

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1823 Session of
1983

INTRODUCED BY CAPPABIANCA, F. E. TAYLOR, DORR, VAN HORNE,
SEVENTY, SWEET, McVERRY, MORRIS, HERMAN, ITKIN, LINTON,
GANNON, KUKOVICH, WACHOB, WAMBACH, HALUSKA, COY, PRESTON,
SERAFINI, DUFFY, KLINGAMAN, WOGAN, DeWEESE, MICOZZIE,
RAPPAPORT, BUNT, KOSINSKI, PETRARCA, COSLETT AND ZWIKL,
DECEMBER 14, 1983

REFERRED TO COMMITTEE ON FINANCE, DECEMBER 14, 1983

AN ACT

1 Amending the act of April 9, 1929 (P.L.343, No.176), entitled
2 "An act relating to the finances of the State government;
3 providing for the settlement, assessment, collection, and
4 lien of taxes, bonus, and all other accounts due the
5 Commonwealth, the collection and recovery of fees and other
6 money or property due or belonging to the Commonwealth, or
7 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 and
17 imposing penalties; affecting every department, board,
18 commission, and officer of the State government, every
19 political subdivision of the State, and certain officers of
20 such subdivisions, every person, association, and corporation
21 required to pay, assess, or collect taxes, or to make returns
22 or reports under the laws imposing taxes for State purposes,
23 or to pay license fees or other moneys to the Commonwealth,
24 or any agency thereof, every State depository and every
25 debtor or creditor of the Commonwealth," further providing
26 for payment of interest on certain Commonwealth purchases.

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

1 Section 1. Section 1507(f) of the act of April 9, 1929
2 (P.L.343, No.176), known as The Fiscal Code, added December 13,
3 1982 (P.L.1155, No.266), is amended to read:

4 Section 1507. Interest Penalties on Commonwealth Accounts.--

5 * * *

6 (f) For the purposes of this section:

7 (1) The term "Commonwealth agency" shall include, the
8 Executive and all departments, boards, bureaus and agencies
9 hereunder, all independent agencies as defined by section 102 of
10 the act of October 15, 1980 (P.L.950, No.164), known as the
11 "Commonwealth Attorneys Act," and the Auditor General, the Board
12 of Arbitration of Claims, the State Treasurer and the Public
13 Utility Commission.

14 (2) The term "qualified small business concern" means any
15 independently owned and operated for-profit business concern
16 employing [fifty] one hundred or fewer employees.

17 (3) The term "business concern" means any person engaged in
18 a trade or business and operating as contractors with
19 Commonwealth agencies, and nonprofit entities operating as
20 contractors with Commonwealth agencies.

21 (4) An invoice shall be considered a "proper invoice" when
22 it contains or is accompanied by such substantiating
23 documentation as the Secretary of Budget may require by
24 regulation, and as the Commonwealth agency involved may require
25 by regulation or contract.

26 (5) An invoice shall be deemed to have been received by an
27 agency on the later of:

28 (i) the date on which the agency's designated payment office
29 or finance center actually receives a proper invoice; or

30 (ii) the date on which such agency accepts the property or

1 service concerned.

2 (6) A payment shall be considered made on the date on which
3 a check for such payment is dated.

4 (7) This section shall not apply to any "public contracts"
5 subject to the act of November 26, 1978 (P.L.1309, No.317),
6 referred to as the Public Works Contract Regulation Law.

7 Section 2. The provisions of this act shall apply to
8 contracts entered into for the acquisition of property or
9 services on or after its effective date.

10 Section 3. This act shall take effect in 60 days.