

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 31

Session of
1989

INTRODUCED BY LLOYD, WOGAN, HALUSKA, GIGLIOTTI, VEON, NAHILL,
BUSH, G. SNYDER, MRKONIC, THOMAS, COY, TIGUE, RAYMOND, NOYE,
CAWLEY, STUBAN, VAN HORNE, ITKIN, COLAIZZO, TRICH, PETRARCA,
CAPPABIANCA, BELARDI AND JAMES, JANUARY 18, 1989

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 26, 1989

AN ACT

1 Amending the act of April 9, 1929 (P.L.343, No.176), entitled,
2 as amended, "An act relating to the finances of the State
3 government; providing for the settlement, assessment,
4 collection, and lien of taxes, bonus, and all other accounts
5 due the Commonwealth, the collection and recovery of fees and
6 other money or property due or belonging to the Commonwealth,
7 or any agency thereof, including escheated property and the
8 proceeds of its sale, the custody and disbursement or other
9 disposition of funds and securities belonging to or in the
10 possession of the Commonwealth, and the settlement of claims
11 against the Commonwealth, the resettlement of accounts and
12 appeals to the courts, refunds of moneys erroneously paid to
13 the Commonwealth, auditing the accounts of the Commonwealth
14 and all agencies thereof, of all public officers collecting
15 moneys payable to the Commonwealth, or any agency thereof,
16 and all receipts of appropriations from the Commonwealth,
17 authorizing the Commonwealth to issue tax anticipation notes
18 to defray current expenses, implementing the provisions of
19 section 7(a) of Article VIII of the Constitution of
20 Pennsylvania authorizing and restricting the incurring of
21 certain debt and imposing penalties; affecting every
22 department, board, commission, and officer of the State
23 government, every political subdivision of the State, and
24 certain officers of such subdivisions, every person,
25 association, and corporation required to pay, assess, or
26 collect taxes, or to make returns or reports under the laws
27 imposing taxes for State purposes, or to pay license fees or
28 other moneys to the Commonwealth, or any agency thereof,
29 every State depository and every debtor or creditor of the
30 Commonwealth," requiring the Board of Finance and Revenue to
31 issue written opinions to accompany its decisions; AND

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1 FURTHER PROVIDING FOR REQUISITIONS OUT OF ANY FUND IN THE
2 STATE TREASURY.

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

5 Section 1. The act of April 9, 1929 (P.L.343, No.176), known
6 as The Fiscal Code, is amended by adding a section to read:

7 Section 503.1. Written Decisions.--(a) Whenever the Board
8 of Finance and Revenue grants or denies a petition for review or
9 a petition for refund, in whole or in part, the board shall
10 provide written notice of the decision to the petitioner. If the
11 decision denies a petition in whole or in part, the written
12 notice shall advise the petitioner of the procedure by which the
13 petitioner may obtain a written order pursuant to this section.

14 (b) Whenever the board denies a petition for review or a
15 petition for refund, in whole or in part, the board, at the
16 petitioner's request, shall issue a written order which sets
17 forth the decision on the petition, summarizes the relevant
18 factual and legal issues and explains the rationale upon which
19 the decision is based. For purposes of an appeal from a decision
20 of the board, the board shall not be deemed to have issued a
21 final order until it has issued the written order requested by
22 the petitioner.

23 (c) In addition to the requirements of subsections (a) and
24 (b), the board, with the approval of a majority of its members,
25 shall permit the publication of any significant decision which
26 grants or denies a petition for review or a petition for refund
27 in whole or in part. Prior to such publication, the board shall
28 edit the decision to delete any confidential tax information.
29 The disclosure of any remaining information shall be deemed not
30 to violate section 731 of this act. In determining if a decision

is significant for the purposes of this subsection, the board shall consider the following:

(1) Whether the decision is one of first impression for the board.

(2) Whether the decision is contrary to prior board decisions.

(3) Whether the decision reverses Department of Revenue policy.

(4) Whether the decision involves a unique legal issue or factual situation.

(5) Whether the decision could reduce the number of potential petitions in the future by setting forth the board's position on a particular issue.

(6) Whether the decision could serve an educational purpose by providing guidance regarding tax matters.

(7) Whether the decision could have a substantial fiscal impact for the Commonwealth.

~~Section 2. This act shall take effect in 60 days.~~

SECTION 2. SECTION 1501 OF THE ACT, AMENDED MARCH 18, 1971 (P.L.109, NO.4) AND JULY 26, 1973 (P.L.223, NO.56) AND REPEALED IN PART APRIL 28, 1978 (P.L.202, NO.53), IS AMENDED TO READ:

SECTION 1501. REQUISITIONS.--NO MONEY SHALL BE PAID OUT OF ANY FUND IN THE STATE TREASURY, EXCEPT [(1)] THE STATE WORKMEN'S INSURANCE FUND, [AND EXCEPT (2) THE SURPLUS COMMODITIES STAMP FUND,] UNTIL A REQUISITION THEREFOR SHALL HAVE BEEN PRESENTED TO OR PREPARED BY THE STATE TREASURER.

FOR MONEY APPROPRIATED TO THE GOVERNOR OR TO THE EXECUTIVE BOARD, THE GOVERNOR SHALL PREPARE REQUISITIONS AND PRESENT THEM TO THE TREASURY DEPARTMENT.

FOR MONEY APPROPRIATED TO THE LIEUTENANT GOVERNOR HE SHALL

1 PREPARE REQUISITIONS AND PRESENT THEM TO THE TREASURY
2 DEPARTMENT.

3 FOR MONEY APPROPRIATED TO ADMINISTRATIVE DEPARTMENTS, OR TO
4 INDEPENDENT ADMINISTRATIVE BOARDS OR COMMISSIONS, THE RESPECTIVE
5 DEPARTMENTS, BOARDS, OR COMMISSIONS, SHALL [PREPARE THEIR
6 REQUISITIONS, WITH THE WRITTEN APPROVAL OF THEIR RESPECTIVE
7 DEPARTMENT HEADS AND DEPARTMENTAL COMPTROLLERS NOTED THEREON,
8 AND PRESENT] REVIEW AND, UPON APPROVAL, TRANSMIT INVOICES TO
9 THEIR RESPECTIVE DEPARTMENTAL COMPTROLLER WHO, UPON APPROVAL,
10 SHALL PREPARE AND APPROVE THE NECESSARY REQUISITIONS AND
11 TRANSMIT THEM TO THE TREASURY DEPARTMENT.

12 FOR MONEY APPROPRIATED TO DEPARTMENTAL ADMINISTRATIVE BOARDS
13 OR COMMISSIONS, OR ADVISORY BOARDS OR COMMISSIONS, SUCH BOARDS
14 OR COMMISSIONS SHALL [PREPARE REQUISITIONS, AND FORWARD THEM]
15 REVIEW AND, UPON APPROVAL, FORWARD INVOICES TO THE DEPARTMENTS
16 WITH WHICH THEY ARE RESPECTIVELY CONNECTED. SUCH DEPARTMENTS, IF
17 THEY APPROVE THE [REQUISITIONS, SHALL SO SIGNIFY IN WRITING, AND
18 SHALL TRANSMIT THEM TO THE TREASURY DEPARTMENT. NO REQUISITION
19 OF A DEPARTMENTAL ADMINISTRATIVE BOARD OR COMMISSION, OR OF AN
20 ADVISORY BOARD OR COMMISSION, SHALL BE VALID WITHOUT THE
21 APPROVAL IN WRITING OF THE HEAD AND THE COMPTROLLER OF THE
22 DEPARTMENT WITH WHICH SUCH BOARD OR COMMISSION IS CONNECTED]
23 INVOICES, SHALL TRANSMIT THEM TO THE DEPARTMENTAL COMPTROLLER
24 WHO, UPON APPROVAL, SHALL PREPARE AND APPROVE THE NECESSARY
25 REQUISITIONS AND TRANSMIT THEM TO THE TREASURY DEPARTMENT.

26 FOR MONEY APPROPRIATED TO A PERSON, ASSOCIATION, CORPORATION,
27 OR AGENCY, NOT A PART OF THE EXECUTIVE BRANCH OF THE STATE
28 GOVERNMENT, THE PERSON, ASSOCIATION, CORPORATION, OR AGENCY, TO
29 WHOM OR TO WHICH THE APPROPRIATION WAS MADE, SHALL PREPARE
30 REQUISITIONS AND PRESENT THEM TO THE TREASURY DEPARTMENT, BUT

1 WHENEVER, IN ANY SUCH CASE, ANY OTHER ACT OF ASSEMBLY REQUIRES
2 THE REQUISITION TO BE APPROVED BY AN ADMINISTRATIVE DEPARTMENT
3 OF THE STATE GOVERNMENT, OTHER THAN THE TREASURY DEPARTMENT, IT
4 SHALL BE FORWARDED TO THE TREASURY DEPARTMENT THROUGH SUCH OTHER
5 ADMINISTRATIVE DEPARTMENT.

6 FOR MONEY APPROPRIATED FOR A PURPOSE, WITHOUT DESIGNATION OF
7 THE EXPENDING AGENCY, THE TREASURY DEPARTMENT SHALL PREPARE
8 REQUISITIONS EXCEPT AS TO APPROPRIATIONS FOR THE PURPOSES OF THE
9 JUDICIARY FOR WHICH THE COURT ADMINISTRATOR OF PENNSYLVANIA
10 SHALL PREPARE, SUPERVISE OR DELEGATE PREPARATION OF REQUISITIONS
11 AND PRESENT THEM TO THE TREASURY DEPARTMENT. SUCH REQUISITIONS
12 SHALL INCLUDE THOSE FOR THE PAYMENT OF THE SALARIES,
13 COMPENSATIONS AND EXPENSES OF ALL JUSTICES, JUDGES, DISTRICT
14 JUSTICES, EMPLOYES, BOARDS, COMMISSIONS AND OTHER AGENCIES OF
15 THE JUDICIAL DEPARTMENT WHO ARE PAID FROM COMMONWEALTH
16 APPROPRIATIONS.

17 SECTION 3. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

18 (1) SECTION 2 SHALL TAKE EFFECT IMMEDIATELY.

19 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60
20 DAYS.