

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 675 Session of  
2013

INTRODUCED BY WOZNIAK, BREWSTER, BROWNE, WAUGH, MENSCH, FONTANA,  
YUDICHAK, SOLOBAY, COSTA AND FERLO, MARCH 13, 2013

REFERRED TO FINANCE, MARCH 13, 2013

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 appropriated on a  
15 continuing basis to carry out the provisions of this act.

16 Section 4. Deposit of liquor tax.

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

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

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

30 Section 5. Use of fund.

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

4 (b) Allocations.--

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

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

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

21 (c) Appropriations for other purposes.--

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

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

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

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

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

15 Section 6. Repeals.

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

18 Section 7. Applicability.

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

22 Section 8. Effective date.

23 This act shall take effect immediately.