

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 106

Session of  
1979

INTRODUCED BY MESSRS. J. L. WRIGHT, JR., ZWIKL, WEIDNER, SWEET  
AND BURNS, FEBRUARY 6, 1979

SENATOR ORLANDO, FINANCE, IN SENATE, RE-REPORTED AS AMENDED,  
SEPTEMBER 24, 1980

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; and prescribing the manner in which the  
18 number and compensation of the deputies and all other  
19 assistants and employes of certain departments, boards and  
20 commissions shall be determined," ~~PROVIDING FOR LIMITATIONS~~ <—  
21 ~~ON COMMONWEALTH SPENDING, CREATING THE SPENDING LIMITATION~~  
22 ~~COMMITTEE, AND~~ adding to the powers and duties of the  
23 Pennsylvania Historical and Museum Commission AND ADDING <—  
24 PROVISIONS CONCERNING THE DEPARTMENT OF ENVIRONMENTAL  
25 RESOURCES RELATING TO THE IMPLEMENTATION OF ARTICLE I,  
26 SECTION 27 OF THE PENNSYLVANIA CONSTITUTION.

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

29 ~~Section 1. Section 2801 A act of April 9, 1929 (P.L.177,~~ <—

No.175), known as "The Administrative Code of 1929," is amended  
by adding a clause to read:

SECTION 1. THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN  
AS "THE ADMINISTRATIVE CODE OF 1929," IS AMENDED BY ADDING AN  
ARTICLE TO READ:

ARTICLE VI A

LIMITATION ON COMMONWEALTH SPENDING

SECTION 601 A. LIMITATIONS ON COMMONWEALTH SPENDING. TOTAL  
SPENDING BY THE COMMONWEALTH SHALL NOT EXCEED THE SPENDING LIMIT  
IN ANY FISCAL YEAR. THE SPENDING LIMIT FOR ANY FISCAL YEAR SHALL  
BE EQUAL TO THE SPENDING DURING THE IMMEDIATELY PRIOR FISCAL  
YEAR, ADJUSTED BY ONE HUNDRED PER CENTUM (100%) OF THE COMPOUND  
ANNUAL RATE OF CHANGE FOR THE TWO PRECEDING YEARS OF THE  
PERSONAL INCOME BY PLACE OF RESIDENCE FOR PENNSYLVANIA AS  
DEFINED AND OFFICIALLY REPORTED BY THE UNITED STATES DEPARTMENT  
OF COMMERCE.

SECTION 602 A. CALCULATIONS AND DEFINITIONS. (A) COMPOUND  
ANNUAL RATE OF CHANGE SHALL BE COMPUTED IN THE SAME MANNER AS A  
COMPOUND ANNUAL INTEREST RATE.

(B) FOR PURPOSES OF THIS ARTICLE "ONE HUNDRED PER CENTUM  
(100%) OF THE COMPOUND ANNUAL RATE OF CHANGE FOR THE TWO  
PRECEDING YEARS OF PERSONAL INCOME" IS DEFINED AS 1.0 TIMES THE  
PER CENTUM COMPUTED ON THE SUM OF THE BASE YEAR'S PERSONAL  
INCOME PLUS ANNUALLY ACCRUED CHANGES IN PERSONAL INCOME FOR THE  
NEXT TWO YEARS.

(C) THE BASE YEAR FOR ANY GIVEN FISCAL YEAR IS COMPUTED BY  
SUBTRACTING THREE YEARS FROM THE CALENDAR YEAR IN WHICH THAT  
FISCAL YEAR BEGINS.

(D) MATHEMATICALLY DEFINED, "ONE HUNDRED PER CENTUM (100%)  
OF THE COMPOUND ANNUAL RATE OF CHANGE FOR THE TWO PRECEDING

~~YEARS OF PERSONAL INCOME" IS DEFINED TO BE 1.0 TIMES THE SUM OF  
1 PLUS THE SQUARE ROOT OF THE QUOTIENT OF PERSONAL INCOME IN  
THE YEAR IMMEDIATELY PRECEDING THE YEAR IN WHICH THE FISCAL YEAR  
STARTS DIVIDED BY PERSONAL INCOME IN THE BASE YEAR.~~

~~SECTION 603 A. NEW PROGRAMS AND INCREASES IN LEVELS OF  
SERVICE. THE COMMONWEALTH SHALL NOT IMPOSE UPON ANY UNIT OF  
LOCAL GOVERNMENT NEW PROGRAMS OR INCREASE LEVELS OF SERVICE  
UNDER EXISTING PROGRAMS UNLESS THE NECESSARY COST THEREOF SHALL  
BE FULLY FUNDED BY THE COMMONWEALTH.~~

~~SECTION 604 A. EXCESS SPENDING. THE SPENDING LIMIT OF THE  
COMMONWEALTH MAY BE EXCEEDED IN ANY FISCAL YEAR FOR A  
PRESIDENTIALLY DECLARED EMERGENCY OR MAJOR DISASTER. THE  
SPENDING LIMIT MAY ALSO BE EXCEEDED FOR OTHER DECLARED  
EMERGENCIES IF THE GOVERNOR SO REQUESTS AND THE GENERAL ASSEMBLY  
APPROVES BY THE AFFIRMATIVE VOTE OF TWO THIRDS OF THE MEMBERS  
ELECTED TO EACH HOUSE. THE EXCESS SPENDING AUTHORIZED BY  
EXCEEDING THE LIMIT IN THIS MANNER SHALL NOT BE INCLUDED IN THE  
COMPUTATION BASE OF THE SPENDING LIMIT FOR ANY SUBSEQUENT FISCAL  
YEAR.~~

~~SECTION 605 A. FUNDING OF FUTURE LIABILITIES. FUTURE  
LIABILITIES RESULTING FROM THE ADOPTION OF OR CONTRACTING FOR  
NEW OR IMPROVED DEFERRED COMPENSATION OR BENEFITS OR PENSIONS ON  
OR AFTER THE EFFECTIVE DATE OF THIS SECTION, SHALL BE FULLY  
FUNDED EACH YEAR IN ACCORDANCE WITH AN ACCEPTED ADVANCE FUNDING  
ACTUARIAL METHOD USING ACTUARIAL ASSUMPTIONS AND ASSET VALUATION  
METHODS.~~

~~SECTION 606 A. TOTAL OF SPENDING. TOTAL SPENDING BY THE  
COMMONWEALTH MEANS ALL APPROPRIATIONS AND AUTHORIZATIONS FROM  
THE GENERAL FUND AND MOTOR LICENSE FUND AND FUNDS CREATED AFTER  
THE EFFECTIVE DATE OF THIS SECTION, AND SHALL EXCLUDE REFUNDS,~~

~~SERVICING OF BONDED INDEBTEDNESS INCURRED PRIOR TO THE EFFECTIVE  
DATE OF THIS SECTION AND OF VOTER APPROVED BONDED INDEBTEDNESS,  
EXPENDITURES FOR FUNDING THE UNFUNDED PENSION LIABILITIES  
EXISTING ON THE EFFECTIVE DATE OF THIS SECTION, AND THE SPENDING  
OF FEDERAL FUNDS, GIFTS OR RECEIPTS RESTRICTED BY LAWS IN EFFECT  
AS OF JANUARY 1, 1980. THIS SECTION SHALL NOT BE CIRCUMVENTED BY  
CREATING ADDITIONAL SPENDING PROGRAMS IN, OR TRANSFERRING  
SPENDING FROM THE GENERAL FUND OR MOTOR LICENSE FUND TO,  
EXISTING SPECIAL FUNDS OR RESTRICTED RECEIPT ACCOUNTS.~~

~~SECTION 607 A. (A) SPENDING LIMITATION COMMITTEE. THERE IS  
HEREBY CREATED A SEVEN MEMBER SPENDING LIMITATION COMMITTEE.  
SUCH COMMITTEE SHALL CONSIST OF ONE PERSON APPOINTED BY THE  
GOVERNOR, THE SECRETARY OF BUDGET AND ADMINISTRATION, THE  
SECRETARY OF REVENUE, THE MAJORITY AND MINORITY CHAIRMEN OF THE  
APPROPRIATIONS COMMITTEE OF THE HOUSE, AND THE MAJORITY AND  
MINORITY CHAIRMEN OF THE APPROPRIATIONS COMMITTEE OF THE SENATE.~~

~~(B) IT SHALL BE THE DUTY OF SUCH COMMITTEE TO MEET AT LEAST  
ANNUALLY, BUT NO LATER THAN MAY 15 TO EXAMINE THE DATA PERTINENT  
TO THE COMMONWEALTH'S TOTAL SPENDING LIMIT AND THE FEDERALLY  
REPORTED PERSONAL INCOME DATA AND DETERMINE THEREFROM THE TOTAL  
SPENDING LIMIT FOR THE COMMONWEALTH FOR THE ENSUING FISCAL YEAR.~~

~~(C) THE COMMITTEE, UPON DETERMINING THE COMMONWEALTH'S  
SPENDING LIMIT FOR THE ENSUING FISCAL YEAR, SHALL CAUSE THE SAME  
TO BE PUBLISHED IN THE PENNSYLVANIA BULLETIN. IN ADDITION, THE  
COMMITTEE FROM TIME TO TIME SHALL COMPUTE AND CAUSE TO BE  
PUBLISHED IN A TIMELY MANNER ANY MODIFICATIONS TO THE  
COMMONWEALTH'S FISCAL YEAR SPENDING LIMIT CAUSED BY REVISIONS TO  
THE PERTINENT DATA, OR DUE TO DULY APPROVED CONSTITUTIONAL  
AMENDMENTS, OR CAUSED BY LEGISLATIVE ACTION OR FOR OTHER CAUSES,  
NOT INCONSISTENT WITH THE PROVISIONS OF THIS AMENDATORY ACT.~~

1       SECTION 1.   THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN <—  
2 AS "THE ADMINISTRATIVE CODE OF 1929," IS AMENDED BY ADDING A  
3 SECTION TO READ:

4       SECTION 1928-A.   IMPLEMENTATION OF ARTICLE I, SECTION 27.--

5   (A)   THE GENERAL ASSEMBLY HEREBY INTENDS THAT THE RIGHT TO CLEAN  
6 AIR, PURE WATER, AND TO THE PRESERVATION OF THE NATURAL, SCENIC,  
7 HISTORIC AND ESTHETIC VALUES GUARANTEED TO THE PEOPLE OF THE  
8 COMMONWEALTH BY ARTICLE I, SECTION 27 OF THE CONSTITUTION OF THE  
9 COMMONWEALTH OF PENNSYLVANIA SHALL BE IMPLEMENTED BY THE  
10 DEPARTMENT OF ENVIRONMENTAL RESOURCES AS DIRECTED BY LAWS DULY  
11 ENACTED BY THE GENERAL ASSEMBLY.

12   (B)   THE POWERS, DUTIES AND RESPONSIBILITIES OF THE  
13 DEPARTMENT OF ENVIRONMENTAL RESOURCES AND THE ENVIRONMENTAL  
14 QUALITY BOARD TO ADOPT RULES AND REGULATIONS AND TO ISSUE ORDERS  
15 IMPLEMENTING ARTICLE I, SECTION 27 OF THE CONSTITUTION OF THE  
16 COMMONWEALTH OF PENNSYLVANIA SHALL BE LIMITED TO THOSE POWERS,  
17 DUTIES AND RESPONSIBILITIES SPECIFICALLY GRANTED UNDER LAWS DULY  
18 ENACTED BY THE GENERAL ASSEMBLY.

19   (C)   THE DEPARTMENT OF ENVIRONMENTAL RESOURCES SHALL  
20 UNDERTAKE IMMEDIATELY A REVIEW OF ALL REGULATIONS PROPOSED OR  
21 PROMULGATED BY IT TO DETERMINE IF ANY REGULATIONS EXCEED THE  
22 SCOPE OF THE LAWS UNDER WHICH SUCH REGULATIONS WERE PROMULGATED.  
23 THE REVIEW SHALL INCLUDE, BUT NOT BE LIMITED TO THE ACT OF JUNE  
24 22, 1937 (P.L.1987, NO.394), KNOWN AS "THE CLEAN STREAMS LAW,"  
25 THE ACT OF MAY 31, 1945 (P.L.1198, NO.418), KNOWN AS THE  
26 "SURFACE MINING CONSERVATION AND RECLAMATION ACT," THE ACT OF  
27 JANUARY 8, 1960 (1959 P.L.2119, NO.787), KNOWN AS THE "AIR  
28 POLLUTION CONTROL ACT," THE ACT OF OCTOBER 4, 1978 (P.L.851,  
29 NO.166), KNOWN AS THE "FLOOD PLAIN MANAGEMENT ACT," THE ACT OF  
30 OCTOBER 4, 1978 (P.L.864, NO.167), KNOWN AS THE "STORM WATER

1 MANAGEMENT ACT," THE ACT OF NOVEMBER 26, 1978 (P.L.1375,  
2 NO.325), KNOWN AS THE "DAM SAFETY AND ENCROACHMENTS ACT," AND  
3 THE ACT OF JULY 7, 1980 (NO.97), KNOWN AS THE "SOLID WASTE  
4 MANAGEMENT ACT," AND ALL OTHER LAWS UNDER WHICH THE DEPARTMENT  
5 OF ENVIRONMENTAL RESOURCES IS AUTHORIZED TO PROMULGATE AND  
6 IMPLEMENT REGULATIONS FOR THE PROTECTION OF THE ENVIRONMENT.

7 (D) UPON DETERMINING THAT ANY REGULATION EXCEEDS THE SCOPE  
8 OF THE APPLICABLE UNDERLYING LAW, THE DEPARTMENT SHALL  
9 IMMEDIATELY RESCIND SUCH REGULATION PURSUANT TO THE PROVISIONS  
10 OF SECTION 1920-A OF THIS ARTICLE.

11 SECTION 2. SECTION 2801-A OF THE ACT IS AMENDED BY ADDING A  
12 CLAUSE TO READ:

13 Section 2801-A. Pennsylvania Historical and Museum  
14 Commission.--Subject to any inconsistent provisions in this act  
15 contained, the Pennsylvania Historical and Museum Commission  
16 shall have the power and its duties shall be:

17 \* \* \*

18 (y) To assume responsibilities for developing policies and  
19 making provisions for the implementation of official programs  
20 and activities associated with the commemoration and celebration  
21 of dates and events of major historical significance to  
22 Pennsylvania and to all of the citizens thereof, including  
23 programs and activities relating to the tercentenary observance  
24 and all subsequent observances of the founding of the  
25 Commonwealth of Pennsylvania. The commission, through its  
26 executive director, shall prepare requests to the Legislature  
27 for appropriations in support of such programs and shall be  
28 responsible for the expenditure of such appropriations. All  
29 moneys received from any other sources as contributions to the  
30 commission's commemorative programs shall be added to amounts

1 appropriated.

2 ~~Section 2. This act shall take effect immediately.~~ <—

3 ~~SECTION 3. (A) ARTICLE VI A SHALL TAKE EFFECT IMMEDIATELY~~ <—

4 ~~AND THE SPENDING LIMIT IMPOSED BY SECTION 601 A SHALL FIRST~~

5 ~~APPLY TO FISCAL YEAR 1981 1982.~~

6 ~~(B) THE AMENDMENT TO SECTION 2801 A SHALL TAKE EFFECT~~

7 ~~IMMEDIATELY.~~

8 SECTION 3. THIS ACT SHALL TAKE EFFECT IMMEDIATELY. <—