

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1053 Session of
1991INTRODUCED BY TILGHMAN, LOEPER, JUBELIRER, WENGER, HOPPER,
FISHER AND SALVATORE, MAY 13, 1991

SENATOR ARMSTRONG, FINANCE, AS AMENDED, JUNE 4, 1991

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," further providing for the
21 submission of agency budget requests to the General Assembly
22 and for control of the budgeting processes by the General
23 Assembly.

24 The General Assembly of the Commonwealth of Pennsylvania
25 hereby enacts as follows:

26 Section 1. Section 610 of the act of April 9, 1929 (P.L.177,
27 No.175), known as The Administrative Code of 1929, is amended by
28 adding a subsection to read:

1 Section 610. Preparation of Budget.--* * *

2 (c) The head of each administrative department and each
3 independent administrative board and commission shall,
4 concurrent with the submission of any budget request to the
5 Secretary of the Budget, also submit such request to the
6 Majority Chairman and Minority Chairman of the Appropriations
7 Committee of the Senate and to the Majority Chairman and
8 Minority Chairman of the Appropriations Committee of the House
9 of Representatives.

10 Section 2. Sections 614 and 615 of the act, added September
11 27, 1978 (P.L.775, No.149), are amended to read:

12 Section 614. List of Employees to be Furnished to Certain
13 State Officers.--(a) All administrative departments, boards,
14 and commissions and the Attorney General shall on July 15 of
15 each year, transmit to the Auditor General, the State Treasurer
16 and Secretary of the Budget a complete list, and to the
17 Legislative Data Processing Center a computer tape of such list,
18 as of July 1 preceding, of the names of all persons, except day-
19 laborers, entitled to receive compensation from the Commonwealth
20 for services rendered in or to the department, board, or
21 commission, as the case may be. Such list shall show the
22 position occupied by each such person, the date of birth and
23 voting residence of such person, the salary at which or other
24 basis upon which such person is entitled to be paid, the date
25 when such person entered the service of the Commonwealth,
26 whether such person has been continuously employed by the
27 Commonwealth since that date, and all periods of service and
28 positions held as an employe of the Commonwealth, or such part
29 of such information as the Governor may prescribe.

30 (b) [Each] No later than the 15th of each month thereafter,

1 the Attorney General, the heads of the several administrative
2 departments, and the several independent administrative boards
3 and commissions, shall certify to the Auditor General, the State
4 Treasurer and the Secretary of the Budget any changes in the
5 annual list of employees last transmitted to them which shall
6 have occurred during the preceding month[.] and shall provide to
7 the Legislative Data Processing Center a computer tape of such
8 changes.

9 (c) The information received by the Auditor General, the
10 State Treasurer and the Secretary of the Budget, under this
11 section, shall be public information.

12 Section 615. Estimates of Current Expenditures by
13 Departments, Boards and Commissions.--(a) Each administrative
14 department, board and commission, except the departments of
15 which the Auditor General, the State Treasurer and the Attorney
16 General are respectively the heads, shall from time to time, as
17 requested by the Governor, prepare and submit to the Secretary
18 of the Budget[, for approval or disapproval,] an estimate of the
19 amount of money required and the levels of activity and
20 accomplishment for each program carried on by each department,
21 board or commission, during the ensuing month, quarter, or such
22 other period as the Governor shall prescribe. All available
23 Federal funds and funds from other sources shall be
24 characterized as such and shall be included in the estimated
25 expenditures which must be submitted to the Secretary of the
26 Budget before any expenditures therefrom may be made. [If such
27 estimates do not meet with the approval of the Secretary of the
28 Budget, it shall be revised as necessary and resubmitted for
29 approval. The Secretary of the Budget may establish an
30 authorized personnel complement level in conjunction with the

1 approved expenditure estimate.]

2 (a.1) All estimates submitted under this section shall be
3 reviewed and examined by the Secretary of the Budget. The power
4 of the Secretary of the Budget to approve or disapprove any
5 estimate shall apply solely to an estimate which proposes
6 expenditures of appropriation for general government operations
7 of any of the several administrative departments, boards and
8 commissions subject to the provisions of this section. If the
9 estimate of expenditures for general government operations does
10 not meet with the approval of the Secretary of the Budget, such
11 estimate shall be revised as necessary and resubmitted for
12 approval. The Secretary of the Budget may establish an
13 authorized ~~personal~~ PERSONNEL complement level in conjunction <—
14 with the approved general government operations expenditure
15 estimate.

16 (b) After the approval of any such estimate under subsection
17 (a.1), it shall be unlawful for the department, board, or
18 commission to expend any appropriation, Federal funds or funds
19 from other sources or part thereof, except in accordance with
20 such estimate and the authorized complement level, unless the
21 same be revised with the approval of the Secretary of the Budget
22 and within the limits appropriated by the General Assembly.

23 (c) If any department, board, or commission, to which this
24 section applies, shall fail or refuse to submit to the Secretary
25 of the Budget estimates of expenditures, in accordance with the
26 Governor's request, the Governor may notify the State Treasurer,
27 in writing, of such failure or refusal, and, after receipt of
28 such notice, the State Treasurer shall not draw any warrant in
29 favor of such department, board, or commission, until the
30 Governor shall have notified the State Treasurer, in writing,

1 that the delinquent department, board, or commission has
2 furnished him with, and he has approved, the estimate as
3 required in [this section] subsection (a.1).

4 Section 3. The act is amended by adding sections to read:

5 Section 622. Appropriation of Miscellaneous Receipts,
6 Revenues and Augmentations Required.--All miscellaneous
7 receipts, revenues and augmentations and all restricted revenues
8 and receipts received from any source shall not be paid out of
9 the General Fund for any purpose and shall not be available for
10 any program or the administration of any act unless appropriated
11 by the General Assembly in a general appropriations act and
12 approved by the Governor.

13 Section 623. Impoundment Control.--(a) Except as provided
14 in section 615, all funds appropriated by the General Assembly
15 and approved by the Governor shall be made available in the full
16 amount of said appropriations for the programs and purposes
17 intended and shall be paid by the State Treasurer upon receipt
18 of proper documentation.

19 (b) Except as provided in section 615, no funds appropriated
20 by the General Assembly and approved by the Governor shall be
21 rescinded, deferred or reserved by the Governor or any other
22 employee of the executive branch without the approval of the
23 General Assembly.

24 Section 624. Rescission, Deferral or Reservation of
25 Appropriations.--(a) Whenever the Governor determines that all
26 or part of any appropriation will not be required to carry out
27 the full objectives or scope of programs for which it was
28 intended by the General Assembly or that such appropriation
29 should be rescinded, deferred or reserved for fiscal policy or
30 other reasons, the Governor shall request authorization from the

General Assembly, by law to rescind, defer or reserve said appropriation. Each request shall specify:

(1) the amount of the appropriation which he proposes to be rescinded or which is to be deferred or reserved;

(2) any account, department, board, commission or establishment of the State Government to which such appropriation is available for expenditures and the specific project, program or governmental functions involved;

(3) the reasons why the appropriation should be rescinded, deferred or reserved;

(4) to the maximum extent practicable, the estimated fiscal, economic and budgetary effect of the proposed rescission or of the deferral or reservation; and

(5) all facts, circumstances and considerations relating to or bearing upon the proposed rescission, deferral or reservation and the decision to effect the proposed rescission, deferral or reservation, and to the maximum extent practicable, the estimated effect of the proposed rescission, deferral or reservation upon the objects, purposes and programs for which the appropriation is provided.

(b) Each proposed bill for authorization to rescind, defer or reserve all or part of an appropriation shall take effect if it is approved by a majority vote of the duly elected membership of each house.

(c) The effective date of each authorization to rescind, defer or reserve all or part of an appropriation shall be the date of approval by the Governor.

(d) Any provision of the request for authorization to rescind, defer or reserve all or part of an appropriation may, under provisions contained therein, be made operative at a time

1 later than the date on which the request for authorization to
2 rescind, defer or reserve all or part of an appropriation takes
3 effect.

4 Section 4. This act shall take effect July 1, 1991, or
5 immediately, whichever is later.