

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 AND McCLINTON, FEBRUARY 8, 2017

REFERRED TO COMMITTEE ON HUMAN SERVICES, FEBRUARY 8, 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
 29 as The Administrative Code of 1929, is amended by adding a

1 section to read:

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

5 (1) The Secretary of the Budget shall, in consultation
6 with the Secretary of Human Services, the Secretary of Drug
7 and Alcohol Programs and the Secretary of Aging, certify to
8 the State Treasurer the line items and amounts paid for
9 essential services from each of their departments during the
10 prior fiscal year and the amounts so certified are hereby
11 appropriated from the General Fund to the respective
12 departments for those purposes.

13 (2) The Department of Human Services, the Department of
14 Drug and Alcohol Programs and the Department of Aging may
15 submit requisitions to the State Treasurer for the payment of
16 the essential services to a human services organization,
17 county or other intermediary organization from the
18 appropriations made under paragraph (1), provided that the
19 amount paid does not exceed the amount paid during the prior
20 fiscal year.

21 (b) The payments authorized under subsection (a) to a human
22 service organization, county or other intermediary organization
23 shall include reimbursement of interest incurred by the human
24 service organization, county or other intermediary organization
25 for providing essential services in this Commonwealth, if the
26 interest was incurred on a loan issued by a financial
27 institution to the human service organization, county or other
28 intermediary organization and the organization demonstrates in
29 writing to the satisfaction of the Secretary of the Budget that
30 the loan was necessary to support the operations of the

1 organization as a direct result of not receiving timely payment
2 from the Commonwealth after July 1 of the fiscal year.

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

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

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

15 (f) As used in this section, the term "essential service"
16 means any service for which payment was made during the previous
17 fiscal year from Federal and State appropriations to the
18 Department of Human Services, the Department of Drug and Alcohol
19 Programs and the Department of Aging for the following:

20 (1) Domestic violence.

21 (2) Mental health services, including grants to counties
22 or other county-based human services included under the Human
23 Services Block Grant Pilot Program, exclusive of capital
24 improvements.

25 (3) Behavioral health services or other county-based
26 human services included under the Human Services Block Grant
27 Pilot Program.

28 (4) Intellectual Disabilities - Community Base Program,
29 including grants to counties for noninstitutional programs or
30 other county-based human services included under the Human

1 Services Block Grant Pilot Program, exclusive of capital
2 improvements.

3 (5) Payments and services to counties for children and
4 youth programs and for the care of delinquent and dependent
5 children or other county-based human services included under
6 the Human Services Block Grant Pilot Program. The payments
7 and services under the Human Services Block Grant Pilot
8 Program include an aggregate child welfare needs-based budget
9 allocation that the Department of Human Services may use to
10 fund contracts for adoption services and the Department of
11 Human Services may use to pay for assistance to counties in
12 meeting Federal reimbursement documentation requirements.

13 (6) The Human Services Development Fund.

14 (7) Medical assistance payments for outpatient services,
15 exclusive of outpatient services provided through capitation
16 plans.

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

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

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