

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2829 Session of 2020

INTRODUCED BY MURT, SAPPEY, THOMAS, RADER, GREEN AND HOHENSTEIN,
AUGUST 28, 2020

REFERRED TO COMMITTEE ON APPROPRIATIONS, AUGUST 28, 2020

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; providing for the regulation of pari-mutuel
 18 thoroughbred horse racing and harness horse racing
 19 activities, imposing certain taxes and providing for the
 20 disposition of funds from pari-mutuel tickets; and
 21 prescribing the manner in which the number and compensation
 22 of the deputies and all other assistants and employes of
 23 certain departments, boards and commissions shall be
 24 determined," in Commonwealth budget procedures, providing for
 25 essential service payments during budget impasse.

26 The General Assembly of the Commonwealth of Pennsylvania

27 hereby enacts as follows:

28 Section 1. The act of April 9, 1929 (P.L.177, No.175), known
 29 as The Administrative Code of 1929, is amended by adding a

1 section to read:

2 Section 626. Essential Service Payments During Budget
3 Impasse.--(a) If the General Appropriation Act is not enacted
4 by July 1 of any fiscal year:

5 (1) The Secretary of the Budget shall, in consultation with
6 the Secretary of Human Services, the Secretary of Drug and
7 Alcohol Programs, the Secretary of Aging and the secretary of a
8 department that provides other essential services, certify to
9 the State Treasurer the line items and amounts paid for
10 essential services and other essential services from each of
11 their departments during the prior fiscal year and the amounts
12 so certified are hereby appropriated from the General Fund to
13 the respective departments for those purposes.

14 (2) The Department of Human Services, the Department of Drug
15 and Alcohol Programs, the Department of Aging and any department
16 that provides other essential services may submit requisitions
17 to the State Treasurer for the payment of the essential services
18 and other essential services to a human services organization,
19 county or other intermediary organization from the
20 appropriations made under paragraph (1), provided that the
21 amount paid does not exceed the amount paid during the prior
22 fiscal year.

23 (b) The payments authorized under subsection (a) to a human
24 service organization, county or other intermediary organization
25 shall include reimbursement of interest incurred by the human
26 service organization, county or other intermediary organization
27 for providing essential services in this Commonwealth, if the
28 interest was incurred on a loan issued by a financial
29 institution to the human service organization, county or other
30 intermediary organization and the organization demonstrates in

1 writing to the satisfaction of the Secretary of the Budget that
2 the loan was necessary to support the operations of the
3 organization as a direct result of not receiving timely payment
4 from the Commonwealth after July 1 of the fiscal year.

5 (c) The amount paid from the General Fund under subsection
6 (a) between July 1 and the date of enactment of the General
7 Appropriation Act for that fiscal year shall be credited against
8 the corresponding appropriation in the General Appropriation Act
9 for that fiscal year.

10 (d) An appropriation made under subsection (a) in any fiscal
11 year shall immediately lapse when the General Appropriation Act
12 for that fiscal year is enacted.

13 (e) The Secretary of the Budget and the State Treasurer
14 shall expedite payments under this section consistent with their
15 powers and duties in the act of April 9, 1929 (P.L.343, No.176),
16 known as "The Fiscal Code."

17 (f) The Secretary of the Budget shall submit a report to the
18 Appropriations Committee of the Senate and the Appropriations
19 Committee of the House of Representatives by June 15 of each
20 year indicating any services that will be deemed essential by
21 the Governor to protect public health and safety during a
22 potential budget impasse.

23 (g) As used in this section, the term "essential service"
24 means any service for which payment was made during the previous
25 fiscal year from Federal and State appropriations to the
26 Department of Human Services, the Department of Drug and Alcohol
27 Programs and the Department of Aging for the following:

28 (1) Domestic violence.

29 (2) Mental health services, including grants to counties or
30 other county-based human services included under the Human

1 Services Block Grant, exclusive of capital improvements.

2 (3) Behavioral health services or other county-based human
3 services included under the Human Services Block Grant.

4 (4) Intellectual Disabilities - Community Base Program,
5 including grants to counties for noninstitutional programs or
6 other county-based human services included under the Human
7 Services Block Grant, exclusive of capital improvements.

8 (5) Payments and services to counties for children and youth
9 programs and for the care of delinquent and dependent children
10 under section 704.1 of the act of June 13, 1967 (P.L.31, No.21),
11 known as the "Human Services Code." The payments and services
12 shall include an aggregate child welfare needs-based budget
13 allocation that the Department of Human Services may use to fund
14 contracts for adoption services and to pay for assistance to
15 counties in meeting Federal reimbursement documentation
16 requirements.

17 (6) The Human Services Development Fund.

18 (7) Medical assistance payments for outpatient services,
19 exclusive of outpatient services provided through capitation
20 plans.

21 (8) Payments to counties for drug and alcohol addiction
22 treatment services under section 2334.

23 (9) Any other funds for which the county provides services
24 on behalf of the Commonwealth.

25 (h) As used in this section, "other essential services"
26 means services for which payment was made during the previous
27 fiscal year from Federal and State appropriations that the
28 Governor deems essential during a budget impasse for public
29 health and safety. The term does not include an essential
30 service.

1 Section 2. This act shall take effect in 60 days.