

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 179 Session of
1997

INTRODUCED BY PICCOLA, TOMLINSON, SALVATORE, PUNT, ROBBINS,
MOWERY, ULIANA, DELP, WOZNIAK, HECKLER, RHOADES, BELL,
GERLACH, HART, MUSTO, KASUNIC, SLOCUM AND MURPHY,
JANUARY 21, 1997

SENATOR TILGHMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED,
MARCH 11, 1997

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 employees in certain departments, boards,
17 and commissions; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employees of certain departments, boards and
20 commissions shall be determined," IMPOSING ADDITIONAL DUTIES <—
21 ON THE AUDITOR GENERAL, THE STATE TREASURER AND THE ATTORNEY
22 GENERAL; AND authorizing the Department of Corrections to
23 assess and collect certain payments from prisoners.

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

26 ~~Section 1. The act of April 9, 1929 (P.L.177, No.175), known~~ <—
27 ~~as The Administrative Code of 1929, is amended by adding a~~

1 ~~section to read:~~

2 SECTION 1. SECTION 614 OF THE ACT OF APRIL 9, 1929 (P.L.177, <—
3 NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF 1929, AMENDED
4 AUGUST 14, 1991 (P.L.331, NO.35), IS AMENDED TO READ:

5 SECTION 614. LIST OF EMPLOYES TO BE FURNISHED TO CERTAIN
6 STATE OFFICERS.--(A) ALL ADMINISTRATIVE DEPARTMENTS, BOARDS,
7 AND COMMISSIONS AND THE ATTORNEY GENERAL SHALL ON JULY 15 OF
8 EACH YEAR, TRANSMIT TO THE AUDITOR GENERAL, THE STATE TREASURER
9 AND SECRETARY OF THE BUDGET A COMPLETE LIST, AND TO THE
10 LEGISLATIVE DATA PROCESSING CENTER A COMPUTER TAPE OF SUCH LIST,
11 AS OF JULY 1 PRECEDING, OF THE NAMES OF ALL PERSONS, EXCEPT DAY-
12 LABORERS, ENTITLED TO RECEIVE COMPENSATION FROM THE COMMONWEALTH
13 FOR SERVICES RENDERED IN OR TO THE DEPARTMENT, BOARD, OR
14 COMMISSION, AS THE CASE MAY BE. SUCH LIST SHALL SHOW THE
15 POSITION OCCUPIED BY EACH SUCH PERSON, THE DATE OF BIRTH AND
16 VOTING RESIDENCE OF SUCH PERSON, THE SALARY AT WHICH OR OTHER
17 BASIS UPON WHICH SUCH PERSON IS ENTITLED TO BE PAID, THE DATE
18 WHEN SUCH PERSON ENTERED THE SERVICE OF THE COMMONWEALTH,
19 WHETHER SUCH PERSON HAS BEEN CONTINUOUSLY EMPLOYED BY THE
20 COMMONWEALTH SINCE THAT DATE, AND ALL PERIODS OF SERVICE AND
21 POSITIONS HELD AS AN EMPLOYE OF THE COMMONWEALTH, OR SUCH PART
22 OF SUCH INFORMATION AS THE GOVERNOR MAY PRESCRIBE.

23 (A.1) THE AUDITOR GENERAL AND THE STATE TREASURER SHALL ON
24 JULY 15 OF EACH YEAR TRANSMIT TO THE SECRETARY OF THE BUDGET A
25 COMPLETE LIST, AND TO THE LEGISLATIVE DATA PROCESSING CENTER A
26 COMPUTER TAPE OF SUCH LIST, AS OF JULY 1 PRECEDING, OF THE NAMES
27 OF ALL PERSONS, EXCEPT DAY-LABORERS, ENTITLED TO RECEIVE
28 COMPENSATION FROM THE COMMONWEALTH FOR SERVICES RENDERED IN OR
29 TO THE AUDITOR GENERAL OR THE STATE TREASURER, AS THE CASE MAY
30 BE. SUCH LIST SHALL SHOW THE POSITION OCCUPIED BY EACH SUCH

1 PERSON, THE DATE OF BIRTH AND VOTING RESIDENCE OF SUCH PERSON,
2 THE SALARY AT WHICH OR OTHER BASIS UPON WHICH SUCH PERSON IS
3 ENTITLED TO BE PAID, THE DATE WHEN SUCH PERSON ENTERED THE
4 SERVICE OF THE COMMONWEALTH, WHETHER SUCH PERSON HAS BEEN
5 CONTINUOUSLY EMPLOYED BY THE COMMONWEALTH SINCE THAT DATE, AND
6 ALL PERIODS OF SERVICE AND POSITIONS HELD AS AN EMPLOYEE OF THE
7 COMMONWEALTH.

8 (B) NO LATER THAN THE 15TH OF EACH MONTH THEREAFTER, THE
9 ATTORNEY GENERAL, THE HEADS OF THE SEVERAL ADMINISTRATIVE
10 DEPARTMENTS, AND THE SEVERAL INDEPENDENT ADMINISTRATIVE BOARDS
11 AND COMMISSIONS, SHALL CERTIFY TO THE AUDITOR GENERAL, THE STATE
12 TREASURER AND THE SECRETARY OF THE BUDGET ANY CHANGES IN THE
13 ANNUAL LIST OF EMPLOYEES LAST TRANSMITTED TO THEM WHICH SHALL
14 HAVE OCCURRED DURING THE PRECEDING MONTH AND SHALL PROVIDE TO
15 THE LEGISLATIVE DATA PROCESSING CENTER A COMPUTER TAPE OF SUCH
16 CHANGES.

17 (B.1) NO LATER THAN THE FIFTEENTH OF EACH MONTH THEREAFTER,
18 THE AUDITOR GENERAL AND THE STATE TREASURER SHALL CERTIFY TO THE
19 SECRETARY OF THE BUDGET ANY CHANGES IN THE ANNUAL LIST OF
20 EMPLOYEES LAST TRANSMITTED TO THEM WHICH SHALL HAVE OCCURRED
21 DURING THE PRECEDING MONTH AND SHALL PROVIDE TO THE LEGISLATIVE
22 DATA PROCESSING CENTER A COMPUTER TAPE OF SUCH CHANGES.

23 (C) THE INFORMATION RECEIVED BY THE AUDITOR GENERAL, THE
24 STATE TREASURER AND THE SECRETARY OF THE BUDGET, UNDER THIS
25 SECTION, SHALL BE PUBLIC INFORMATION.

26 SECTION 2. SECTION 620 OF THE ACT, AMENDED SEPTEMBER 27,
27 1978 (P.L.775, NO.149), IS AMENDED TO READ:

28 SECTION 620. BUDGET IMPLEMENTATION DATA.--(A) THE GOVERNOR,
29 THE AUDITOR GENERAL, THE STATE TREASURER AND THE ATTORNEY
30 GENERAL SHALL MAKE MONTHLY EXPENDITURE DATA AVAILABLE TO THE

1 MAJORITY AND MINORITY CHAIRMEN OF THE APPROPRIATIONS COMMITTEES
2 OF THE SENATE AND THE HOUSE OF REPRESENTATIVES. MONTHLY DATA
3 SHALL BE PROVIDED WITHIN FIFTEEN (15) DAYS AFTER THE END OF EACH
4 MONTH. THE MONTHLY DATA SHALL BE PREPARED IN SUCH A WAY THAT THE
5 LAST MONTHLY SUBMISSION IS A SUMMARY INCLUSIVE OF THE PRECEDING
6 MONTHS OF THE FISCAL YEAR AND SHALL BE USABLE TO ESTABLISH A
7 HISTORY OF EXPENDITURE FILE. THIS DATA, AT THE DISCRETION OF THE
8 MAJORITY AND MINORITY CHAIRMEN OF THE APPROPRIATIONS COMMITTEES
9 OF THE SENATE AND THE HOUSE OF REPRESENTATIVES MAY BE PROVIDED
10 EITHER IN FINISHED REPORTS OR ON COMPUTER TAPES. THE DATA SHALL
11 BE PROVIDED BY FUND, BY APPROPRIATION, BY DEPARTMENT AND BY
12 ORGANIZATION WITHIN EACH DEPARTMENT AND SHALL INCLUDE:

13 (1) NUMBER OF FILLED PERSONNEL POSITIONS AND THEIR COST.

14 (2) ITEMIZED PERSONNEL VACANCIES AND THEIR COST.

15 (3) NEW POSITIONS CREATED AND THEIR COST.

16 (4) WAGE AND OVERTIME COSTS.

17 (5) ALLOTMENTS AND EXPENDITURES FOR ITEMIZED PERSONNEL
18 EXPENSES.

19 (6) ALLOTMENTS AND EXPENDITURES FOR ITEMIZED OPERATING
20 EXPENSES.

21 (7) ALLOTMENTS AND EXPENDITURES FOR ITEMIZED FIXED ASSETS.

22 (8) THE RATE OF EXPENDITURES IN APPROPRIATIONS FOR MAJOR
23 SUBSIDY AND GRANT PROGRAMS DURING THE MONTH.

24 IN ADDITION TO THE ABOVE SPECIFIED BUDGETARY DATA, THE GOVERNOR,
25 THE AUDITOR GENERAL, THE STATE TREASURER AND THE ATTORNEY
26 GENERAL SHALL MAKE AVAILABLE ANY OTHER BUDGETARY DATA AS MAY BE
27 REQUESTED FROM TIME TO TIME BY THE MAJORITY AND MINORITY
28 CHAIRMEN OF THE APPROPRIATIONS COMMITTEES OF THE SENATE AND THE
29 HOUSE OF REPRESENTATIVES.

30 (B) THE GOVERNOR SHALL MAKE MONTHLY REVENUE REPORTS TO THE

1 MAJORITY AND MINORITY CHAIRMEN OF THE APPROPRIATIONS COMMITTEES
2 OF THE SENATE AND THE HOUSE OF REPRESENTATIVES. THE REVENUE
3 REPORTS SHALL SHOW THE ACTUAL COLLECTION OF REVENUE ITEMIZED BY
4 SOURCE AND A COMPARISON OF THE ACTUAL COLLECTIONS WITH ESTIMATED
5 COLLECTIONS FOR EACH MONTH. THE COMPARISON SHALL BE ACCOMPANIED
6 BY AN ANALYSIS WHICH WOULD INDICATE ANY CHANGE IN COLLECTION
7 PATTERNS WHICH WILL CAUSE A SHORTFALL OR OVERRUN ON THE ANNUAL
8 ESTIMATES OF MORE THAN ONE PER CENTUM (1%).

9 (C) THE GOVERNOR, THE AUDITOR GENERAL, THE STATE TREASURER,
10 AND THE ATTORNEY GENERAL SHALL CAUSE TO BE PREPARED ANY OTHER
11 REVENUE DATA AS MAY BE REQUESTED FROM TIME TO TIME BY THE
12 MAJORITY OR MINORITY CHAIRMEN OF THE APPROPRIATIONS COMMITTEES
13 OF THE SENATE OR THE HOUSE OF REPRESENTATIVES.

14 SECTION 3. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

15 Section 904-B. Powers to Assess and Collect Costs.--(a)
16 When the Department of Corrections determines that there has
17 been a financial loss or cost as a result of a violation of a
18 written rule governing inmate behavior, including, but not
19 limited to, property loss or damage or use of a controlled
20 substance, the department may require the prisoner to pay to the
21 department or to the person whose property has been lost or
22 damaged, the value of the property or the costs incurred in the
23 investigation and administrative review of the behavior.

24 (b) The department shall develop written procedures relating
25 to the determination, assessment and collection of the costs of
26 losses due to inmate misconduct. When the procedures have been
27 adopted by the department, the provisions of 2 Pa.C.S. Ch. 5
28 Subch. A (relating to practice and procedure of Commonwealth
29 agencies) shall not apply to proceedings conducted by the
30 department under this section.

1 (c) The department may deduct from an inmate's institutional
2 account the amount of any judgment, court-ordered costs or
3 assessments against the inmate under subsection (a). Notice of
4 the deduction shall be provided to the inmate by certified mail
5 or personal notice.

6 ~~Section 2. This act shall take effect in 60 days.~~ <—

7 SECTION 4. THIS ACT SHALL TAKE EFFECT AS FOLLOWS: <—

8 (1) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

9 (2) THE AMENDMENT OF SECTIONS 614 AND 620 OF THE ACT
10 SHALL TAKE EFFECT JULY 1, 1997.

11 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60
12 DAYS.