

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1021 Session of 2013

INTRODUCED BY SIMMONS, LAWRENCE, TOEPEL, DUNBAR, MASSER, AUMENT, HEFFLEY, DENLINGER, CUTLER, TALLMAN, MOUL, KAUFFMAN, EVANKOVICH, BENNINGHOFF, ROCK, COHEN, PEIFER, GABLER, GINGRICH, SCAVELLO, READSHAW, TOBASH, PYLE, FARRY AND BOBACK, MARCH 19, 2013

REFERRED TO COMMITTEE ON APPROPRIATIONS, MARCH 19, 2013

AN ACT

1 Amending the act of April 9, 1929 (P.L.343, No.176), entitled,
 2 as amended, "An act relating to the finances of the State
 3 government; providing for the settlement, assessment,
 4 collection, and lien of taxes, bonus, and all other accounts
 5 due the Commonwealth, the collection and recovery of fees and
 6 other money or property due or belonging to the Commonwealth,
 7 or 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,
 17 authorizing the Commonwealth to issue tax anticipation notes
 18 to defray current expenses, implementing the provisions of
 19 section 7(a) of Article VIII of the Constitution of
 20 Pennsylvania authorizing and restricting the incurring of
 21 certain debt and imposing penalties; affecting every
 22 department, board, commission, and officer of the State
 23 government, every political subdivision of the State, and
 24 certain officers of such subdivisions, every person,
 25 association, and corporation required to pay, assess, or
 26 collect taxes, or to make returns or reports under the laws
 27 imposing taxes for State purposes, or to pay license fees or
 28 other moneys to the Commonwealth, or any agency thereof,
 29 every State depository and every debtor or creditor of the
 30 Commonwealth," further providing for transfer of portion of
 31 surplus.

1 The General Assembly of the Commonwealth of Pennsylvania
2 hereby enacts as follows:

3 Section 1. Section 1702-A(b)(1) of the act of April 9, 1929
4 (P.L.343, No.176), known as The Fiscal Code, amended July 2,
5 2012 (P.L.823, No.87), is amended to read:

6 Section 1702-A. Funding.

7 * * *

8 (b) Transfer of portion of surplus.--

9 (1) Except as may be provided in paragraph (2), for
10 fiscal years beginning after June 30, 2002, the following
11 apply:

12 (i) Except as set forth in this paragraph, if the
13 Secretary of the Budget certifies that there is a surplus
14 in the General Fund for a specific fiscal year, 25% of
15 the surplus shall be deposited by the end of the next
16 succeeding quarter into the Budget Stabilization Reserve
17 Fund.

18 (ii) If the Secretary of the Budget certifies, after
19 June 30, 2005, that there is a surplus in the General
20 Fund for the fiscal year 2004-2005, 15% of the surplus
21 shall be deposited by the end of the next succeeding
22 quarter into the Budget Stabilization Reserve Fund.

23 (iii) No amount of the surplus in the General Fund
24 for fiscal year 2007-2008 may be deposited into the
25 Budget Stabilization Reserve Fund.

26 (iv) No amount of the surplus in the General Fund
27 for fiscal year 2010-2011 may be deposited into the
28 Budget Stabilization Reserve Fund.

29 (v) No amount of the surplus in the General Fund for
30 fiscal year 2011-2012 may be deposited into the Budget

1 Stabilization Reserve Fund.

2 (vi) Beginning with the 2012-2013 fiscal year, if
3 the Secretary of the Budget certifies that there is a
4 surplus in the General Fund at the end of the fiscal
5 year, 50% of the surplus shall be transferred and
6 deposited in proportion to the current unfunded actuarial
7 accrued liabilities of the Public School Employees'
8 Retirement System and the State Employees' Retirement
9 System. The funds shall be deposited by the end of the
10 next succeeding quarter. The Public School Employees'
11 Retirement Board and the State Employees' Retirement
12 Board must accept the transferred funds and apply the
13 same to offset the current unfunded actuarial accrued
14 liability of the pension funds. The transfers of surplus
15 funds must be in addition to required annual employer
16 contributions required by 24 Pa.C.S. §§ 8326 (relating to
17 contributions by the Commonwealth) and 8327 (relating to
18 payments by employers) and 71 Pa.C.S. § 5507(d) and (e)
19 (relating to contributions by the Commonwealth and other
20 employers) and may not be used to replace any portion of
21 the annual employer contributions certified by the boards
22 under 24 Pa.C.S. § 8328 (relating to actuarial cost
23 method) and 71 Pa.C.S. §§ 5507 and 5508 (relating to
24 actuarial cost method).

25 * * *

26 Section 2. This act shall take effect immediately.