
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1331 Session of
2011

INTRODUCED BY WOZNIAK, FONTANA, WAUGH, SOLOBAY, BROWNE,
BREWSTER, BOSCOLA, MENSCH AND FERLO, NOVEMBER 10, 2011

REFERRED TO FINANCE, NOVEMBER 10, 2011

AN ACT

1 Establishing the Real Rainy Day Fund; and providing for the
2 deposit of a portion of the liquor tax into the fund and for
3 use of fund.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Real Rainy
8 Day Fund Act.

9 Section 2. Definitions.

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

13 "Disaster emergency." As defined in 35 Pa.C.S. § 7102
14 (relating to definitions).

15 "Fund." The Real Rainy Day Fund established in section 3.

16 "Liquor tax." The tax imposed in accordance with the act of
17 June 9, 1936 (1st Sp.Sess., P.L.13, No.4), entitled "An act
18 imposing an emergency State tax on liquor, as herein defined,

1 sold by the Pennsylvania Liquor Control Board; providing for the
2 collection and payment of such tax; and imposing duties upon the
3 Department of Revenue and the Pennsylvania Liquor Control
4 Board."

5 "Liquor tax rate." The rate of tax imposed pursuant to
6 section 2 of the act of June 9, 1936 (1st Sp.Sess., P.L.13,
7 No.4), entitled "An act imposing an emergency State tax on
8 liquor, as herein defined, sold by the Pennsylvania Liquor
9 Control Board; providing for the collection and payment of such
10 tax; and imposing duties upon the Department of Revenue and the
11 Pennsylvania Liquor Control Board."

12 Section 3. Real Rainy Day Fund.

13 The Real Rainy Day Fund is established as a special fund in
14 the State Treasury. The moneys of the fund are hereby
15 appropriated on a continuing basis to carry out the provisions
16 of this act.

17 Section 4. Deposit of liquor tax.

18 Notwithstanding section 2 of the act of June 9, 1936 (1st
19 Sp.Sess., P.L.13, No.4), entitled "An act imposing an emergency
20 State tax on liquor, as herein defined, sold by the Pennsylvania
21 Liquor Control Board; providing for the collection and payment
22 of such tax; and imposing duties upon the Department of Revenue
23 and the Pennsylvania Liquor Control Board," all revenues
24 received by the Commonwealth pursuant to the imposition of the
25 liquor tax shall be deposited by the Department of Revenue as
26 follows:

27 (1) The revenues derived from the first 20% of the
28 liquor tax rate shall be deposited in the fund.

29 (2) The remainder shall be deposited in the General
30 Fund.

1 Section 5. Use of fund.

2 (a) Annual report.--The Governor shall report on the fund in
3 the annual budget which shall include the amounts allocated
4 under this section.

5 (b) Allocations.--

6 (1) The first \$250,000,000 deposited in the fund during
7 a fiscal year may be used by the Governor for providing
8 disaster relief grants or loans to the citizens of this
9 Commonwealth who sustained property damage as a result of a
10 disaster emergency for which the Governor issued an executive
11 order or declaration under 35 Pa.C.S. § 7301 (relating to
12 general authority of Governor).

13 (2) Any moneys deposited in the fund or interest that
14 accrues in the fund during a fiscal year in excess of the
15 first \$250,000,000 deposited in the fund, may be used by the
16 Governor to repair roads and bridges that failed their most
17 recent inspection by the Department of Transportation of the
18 Commonwealth.

19 (3) Notwithstanding the provisions of paragraphs (1) and
20 (2) and subject to subsection (c), the moneys of the fund may
21 be used for such other purposes as provided by law.

22 (c) Appropriations for other purposes.--

23 (1) Whenever the Governor determines that an
24 appropriation from the fund is necessary to meet emergencies
25 involving the health, safety or welfare of the residents of
26 this Commonwealth or to counterbalance downturns of the
27 economy which result in significant unanticipated revenue
28 shortfalls, the Governor shall present a request for an
29 appropriation along with the specifics of the proposal and
30 suggested ancillary and substantive legislation as may be

1 necessary to the chairman of the Appropriations Committee of
2 the Senate and the chairman of the Appropriations Committee
3 of the House of Representatives.

4 (2) The General Assembly may then through approval of a
5 separate appropriation bill by a vote of two-thirds of the
6 members elected to the Senate and the House of
7 Representatives appropriate money from the fund to meet the
8 needs identified in the Governor's proposal.

9 (3) Any money appropriated according to this subsection
10 which has then lapsed shall be returned to the fund, subject
11 to the provisions of subsection (d).

12 (d) Transfer to General Fund.--Any balance in the fund which
13 remains unallocated after the application of subsection (b)
14 shall be transferred to the General Fund on or before June 30 of
15 each fiscal year.

16 Section 6. Repeals.

17 All acts and parts of acts are repealed insofar as they are
18 inconsistent with this act.

19 Section 7. Applicability.

20 This act shall apply to the fiscal year beginning after the
21 effective date of this section and to each fiscal year
22 thereafter.

23 Section 8. Effective date.

24 This act shall take effect immediately.