HOUSE AMENDED
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THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1542 Session of 1976

INTRODUCED BY CIANFRANI, JUNE 1, 1976

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 16, 1976

AN ACT

Relating to the fiscal affairs of the Commonwealth concerning duties of the Governor, the Secretary of Revenue and the Budget Secretary, with respect to the submission of and signing the budget for any fiscal year; and, after a budget is enacted, regulating the issuance of warrants by the State Treasurer for certain requisitioned funds and imposing duties on persons authorized by law to issue requisitions for the payment of moneys from the State Treasury; AND PRESCRIBING THAT FEDERAL FUNDS RECEIVED BY THE COMMONWEALTH SHALL BE DEPOSITED IN THE GENERAL FUND ACCOUNT WITH CERTAIN EXCEPTIONS. <—

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

Section 1. Any person authorized by law to issue requisitions for the payment of moneys from the State Treasury shall, when submitting any such requisition to the State Treasury, indicate thereon whether any of the funds so requested were derived, in whole or in part, from Federal funds.

Section 2. Any person authorized by law to issue requisitions for the payment of moneys from the State Treasury shall, when submitting any such requisition to the State Treasurer, indicate thereon whether any of the funds so

requested will be used, directly or indirectly, as matching funds to Federal funds.

Section 3. The State Treasurer is hereby specifically prohibited from issuing any warrant for requisitioned funds which were derived, in whole or in part, from Federal funds unless such funds have been specifically appropriated by an act of the General Assembly.

Section 4. The State Treasurer is hereby specifically prohibited from issuing any warrants for requisitioned funds which will be used, directly or indirectly, as matching funds to Federal funds unless such Federal funds have been specifically appropriated by an act of the General Assembly.

SECTION 5. EXCEPT AS MAY BE HEREINAFTER PROVIDED IN THIS SECTION, NO FEDERAL FUNDS, WHETHER DESIGNATED AS GRANTS, AUGMENTATIONS, CREDITS OR OTHERWISE, RECEIVED FROM THE FEDERAL GOVERNMENT IN ANY FISCAL YEAR SHALL, BY EXECUTIVE ORDER OF THE GOVERNOR OR BY ANY OTHER EXECUTIVE ACTION, BE DEPOSITED IN OR DESIGNATED AS A SPECIAL OR RESTRICTED FUND ACCOUNT, SEPARATE AND DISTINCT FROM THE GENERAL FUND ACCOUNT. ALL SUCH FEDERAL FUNDS SHALL BE DEPOSITED IN AND CREDITED TO THE GENERAL FUND ACCOUNT, BE CONTAINED IN THE BUDGET AS HEREINAFTER PROVIDED, AND BE AVAILABLE FOR APPROPRIATION BY THE GENERAL ASSEMBLY AS PART OF ITS OPERATING BUDGET, EXCEPT THAT SUCH FEDERAL FUNDS NEED NOT BE DEPOSITED IN NOR DISBURSED BY APPROPRIATION FROM THE GENERAL FUND ACCOUNT UNDER THE FOLLOWING LIMITED STATUTORY CIRCUMSTANCES. IF THE GENERAL ASSEMBLY HAS BY STATUTORY ENACTMENT CREATED A SPECIAL FUND OR RESTRICTED RECEIPT ACCOUNT AND HAS SPECIFICALLY PROVIDED THEREIN FOR AN EXCLUSIVE, SPECIAL PURPOSE OR PURPOSES FOR WHICH FEDERAL FUNDS DEPOSITED IN SUCH SPECIAL FUND OR RESTRICTED RECEIPT ACCOUNT CAN ONLY BE USED,

THEN UNDER SUCH STATUTORY CIRCUMSTANCES, FEDERAL FUNDS RECEIVED WHICH ARE SPECIFICALLY AND EXCLUSIVELY EAR-MARKED FOR SUCH GENERAL ASSEMBLY DETERMINED SPECIAL FUND OR RESTRICTED RECEIPT PURPOSE OR PURPOSES MAY BE DEPOSITED IN SUCH STATUTORILY CREATED SPECIAL FUND OR RESTRICTED RECEIPT ACCOUNT. AND, WITHOUT FURTHER STATUTORY APPROPRIATION BEING REQUIRED, CAN BE USED SOLELY AND EXCLUSIVELY FOR SUCH SPECIFIC STATUTORY SPECIAL FUND OR RESTRICTED RECEIPT PURPOSE OR PURPOSES. BUT, UNDER NO CIRCUMSTANCES SHALL FEDERAL FUNDS RECEIVED AND DEPOSITED IN SUCH STATUTORILY CREATED SPECIAL FUND OR RESTRICTED RECEIPT ACCOUNT BE DISBURSED BY EXECUTIVE ORDER OF THE GOVERNOR OR BY ANY OTHER EXECUTIVE ACTION FOR ANY PURPOSE OR PURPOSES NOT SPECIFICALLY PRESCRIBED BY THE STATUTE WHICH CREATED SAID SPECIAL OR RESTRICTED RECEIPT ACCOUNT, EXCEPT BY APPROPRIATION MADE BY LAW DURING THE FISCAL YEAR IN WHICH SUCH FUNDS WERE RECEIVED.

Section ~~5.~~ 6. Notwithstanding any thing in any law to the <—— contrary, it shall be the duty of the Secretary of Revenue when submitting to the Budget Secretary and to the Governor his officially certified estimate of revenues and receipts from any and all sources for use in the preparation of the Governor's proposed budget for the ensuing fiscal year to specifically include therein an estimate of any and all funds received or anticipated to be received from the Federal Government whether such funds are designated as grants, augmentations, credits or otherwise, together with the purposes for which such funds, as aforesaid, are provided or to be provided. The Secretary of Revenue shall provide a Federal funds estimate to the Governor for use by the Governor in signing any appropriation bill.

The General Assembly hereby declares its legislative intent not to enact any operating budget for any fiscal year unless and

until a budget is submitted in accordance with the provisions of this act.

SECTION 7. NOTWITHSTANDING ANY OTHER LAW OR PORTION OF ANY OTHER LAW INCLUDING SECTION 3 OF THE ACT OF DECEMBER 27, 1933 (SP.S. 1933-34, P.L.113, NO.29), ENTITLED "AN ACT AUTHORIZING THE STATE TREASURER TO ACT AS CUSTODIAN OF MONEYS AND SECURITIES CONTRIBUTED TO OR DEPOSITED WITH THE COMMONWEALTH, OR OFFICERS, DEPARTMENTS, BOARDS OR COMMISSIONS OF THE COMMONWEALTH; PRESCRIBING THE MANNER IN WHICH SUCH MONEYS OR SECURITIES SHALL BE HELD AND DISBURSED OR DELIVERED UP; AND MAKING AN APPROPRIATION TO THE TREASURY DEPARTMENT FOR THE COST OF ADMINISTERING SUCH MONEYS AND SECURITIES," THE PROVISIONS OF THIS ACT SHALL PREVAIL. <—

Section ~~7~~ 8. This act shall take effect immediately. <—