

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 10 Session of 2009

INTRODUCED BY SCARNATI, PILEGGI, CORMAN, ORIE, WAUGH, ROBBINS,
BROWNE, PIPPY, GORDNER, BRUBAKER, YAW, RAFFERTY, VANCE,
M. WHITE, BAKER, ERICKSON, FOLMER, EARLL, VOGEL, BOSCOLA,
STACK, FARNESE, FERLO, SMUCKER, TOMLINSON, WONDERLING, WARD,
ALLOWAY, D. WHITE, EICHELBERGER, PICCOLA AND GREENLEAF,
APRIL 30, 2009

REFERRED TO APPROPRIATIONS, APRIL 30, 2009

AN ACT

1 Providing for the lapsing of legislative budget balances.

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

4 Section 1. Short title.

5 This act shall be known and may be cited as the Legislative
6 Budget Balance Lapse Act.

7 Section 2. Definitions.

8 The following words and phrases when used in this act shall
9 have the meanings given to them in this section unless the
10 context clearly indicates otherwise:

11 "Account." The aggregate for each appropriation or
12 allocation relating to the operation of the General Assembly
13 enacted for the 2008-2009 fiscal year or any prior fiscal year
14 for the same specific purpose and which is identified by the
15 State Treasurer with the same departmental code and

1 appropriation number notwithstanding the fiscal year for which
2 the appropriation was enacted.

3 "Accrued." The recording of the dollar amount of an
4 obligation incurred prior to July 1, 2009, and paid after the
5 June 30, 2009.

6 "Balance available for lapse." The balance available in an
7 account as of June 30, 2009, which is calculated as the
8 remaining cash balance, minus the reserve and any accrued,
9 encumbered or committed obligation.

10 "Bi-partisan Management Committee." The Bi-partisan
11 Management Committee established under section 21.1 of the act
12 of January 10, 1968 (1967 P.L.925, No.417), referred to as the
13 Legislative Officers and Employes Law.

14 "Committed." The dollar amount of an anticipated financial
15 obligation approved by the Committee on Management Operations in
16 the case of the Senate, the Bi-partisan Management Committee in
17 the case of the House of Representatives or a legislative
18 service agency as an anticipated fixed asset purchase or capital
19 improvement project.

20 "Committee on Management Operations." The Committee on
21 Management Operations established under section 1.1 of the act
22 of January 10, 1968 (1967 P.L.925, No.417), referred to as the
23 Legislative Officers and Employes Law.

24 "Encumbered." The recording of a dollar amount remaining
25 unpaid and due on a contractual obligation.

26 "Legislative service agency." Any of the following:

27 (1) An agency acting through its Executive Committee, if
28 statutorily constituted, or the full governing committee, for
29 each of the following:

30 (i) Capitol Preservation Committee.

- (ii) Center for Rural Pennsylvania.
- (iii) Independent Regulatory Review Commission.
- (iv) Joint State Government Commission.
- (v) Joint Legislative Air and Water Pollution Control and Conservation Committee.
- (vi) Legislative Audit Advisory Commission.
- (vii) Legislative Budget and Finance Committee.
- (viii) Legislative Data Processing Committee.
- (ix) Local Government Commission.

(2) An agency acting through its Executive Director in the case of the Legislative Reference Bureau.

"Reserve." An amount equal to one-third of the appropriation made for the 2008-2009 fiscal year.

Section 3. Lapsing of prior appropriations for the Senate, the House of Representatives and Legislative Service Agencies.

(a) Legislative service agency calculation.--No later than June 30, 2009, the Chief Clerk of the Senate and the Chief Clerk of the House of Representatives shall consult with each legislative service agency and make a determination of the amount of every appropriation made to a legislative service agency under any appropriation act, which has not been expended, accrued, committed or encumbered and is deemed a balance available for lapse. If the Chief Clerk of the Senate and the Chief Clerk of the House of Representatives do not agree on the balance available for a legislative service agency, the State Treasurer shall select the balance of the Chief Clerk which is closest to the amount determined by the State Treasurer.

(b) Determination.--

(1) Subject to paragraph (2), within 45 days of the

1 later of June 30, 2009, or the enactment of a General
2 Appropriations Act, the Committee on Management Operations in
3 the case of the Senate and the Bi-partisan Management
4 Committee in the case of the House of Representatives shall
5 provide a written report to the State Treasurer based on the
6 information compiled by the Chief Clerk of the Senate and the
7 Chief Clerk of the House of Representatives under subsection
8 (a). The written report shall include the Committee on
9 Management Operations' determination of the balances
10 available for lapse from all Senate accounts and the Bi-
11 partisan Management Committee's determination of the balances
12 available for lapse from all House of Representative
13 accounts.

14 (2) In making the determination under paragraph (1), a
15 balance available for lapse shall be reduced by those funds
16 expended after the end of the 2008-2009 fiscal year but prior
17 to the enactment of the General Appropriation Act for the
18 fiscal year beginning July 1, 2009.

19 (c) Lapse.--No later than 60 days from the later of June 30,
20 2009, or the enactment of the 2009-2010 General Fund budget, the
21 State Treasurer shall take action based on the written
22 recommendation made under subsection (b) and lapse to the
23 General Fund for reappropriation by the General Assembly all
24 balances available for lapse for the Senate, the House of
25 Representatives and each legislative service agency as provided
26 under this section.

27 Section 10. Effective date.

28 This act shall take effect immediately.