

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1190 Session of
1991

INTRODUCED BY ARMSTRONG, DAWIDA, PECORA AND HELFRICK,
JUNE 13, 1991

REFERRED TO FINANCE, JUNE 13, 1991

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 the deposit of moneys
31 and for State depositories.

32 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 Section 1. Section 301 of the act of April 9, 1929 (P.L.343,
3 No.176), known as The Fiscal Code, amended May 2, 1986 (P.L.145,
4 No.45), is amended to read:

5 Section 301. Deposit of Moneys.--The Treasury Department
6 shall deposit all moneys of the Commonwealth received by it,
7 including moneys not belonging to the Commonwealth but of which
8 the Treasury Department or the State Treasurer is custodian, in
9 State depositories approved by the Board of Finance and Revenue.
10 The Treasury Department shall not be required to deposit or to
11 keep on deposit moneys of the Commonwealth segregated by funds
12 in State depositories.

13 The Treasury Department shall not, at any time have in all
14 active depositories more than an aggregate of such total sum as
15 the Board of Finance and Revenue shall, by resolution, have
16 prescribed, and shall not deposit in any one inactive depository
17 an amount in excess of twenty-five per centum of its paid-in
18 capital [and], surplus, [nor in excess of five hundred thousand
19 dollars] retained earnings and loan loss reserves: Provided,
20 however, That in the case of any particular depository, these
21 limitations may be waived by the Board of Finance and Revenue,
22 so as to permit the State Treasurer to deposit State moneys[,
23 not in excess of one million dollars,] in any bank, banking
24 institution, or trust company designated as an inactive
25 depository.

26 All departments, boards or commissions, having in their
27 possession any moneys belonging to the Commonwealth, shall
28 deposit them in State depositories approved by the Board of
29 Finance and Revenue in a manner and with such frequency as shall
30 be prescribed by the State Treasurer. In all such cases the

1 depositing department, board or commission shall forthwith, upon
2 opening the account, notify the Department of the Auditor
3 General and the Treasury Department of the name of the
4 depository and the nature of the funds to be deposited in the
5 account.

6 Section 2. Section 505(d) of the act, amended July 11, 1980
7 (P.L.554, No.115), is amended to read:

8 Section 505. State Depositories.--The Board of Finance and
9 Revenue shall have the power, and its duty shall be,

10 * * *

11 (d) To see that no bank, banking institution, trust company
12 or savings and loan association, except those designated as
13 active depositories, shall receive a deposit of State moneys in
14 excess of twenty-five per centum of its paid-in capital [and]
15 surplus, [or have, at any one time, an aggregate of deposits in
16 excess of five hundred thousand dollars] retained earnings and
17 loan loss reserves: Provided, however, That, in the case of any
18 particular depository, these limitations may be waived, by the
19 Board of Finance and Revenue, so as to permit the State
20 Treasurer to deposit State moneys [not in excess of one million
21 dollars] in any bank, banking institution, trust company or
22 savings and loan association, designated as an inactive
23 depository.

24 * * *

25 Section 3. This act shall take effect immediately.