section 1708-F.2. Motor License Fund.

The following shall apply to appropriations from the Motor License Fund:

(1) From money appropriated to the Department of Transportation for municipal traffic signals, \$5,000,000 shall be used by the Department of Transportation to provide grants to municipalities to install and maintain traffic signal technologies at traffic control signals which will be connected to a central location using the Commonwealth communications network. Municipalities shall not be required to provide matching funds as a condition of receiving a grant under this paragraph. The following traffic signal technologies shall be eligible for a grant under this paragraph:

(i) A system that synchronizes and times traffic signals.

(ii) Adaptive signal control technology that utilizes sensors to monitor traffic flow, vehicle delay and queues in order to optimize the timing plan of the traffic signal in real time.

(iii) Controller, detection and communication technology to support traffic signal timing and synchronization updates using automated traffic signal performance measures.

(iv) Controller and communication technology to support unified command and control.

(2) (Reserved).

Section 1709-F.2. Aviation Restricted Account (Reserved).

Section 1710-F.2. Hazardous Material Response Fund (Reserved).

Section 1711-F.2. Milk Marketing Fund (Reserved).

Section 1712-F.2. HOME Investment Trust Fund (Reserved).

Section 1713-F.2. Tuition Account Guaranteed Savings Program
Fund (Reserved).

Section 1714-F.2. Banking Fund (Reserved).

Section 1715-F.2. Firearm Records Check Fund (Reserved).

Section 1716-F.2. Ben Franklin Technology Development Authority
Fund (Reserved).

Section 1717-F.2. Oil and Gas Lease Fund (Reserved).

Section 1718-F.2. Home Improvement Account (Reserved).

Section 1719-F.2. Cigarette Fire Safety and Firefighter
Protection Act Enforcement Fund (Reserved).

Section 1720-F.2. Insurance Regulation and Oversight Fund
(Reserved).

Section 1721-F.2. Pennsylvania Race Horse
Development Restricted Receipts Account (Reserved).
Section 1722-F.2. Justice Reinvestment Fund (Reserved).
Section 1723-F.2. Multimodal Transportation Fund (Reserved).
Section 1724-F.2. State Racing Fund (Reserved).
Section 1725-F.2. ABLE Savings Program Fund (Reserved).
Section 1726-F.2. Tourism Promotion Fund (Reserved).
Section 1727-F.2. Enhanced Revenue Collection Account
(Reserved).

Section 1728-F.2. (Reserved).

Section 1729-F.2. Opioid Settlement Restricted Account.

From money appropriated from the Opioid Settlement Restricted Account, the sum of \$1,000,000 shall be distributed to Office of the District Attorney in a county of the third class with a population between 349,000 and 350,000 under the most recent Federal decennial census.

Section 1730-F.2. COVID-19 Response Restricted Account
(Reserved).

Section 1731-F.2. Pennsylvania Preferred® Trademark Licensing
Fund.

Notwithstanding 3 Pa.C.S. § 4616 (relating to Pennsylvania Preferred® Trademark Licensing Fund), the Department of Agriculture may use money deposited into the Pennsylvania Preferred® Trademark Licensing Fund to promote one or more of the funding objectives under 3 Pa.C.S. § 4616(c) through the awarding of grants.

Section 1732-F.2. Agricultural Conservation Easement Purchase
Fund.

In addition to the uses provided in section 7.3 of the act of June 18, 1982 (P.L.549, No.159), entitled "An act providing for the administration of certain Commonwealth farmland within the Department of Agriculture," the Department of Agriculture may use up to a total of \$165,000 in the Agricultural Conservation Easement Purchase Fund under section 7.1 of the act of June 18, 1982 (P.L.549, No.159), entitled "An act providing for the administration of certain Commonwealth farmland within the Department of Agriculture," to issue grants not to exceed \$5,000 each for succession planning to ensure that agricultural operations continue on land subject to agricultural conservation easements. The department, in consultation with the State Agricultural Land Preservation Board, shall establish eligibility criteria for awarding grants under this section.

Section 1733-F.2. Restricted receipt accounts.

(a) Authority.--The Secretary of the Budget may create restricted receipt accounts for the purpose of administering Federal grants only for the purposes designated in this section.

(b) Department of Community and Economic Development.--The following restricted receipt accounts may be established for the Department of Community and Economic Development:

- (1) ARC Housing Revolving Loan Program.
- (2) (Reserved).

(c) Department of Conservation and Natural Resources.--The following restricted receipt accounts may be established for the Department of Conservation and Natural Resources:

- (1) Federal aid to volunteer fire companies.
- (2) Land and Water Conservation Fund Act of 1965 (Public Law 88-578, 16 U.S.C. § 4601-4 et seq.).
- (3) National Forest Reserve Allotment.

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

- (1) Education of the Disabled - Part C.
- (2) LSTA - Library Grants.
- (3) The Pennsylvania State University Federal Aid.
- (4) Emergency Immigration Education Assistance.
- (5) Education of the Disabled - Part D.
- (6) Homeless Adult Assistance Program.
- (7) Severely Handicapped.
- (8) Medical Assistance Reimbursements to Local Education Agencies.

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

- (1) Federal Water Resources Planning Act.
- (2) Flood Control Payments.
- (3) Soil and Water Conservation Act - Inventory of Programs.

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

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

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

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

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

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

(2) (Reserved).

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

(1) Federal Grant - National Historic Preservation Act (Public Law 89-665, 80 Stat. 915).

(2) (Reserved).

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

(1) Retired Employees Medicare Part D.

(2) Justice Assistance.

(3) Juvenile Accountability Incentive.

(4) Early Retiree Reinsurance Program.

Section 1734-F.2. Fund transfers.

(a) Transfer to Environmental Stewardship Fund.--From money received under the authority of Article III of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, the sum of \$12,317,000 shall be transferred to the Environmental Stewardship Fund.

(b) Applicability.--Section 1795.2-E shall not apply to fiscal year 2022-2023.

Section 37.1. Regulations are abrogated as follows:

(1) (Reserved).

(2) The following provisions of 55 Pa. Code, relating to physician or certified registered nurse practitioner notification requirements, are abrogated to the extent they apply to individuals with symptoms of COVID-19:

(i) Section 3270.137 (relating to children with symptoms of disease).

(ii) Section 3270.153 (relating to facility persons with symptoms of disease).

(iii) Section 3280.137 (relating to children with symptoms of disease).

(iv) Section 3280.153 (relating to facility persons with symptoms of disease).

(v) Section 3290.137 (relating to children with symptoms of disease).

(vi) Section 3290.153 (relating to facility persons with symptoms of disease).

Section 38. Repeals are as follows:

(1) The General Assembly declares that the repeal under paragraph (2) is necessary to effectuate the addition of section 1721-E(a)(2) and (3) of the act.

(2) Section 29 of the act of June 30, 2021 (P.L.260, No.59), is repealed.

(3) The General Assembly declares that the repeal under paragraph (4) is necessary to effectuate the amendment of section 1728-E(b) of the act.

(4) 51 Pa.C.S. § 705(b) is repealed.

(5) The General Assembly declares that the repeal under paragraph (6) is necessary to effectuate the addition of section 1730-E(c)(2.1) of the act.

(6) Section 305-A(a) and (b) of the act of December 8, 2004 (P.L.1801, No.238), known as the Transit Revitalization Investment District Act, is repealed insofar as it is inconsistent with section 1730-E(c)(2.1) of the act.

Section 39. The following shall apply retroactively to July 1, 2022:

(1) The repeal of section 111-C(g) of the act.

(2) The addition of Subarticle A of Article XVII-A.2 of the act.

(3) The addition of section 1722-E(f) and (g) of the act.

(4) The amendment of section 1740-E of the act.

(5) The addition of section 1754-E of the act.

(6) The addition of Articles XVII-F.1 and XVII-F.2 of the act.

Section 39.1. The addition of sections 1602-T(1)(i) and 1606-T of the act shall apply retroactively to June 29, 2022.

Section 40. This act shall take effect immediately.

APPROVED--The 11th day of July, A.D. 2022.

TOM WOLF