

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1331 Session of  
2011

INTRODUCED BY WOZNIAK, FONTANA, WAUGH, SOLOBAY, BROWNE,  
BREWSTER, BOSCOLA, MENSCH AND FERLO, NOVEMBER 10, 2011

REFERRED TO FINANCE, NOVEMBER 10, 2011

AN ACT

1 Establishing the Real Rainy Day Fund; and providing for the  
2 deposit of a portion of the liquor tax into the fund and for  
3 use of fund.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Real Rainy  
8 Day Fund Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall  
11 have the meanings given to them in this section unless the  
12 context clearly indicates otherwise:

13 "Disaster emergency." As defined in 35 Pa.C.S. § 7102  
14 (relating to definitions).

15 "Fund." The Real Rainy Day Fund established in section 3.

16 "Liquor tax." The tax imposed in accordance with the act of  
17 June 9, 1936 (1st Sp.Sess., P.L.13, No.4), entitled "An act  
18 imposing an emergency State tax on liquor, as herein defined,

1 sold by the Pennsylvania Liquor Control Board; providing for the  
2 collection and payment of such tax; and imposing duties upon the  
3 Department of Revenue and the Pennsylvania Liquor Control  
4 Board."

5 "Liquor tax rate." The rate of tax imposed pursuant to  
6 section 2 of the act of June 9, 1936 (1st Sp.Sess., P.L.13,  
7 No.4), entitled "An act imposing an emergency State tax on  
8 liquor, as herein defined, sold by the Pennsylvania Liquor  
9 Control Board; providing for the collection and payment of such  
10 tax; and imposing duties upon the Department of Revenue and the  
11 Pennsylvania Liquor Control Board."

12 Section 3. Real Rainy Day Fund.

13 The Real Rainy Day Fund is established as a special fund in  
14 the State Treasury. The moneys of the fund are hereby  
15 appropriated on a continuing basis to carry out the provisions  
16 of this act.

17 Section 4. Deposit of liquor tax.

18 Notwithstanding section 2 of the act of June 9, 1936 (1st  
19 Sp.Sess., P.L.13, No.4), entitled "An act imposing an emergency  
20 State tax on liquor, as herein defined, sold by the Pennsylvania  
21 Liquor Control Board; providing for the collection and payment  
22 of such tax; and imposing duties upon the Department of Revenue  
23 and the Pennsylvania Liquor Control Board," all revenues  
24 received by the Commonwealth pursuant to the imposition of the  
25 liquor tax shall be deposited by the Department of Revenue as  
26 follows:

27 (1) The revenues derived from the first 20% of the  
28 liquor tax rate shall be deposited in the fund.

29 (2) The remainder shall be deposited in the General  
30 Fund.

1 Section 5. Use of fund.

2 (a) Annual report.--The Governor shall report on the fund in  
3 the annual budget which shall include the amounts allocated  
4 under this section.

5 (b) Allocations.--

6 (1) The first \$250,000,000 deposited in the fund during  
7 a fiscal year may be used by the Governor for providing  
8 disaster relief grants or loans to the citizens of this  
9 Commonwealth who sustained property damage as a result of a  
10 disaster emergency for which the Governor issued an executive  
11 order or declaration under 35 Pa.C.S. § 7301 (relating to  
12 general authority of Governor).

13 (2) Any moneys deposited in the fund or interest that  
14 accrues in the fund during a fiscal year in excess of the  
15 first \$250,000,000 deposited in the fund, may be used by the  
16 Governor to repair roads and bridges that failed their most  
17 recent inspection by the Department of Transportation of the  
18 Commonwealth.

19 (3) Notwithstanding the provisions of paragraphs (1) and  
20 (2) and subject to subsection (c), the moneys of the fund may  
21 be used for such other purposes as provided by law.

22 (c) Appropriations for other purposes.--

23 (1) Whenever the Governor determines that an  
24 appropriation from the fund is necessary to meet emergencies  
25 involving the health, safety or welfare of the residents of  
26 this Commonwealth or to counterbalance downturns of the  
27 economy which result in significant unanticipated revenue  
28 shortfalls, the Governor shall present a request for an  
29 appropriation along with the specifics of the proposal and  
30 suggested ancillary and substantive legislation as may be

1       necessary to the chairman of the Appropriations Committee of  
2       the Senate and the chairman of the Appropriations Committee  
3       of the House of Representatives.

4       (2) The General Assembly may then through approval of a  
5       separate appropriation bill by a vote of two-thirds of the  
6       members elected to the Senate and the House of  
7       Representatives appropriate money from the fund to meet the  
8       needs identified in the Governor's proposal.

9       (3) Any money appropriated according to this subsection  
10      which has then lapsed shall be returned to the fund, subject  
11      to the provisions of subsection (d).

12      (d) Transfer to General Fund.--Any balance in the fund which  
13      remains unallocated after the application of subsection (b)  
14      shall be transferred to the General Fund on or before June 30 of  
15      each fiscal year.

16      Section 6. Repeals.

17      All acts and parts of acts are repealed insofar as they are  
18      inconsistent with this act.

19      Section 7. Applicability.

20      This act shall apply to the fiscal year beginning after the  
21      effective date of this section and to each fiscal year  
22      thereafter.

23      Section 8. Effective date.

24      This act shall take effect immediately.