

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 398 Session of 2017

INTRODUCED BY DiGIROLAMO, ENGLISH, STAATS, GODSHALL, D. MILLER, READSHAW, NEILSON, MILLARD, MURT, MULLERY, D. COSTA, McCLINTON, MENTZER, DRISCOLL, CRUZ, TOOHIL AND ROE, FEBRUARY 8, 2017

AS REPORTED FROM COMMITTEE ON HUMAN SERVICES, HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 22, 2017

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; providing for the regulation of pari-mutuel
18 thoroughbred horse racing and harness horse racing
19 activities, imposing certain taxes and providing for the
20 disposition of funds from pari-mutuel tickets; and
21 prescribing the manner in which the number and compensation
22 of the deputies and all other assistants and employes of
23 certain departments, boards and commissions shall be
24 determined," in Commonwealth budget procedures, providing for
25 essential service payments during budget impasse.

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

28 Section 1. The act of April 9, 1929 (P.L.177, No.175), known

1 as The Administrative Code of 1929, is amended by adding a
2 section to read:

3 Section 626. Essential Service Payments During Budget
4 Impasse.--(a) If the General Appropriation Act is not enacted
5 by July 1 of any fiscal year:

6 (1) The Secretary of the Budget shall, in consultation with
7 the Secretary of Human Services, the Secretary of Drug and
8 Alcohol Programs and, the Secretary of Aging AND THE SECRETARY <--
9 OF A DEPARTMENT THAT PROVIDES OTHER ESSENTIAL SERVICES, certify
10 to the State Treasurer the line items and amounts paid for
11 essential services AND OTHER ESSENTIAL SERVICES from each of <--
12 their departments during the prior fiscal year and the amounts
13 so certified are hereby appropriated from the General Fund to
14 the respective departments for those purposes.

15 (2) The Department of Human Services, the Department of Drug
16 and Alcohol Programs and, the Department of Aging AND ANY <--
17 DEPARTMENT THAT PROVIDES OTHER ESSENTIAL SERVICES may submit
18 requisitions to the State Treasurer for the payment of the
19 essential services AND OTHER ESSENTIAL SERVICES to a human <--
20 services organization, county or other intermediary organization
21 from the appropriations made under paragraph (1), provided that
22 the amount paid does not exceed the amount paid during the prior
23 fiscal year.

24 (b) The payments authorized under subsection (a) to a human
25 service organization, county or other intermediary organization
26 shall include reimbursement of interest incurred by the human
27 service organization, county or other intermediary organization
28 for providing essential services in this Commonwealth, if the
29 interest was incurred on a loan issued by a financial
30 institution to the human service organization, county or other

1 intermediary organization and the organization demonstrates in
2 writing to the satisfaction of the Secretary of the Budget that
3 the loan was necessary to support the operations of the
4 organization as a direct result of not receiving timely payment
5 from the Commonwealth after July 1 of the fiscal year.

6 (c) The amount paid from the General Fund under subsection
7 (a) between July 1 and the date of enactment of the General
8 Appropriation Act for that fiscal year shall be credited against
9 the corresponding appropriation in the General Appropriation Act
10 for that fiscal year.

11 (d) An appropriation made under subsection (a) in any fiscal
12 year shall immediately lapse when the General Appropriation Act
13 for that fiscal year is enacted.

14 (e) The Secretary of the Budget and the State Treasurer
15 shall expedite payments under this section consistent with their
16 powers and duties in the act of April 9, 1929 (P.L.343, No.176),
17 known as "The Fiscal Code."

18 (F) THE SECRETARY OF THE BUDGET SHALL SUBMIT A REPORT TO THE <--
19 APPROPRIATIONS COMMITTEE OF THE SENATE AND THE APPROPRIATIONS
20 COMMITTEE OF THE HOUSE OF REPRESENTATIVES BY JUNE 15 OF EACH
21 YEAR INDICATING ANY SERVICES THAT WILL BE DEEMED ESSENTIAL BY
22 THE GOVERNOR TO PROTECT PUBLIC HEALTH AND SAFETY DURING A
23 POTENTIAL BUDGET IMPASSE.

24 ~~(f)~~ (G) As used in this section, the term "essential <--
25 service" means any service for which payment was made during the
26 previous fiscal year from Federal and State appropriations to
27 the Department of Human Services, the Department of Drug and
28 Alcohol Programs and the Department of Aging for the following:

29 (1) Domestic violence.

30 (2) Mental health services, including grants to counties or

1 other county-based human services included under the Human
2 Services Block Grant Pilot Program, exclusive of capital <--
3 improvements.

4 (3) Behavioral health services or other county-based human
5 services included under the Human Services Block Grant Pilot <--
6 Program.

7 (4) Intellectual Disabilities - Community Base Program,
8 including grants to counties for noninstitutional programs or
9 other county-based human services included under the Human
10 Services Block Grant Pilot Program, exclusive of capital <--
11 improvements.

12 ~~(5) Payments and services to counties for children and youth~~ <--
13 ~~programs and for the care of delinquent and dependent children~~
14 ~~or other county based human services included under the Human~~
15 ~~Services Block Grant Pilot Program. The payments and services~~
16 ~~under the Human Services Block Grant Pilot Program include an~~
17 ~~aggregate child welfare needs based budget allocation that the~~
18 ~~Department of Human Services may use to fund contracts for~~
19 ~~adoption services and the Department of Human Services may use~~
20 ~~to pay for assistance to counties in meeting Federal~~
21 ~~reimbursement documentation requirements.~~

22 (5) PAYMENTS AND SERVICES TO COUNTIES FOR CHILDREN AND YOUTH <--
23 PROGRAMS AND FOR THE CARE OF DELINQUENT AND DEPENDENT CHILDREN
24 UNDER SECTION 704.1 OF THE ACT OF JUNE 13, 1967 (P.L.31, NO.21),
25 KNOWN AS THE HUMAN SERVICES CODE. THE PAYMENTS AND SERVICES
26 SHALL INCLUDE AN AGGREGATE CHILD WELFARE NEEDS-BASED BUDGET
27 ALLOCATION THAT THE DEPARTMENT OF HUMAN SERVICES MAY USE TO FUND
28 CONTRACTS FOR ADOPTION SERVICES AND TO PAY FOR ASSISTANCE TO
29 COUNTIES IN MEETING FEDERAL REIMBURSEMENT DOCUMENTATION
30 REQUIREMENTS.

1 (6) The Human Services Development Fund.

2 (7) Medical assistance payments for outpatient services,
3 exclusive of outpatient services provided through capitation
4 plans.

5 (8) Payments to counties for drug and alcohol addiction
6 treatment services under section 2334.

7 (9) Any other funds for which the county provides services
8 on behalf of the Commonwealth.

9 (H) AS USED IN THIS SECTION, "OTHER ESSENTIAL SERVICES" <--
10 MEANS SERVICES FOR WHICH PAYMENT WAS MADE DURING THE PREVIOUS
11 FISCAL YEAR FROM FEDERAL AND STATE APPROPRIATIONS THAT THE
12 GOVERNOR DEEMS ESSENTIAL DURING A BUDGET IMPASSE FOR PUBLIC
13 HEALTH AND SAFETY. THE TERM DOES NOT INCLUDE AN ESSENTIAL
14 SERVICE.

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