

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2308 Session of
2008

INTRODUCED BY PERRY, CREIGHTON, DeLUCA, DENLINGER, GINGRICH,
GRELL, HARRIS, HUTCHINSON, MANTZ, MENSCH, R. MILLER, ROAE,
SAYLOR, SCHRODER, SWANGER AND THOMAS, MARCH 10, 2008

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 10, 2008

AN ACT

1 Reenacting and amending the act of August 4, 1959 (P.L.587,
2 No.195), entitled as amended, "An act creating and
3 establishing the Legislative Budget and Finance Committee;
4 providing for its membership; prescribing its powers,
5 functions and duties; providing for the appointment of an
6 executive director and other personnel, and making an
7 appropriation," providing for short title; and further
8 providing for creation of the Legislative Budget and Finance
9 Committee, for membership, appointments, terms, vacancies and
10 officers, for duties, for executive director, for
11 compensation, for reports, for appropriations and for
12 effective date.

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

15 Section 1. Sections 1 and 2 of the act of August 4, 1959
16 (P.L.587, No.195), entitled, as amended "An act creating and
17 establishing the Legislative Budget and Finance Committee;
18 providing for its membership; prescribing its powers, functions
19 and duties; providing for the appointment of an executive
20 director and other personnel, and making an appropriation," are
21 reenacted and amended to read:

22 Section 1. Short title.

1 This act shall be known and may be cited as the Legislative
2 Budget and Finance Committee Act.

3 Section 2. Legislative Budget and Finance Committee created;
4 membership; appointments; terms; vacancies.

5 (a) Creation and membership.--There is hereby created the
6 Legislative Budget and Finance Committee. The committee shall be
7 composed of 12 members, which shall consist of the President pro
8 tempore of the Senate and five other members of the Senate, the
9 Speaker of the House of Representatives and five other members
10 of the House.

11 (b) Appointments.--The President pro tempore of the Senate
12 shall appoint the Majority Leader of the Senate, the Minority
13 Leader of the Senate and three additional members of the Senate.
14 Two of the three additional members shall be members of the
15 Minority party. The President pro tempore of the Senate, the
16 Majority Leader and the Minority Leader may designate other
17 members of the Senate to be appointed in their stead. The
18 Speaker of the House of Representatives shall appoint the
19 Majority Leader of the House of Representatives, the Minority
20 Leader of the House of Representatives and three additional
21 members of the House. Two of the three additional members shall
22 be members of the Minority Party. The Speaker of the House, the
23 Majority Leader and the Minority Leader may designate other
24 members of the House to be appointed in their stead.

25 (c) Terms and vacancies.--Members of the committee shall be
26 appointed or reappointed during each regular session of the
27 General Assembly, and shall continue as members until the first
28 Tuesday in January of the next odd-numbered year and until their
29 respective successors shall be appointed, provided they continue
30 to be members of the Senate or the House of Representatives. The

1 term of office of such committee members as shall not continue
2 to be members of the Senate or the House of Representatives
3 shall cease upon the convening of the next regular session of
4 the Legislature after their appointment. The committee has a
5 continuing existence and may meet and conduct its business at
6 any place within the Commonwealth during the sessions of
7 Legislature or any recess thereof and in the interim between
8 sessions.

9 [Section 2.](d) Appointment of officers.--The committee
10 shall have the power and duty to appoint its own chairman, vice-
11 chairman and other officers, to make rules and regulations
12 governing its proceedings and to perform either through the
13 Legislative Budget and Finance Committee, or through
14 subcommittees of the Legislative Budget and Finance Committee,
15 all duties and functions relating to the study of the revenues,
16 expenditures and fiscal problems of the Commonwealth, its
17 officers, boards, committees, commissions, institutions and
18 other State agencies.

19 Section 2. Sections 3 and 4 of the act, amended September
20 20, 1961 (P.L.1521, No.645), are reenacted and amended to read:
21 Section 3. Duties.

22 The committee shall have the following powers and duties:

23 (1) The committee shall have power to request, receive,
24 review, examine, study, ascertain and compare fiscal
25 information concerning the budget, the revenues and
26 expenditures of the Commonwealth and to make recommendations
27 to the Legislature, when found advisable, directed to the
28 elimination of unnecessary expenditures and to the promotion
29 of economy in the government of the Commonwealth.

30 (2) To make current examination and, when pertinent,

1 reports concerning the current condition of all State funds,
2 appropriations and other moneys, whether or not such
3 appropriations are being currently expended for the purposes
4 and within the statutory restrictions provided by the
5 Legislature, and concerning the current availability of
6 revenue to meet expenditures under appropriations.

7 (3) The committee shall report to the General Assembly
8 when they are in session, the Governor and the Auditor
9 General, when it appears that any appropriation is being
10 expended for purposes other than the purposes for which the
11 appropriation was intended, or if it appears that any
12 statutory restrictions or provisions are being violated.

13 (4) The committee shall make reports, from time to time,
14 to the members of the Legislature and, upon request, to the
15 standing committees of the Senate and House of
16 Representatives with respect to any of its findings or
17 recommendations of a fiscal nature. It shall keep complete
18 minutes of its meetings. The committee shall make and
19 distribute its final report to the members of the ensuing
20 Legislature not later than ten days after the convening of
21 the regular session of the Legislature.

22 (5) The committee may issue subpoenas, under the hand
23 and seal of the chairman, to compel the attendance of
24 witnesses and the production of any papers, books, accounts,
25 documents and testimony touching matters of a fiscal nature
26 properly being inquired into by the committee, to administer
27 oaths, and to cause the deposition of witnesses, either
28 residing within or without the State, to be taken in the
29 manner prescribed by laws for taking depositions in civil
30 actions.

1 (6) Any person who wilfully neglects or refuses to
2 comply with any subpoena issued in behalf of the committee,
3 or refuses to testify to any matters regarding which he may
4 be lawfully interrogated, shall be subject to the penalties
5 provided by the laws of the Commonwealth in such cases.

6 (7) Each witness who appears before the committee by its
7 order, other than an officer or employe of the Commonwealth,
8 shall receive for his attendance the fees and mileage
9 provided for witnesses in civil cases in courts of record,
10 which shall be audited and paid out of the funds of the
11 committee upon the presentation of proper vouchers signed by
12 such witness and approved by the chairman or vice-chairman of
13 the committee.

14 (8) The Legislative Budget and Finance Committee is
15 authorized to appoint an executive director, and to fix his
16 compensation, who shall be the chief executive officer of the
17 committee and assist in its duties, and shall compile
18 information for the committee. The committee is authorized to
19 select and employ other personnel that it may deem necessary
20 in the performance of its duties, and the compensation and
21 salaries shall be fixed by the Legislative Budget and Finance
22 Committee.

23 (9) The Legislative Budget and Finance Committee, in
24 addition to all other duties prescribed by law, shall
25 annually review budgets and appropriation requests and the
26 operation and management of selected State agencies,
27 departments and institutions and shall develop a performance-
28 based budget as well as make recommendations with respect
29 thereto the legislature. The following shall apply:

30 (i) To carry out the purposes of this paragraph, the

1 Legislative Budget and Finance Committee shall establish
2 a performance-based budget division staffed with persons
3 knowledgeable and proficient in performance-based
4 budgeting, budget analysis and budget preparation.

5 (ii) Each agency, department and institution shall
6 furnish to the Legislative Budget and Finance Committee a
7 copy of its appropriation request made to the Office of
8 the Budget at the same time such request is made to such
9 office. Each State agency, department or institution
10 shall also furnish to the Legislative Budget and Finance
11 Committee and its staff any other supporting information
12 or data deemed necessary to carry out the purposes of
13 this paragraph.

14 (iii) The Legislative Budget and Finance Committee,
15 or when it deems necessary, its staff, may hold such
16 testimony from officers and employees of each State
17 agency, department or institution and require such
18 testimony from officers and employees of each State
19 agency, department or institution as is necessary to
20 carry out the purposes of this paragraph.

21 (iv) The Legislative Budget and Finance Committee
22 shall utilize a performance-based budgeting approach in
23 developing the budget recommendations in subparagraph
24 (v). The Legislative Budget and Finance Committee shall
25 adopt a performance-based budgeting approach that
26 demonstrates a systematic approach for developing
27 performance budgets at government agencies.

28 (v) On the day in which the Governor is required by
29 law to address the General Assembly in a joint session
30 presenting the annual budget address, the Legislative

1 Budget and Finance Committee shall furnish a document
2 containing its budget recommendations to each member of
3 the Appropriations Committee of the House of
4 Representatives and to those other members of the General
5 Assembly which may request it. A copy shall also be
6 furnished to the Governor and to the Office of the
7 Budget.

8 Section 4. Executive director.

9 The duties of the executive director shall be as follows:

10 (1) By continuous review of State expenditures, revenues
11 and analysis of budget to ascertain the facts, compare cost,
12 workload and other data, and make recommendations concerning
13 the State's budget and revenue of the departments, boards,
14 commissions and agencies of the Commonwealth.

15 (2) Such other duties as shall be assigned to him by the
16 Legislative Budget and Finance Committee.

17 Section 3. Sections 5 and 6 of the act are reenacted and
18 amended to read:

19 Section 5. Compensation.

20 The members of the committee shall serve without compensation
21 but shall be reimbursed for their expenses incurred while
22 attending sessions of the committee or meetings of any
23 subcommittee of the committee, or while engaged on other
24 committee business authorized by the committee, and in going to
25 and coming from meetings of the committee or its subcommittees
26 or for travel and other committee business when authorized by
27 the committee.

28 Section 6. Reports.

29 Before any written report is made by the committee, the
30 department, officer or agency of the government involved therein

1 shall be afforded an opportunity to comment, and said comments
2 shall be attached to said report.

3 Section 4. Section 7 of the act, amended September 20, 1961
4 (P.L.1521, No.645), is reenacted and amended to read:

5 Section 7. Appropriation.

6 The sum of two hundred thousand dollars (\$200,000), or as
7 much thereof as may be necessary, is hereby specifically
8 appropriated to the Legislative Budget and Finance Committee to
9 pay the expenses of the members of the committee and for the
10 salary or compensation of executive director, clerical and other
11 hire and incidental expenses.

12 Section 5. Section 8 of the act is reenacted and amended to
13 read:

14 Section 8. Effective date.

15 This act shall take effect the day following sine die
16 adjournment of the present session of the General Assembly.

17 Section 6. This act shall take effect immediately.