

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.

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

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

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

(b) Appointments.--The President pro tempore of the Senate shall appoint the Majority Leader of the Senate, the Minority Leader of the Senate and three additional members of the Senate. Two of the three additional members shall be members of the Minority party. The President pro tempore of the Senate, the Majority Leader and the Minority Leader may designate other members of the Senate to be appointed in their stead. The Speaker of the House of Representatives shall appoint the Majority Leader of the House of Representatives, the Minority Leader of the House of Representatives and three additional members of the House. Two of the three additional members shall be members of the Minority Party. The Speaker of the House, the Majority Leader and the Minority Leader may designate other members of the House to be appointed in their stead.

(c) Terms and vacancies.--Members of the committee shall be appointed or reappointed during each regular session of the General Assembly, and shall continue as members until the first Tuesday in January of the next odd-numbered year and until their respective successors shall be appointed, provided they continue 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

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

Section 4. Executive director.

The duties of the executive director shall be as follows:

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

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

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

Section 5. Compensation.

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

Section 6. Reports.

Before any written report is made by the committee, the 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.