

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1122 Session of
2007

INTRODUCED BY PICCOLA, ORIE, WAUGH, WONDERLING, CORMAN,
GREENLEAF, McILHINNEY, ARMSTRONG, BAKER, BROWNE, SCARNATI,
REGOLA AND GORDNER, OCTOBER 25, 2007

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 10, 2008

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; and prescribing the manner in which the~~
18 ~~number and compensation of the deputies and all other~~
19 ~~assistants and employes of certain departments, boards and~~
20 ~~commissions shall be determined," prohibiting the furlough of~~
21 ~~Commonwealth employees.~~
22 DECLARING THE CURRENT ECONOMIC CONDITIONS IN THE COMMONWEALTH AS <—
23 AN EMERGENCY; RESTRICTING THE FURLOUGH OF STATE EMPLOYEES
24 PRECEDING THE ENACTMENT OF A BUDGET; AND MAKING AN
25 APPROPRIATION AND TRANSFER FROM THE BUDGET STABILIZATION
26 RESERVE FUND.

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

1 ~~Section 1. Section 223 of the act of April 9, 1929 (P.L.177, <—~~
2 ~~No.175), known as The Administrative Code of 1929, is amended by~~
3 ~~adding a subsection to read:~~

4 ~~Section 223. Payday. * * *~~

5 ~~(c) Notwithstanding any other provision of law, if a general~~
6 ~~appropriation act for a fiscal year is not enacted before the~~
7 ~~beginning of that fiscal year, all employes of the Commonwealth~~
8 ~~shall be considered to be critical and essential employes and~~
9 ~~may not be furloughed because of the failure to enact a general~~
10 ~~appropriation act for a fiscal year. No employes of the~~
11 ~~Commonwealth shall be furloughed based on any categorization or~~
12 ~~distinction not expressly provided for in law.~~

13 ~~Section 2. This act shall take effect in 60 days.~~

14 SECTION 1. NOTWITHSTANDING THE PROVISIONS OF SECTION 1703- <—
15 A(B) OF THE ACT OF APRIL 9, 1929 (P.L.343, NO.176), KNOWN AS THE
16 FISCAL CODE, PROVIDING FOR THE GOVERNOR TO DECLARE AN EMERGENCY
17 AND SUBMIT A PROPOSAL REQUESTING AN APPROPRIATION FROM THE
18 BUDGET STABILIZATION RESERVE FUND, THE GENERAL ASSEMBLY FINDS
19 AND DECLARES:

20 (1) THAT THE ECONOMIC CONDITIONS OCCURRING DURING THE
21 2007-2008 SESSION OF THE GENERAL ASSEMBLY CONSTITUTE AN
22 EMERGENCY WHICH ENDANGERS THE HEALTH, SAFETY AND WELFARE OF
23 THE RESIDENTS OF THIS COMMONWEALTH IN NUMEROUS AND DIVERSE
24 WAYS WHICH CAN BE ALLEVIATED BY A TRANSFER OF FUNDS FROM THE
25 BUDGET STABILIZATION RESERVE FUND TO THE GENERAL FUND.

26 (2) THAT THE PRACTICE OF FURLOUGHING ANY STATE EMPLOYEE
27 PRECEDING THE ENACTMENT OF A GENERAL APPROPRIATION ACT FOR
28 FISCAL YEAR 2008-2009, CONSTITUTES AN EMERGENCY THAT WOULD
29 ENDANGER THE HEALTH, SAFETY AND WELFARE OF THE RESIDENTS OF
30 THIS COMMONWEALTH BY INTERFERING WITH THE ADMINISTRATION OF

1 VITAL STATE PROGRAMS AND THAT AN APPROPRIATION FROM THE
2 BUDGET STABILIZATION RESERVE FUND IS NECESSARY TO ALLEVIATE
3 THE EMERGENCY.

4 SECTION 2. SUBJECT TO THE PROVISIONS OF SECTION 1703-A(B) OF
5 THE ACT OF APRIL 9, 1929 (P.L.343, NO.176), KNOWN AS THE FISCAL
6 CODE, REQUIRING THE GENERAL ASSEMBLY THROUGH APPROVAL OF A
7 SEPARATE APPROPRIATION BILL BY A VOTE OF TWO-THIRDS OF THE
8 MEMBERS ELECTED TO THE SENATE AND THE HOUSE OF REPRESENTATIVES
9 TO APPROPRIATE MONEY FROM THE BUDGET STABILIZATION RESERVE FUND
10 TO MEET THE EMERGENCY CAUSED BY THE ECONOMIC CONDITIONS
11 OCCURRING DURING THE 2007-2008 SESSION OF THE GENERAL ASSEMBLY
12 AND AFTER DEDUCTION FOR THE SPECIFIC APPROPRIATION UNDER SECTION
13 3, THE REMAINING BALANCE IN THE BUDGET STABILIZATION RESERVE
14 FUND IS HEREBY TRANSFERRED TO THE GENERAL FUND FOR THE FISCAL
15 YEAR JULY 1, 2008, TO JUNE 30, 2009, FOR APPROPRIATION FOR
16 VARIOUS PURPOSES TO MEET THE EMERGENCY UNDER SECTION 1(1).

17 SECTION 3. SUBJECT TO THE PROVISIONS OF SECTION 1703-A(B) OF
18 THE ACT OF APRIL 9, 1929 (P.L.343, NO.176), KNOWN AS THE FISCAL
19 CODE REQUIRING THE GENERAL ASSEMBLY THROUGH APPROVAL OF A
20 SEPARATE APPROPRIATION BILL BY A VOTE OF TWO-THIRDS OF THE
21 MEMBERS ELECTED TO THE SENATE AND THE HOUSE OF REPRESENTATIVES
22 TO APPROPRIATE MONEY FROM THE BUDGET STABILIZATION RESERVE FUND
23 TO MEET THE EMERGENCY AND THAT ANY UNEXPENDED MONEY APPROPRIATED
24 ACCORDING TO SECTION 1703-A(B) LAPSE INTO THE BUDGET
25 STABILIZATION RESERVE FUND, THE SUM OF \$20,000,000, OR AS MUCH
26 THEREOF AS MAY BE NECESSARY, IS HEREBY APPROPRIATED FROM THE
27 BUDGET STABILIZATION RESERVE FUND FOR THE FISCAL YEAR JULY 1,
28 2008, TO JUNE 30, 2009, SOLELY FOR THE PAYMENT OF THE SALARIES,
29 BENEFITS AND EXPENSES OF THOSE STATE EMPLOYEES HIRED ON OR
30 BEFORE JUNE 30, 2008, WHO WOULD BE SUBJECT TO FURLOUGH EXCEPT

1 FOR THE PROVISION OF THIS ACT.

2 SECTION 4. THE APPROPRIATION IN SECTION 3 SHALL NOT BE
3 EXPENDED FOR THE IMPLEMENTATION OR ADMINISTRATION OF ANY NEW
4 PROGRAMS. UPON THE ENACTMENT OF THE GENERAL APPROPRIATION ACT
5 FOR FISCAL YEAR 2008-2009, THE APPROPRIATION IN SECTION 3 SHALL
6 EXPIRE AND ANY UNEXPENDED MONEYS SHALL LAPSE INTO THE BUDGET
7 STABILIZATION RESERVE FUND.

8 SECTION 5. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.