

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 826 Session of 2015

INTRODUCED BY GINGRICH, CUTLER, HENNESSEY, MACKENZIE, METZGAR, MILLARD, REGAN, DUNBAR, KNOWLES, BLOOM, RAPP, HEFFLEY, KAUFFMAN, BAKER, JAMES, TOEPEL, MARSICO, GRELL, PEIFER, PICKETT, MAHER, MURT, WATSON, WARD, GROVE, GABLER, PHILLIPS-HILL, LAWRENCE AND MOUL, MARCH 24, 2015

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 17, 2015

AN ACT

1 Amending Titles 45 (Legal Notices) and 71 (State Government) of
2 the Pennsylvania Consolidated Statutes, in general
3 provisions, requiring executive orders to have a fiscal note;
4 IN EFFECTIVENESS OF DOCUMENTS, FURTHER PROVIDING FOR <--
5 EFFECTIVE DATE OF DOCUMENTS; in Independent Fiscal Office,
6 requiring the Independent Fiscal Office to prepare fiscal
7 notes for executive orders; and making an inconsistent repeal
8 of certain provisions of The Administrative Code of 1929.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Title 45 of the Pennsylvania Consolidated
12 Statutes is amended by adding a section to read:

13 § 510. Fiscal note.

14 Notwithstanding any other provision of law, each executive
15 order of the Governor which is general and permanent in nature
16 shall require a fiscal note.

17 SECTION 1.1. SECTION 903 OF TITLE 45 IS AMENDED TO READ: <--

18 § 903. EFFECTIVE DATE OF DOCUMENTS.

19 [NO] (A) GENERAL RULE.--EXCEPT AS PROVIDED UNDER SUBSECTION

1 (B), NO OTHERWISE VALID DOCUMENT WHICH IS REQUIRED BY OR
2 PURSUANT TO THIS PART OR BY ANY OTHER PROVISION OF LAW TO BE
3 PUBLISHED UNDER THIS PART, SHALL BE VALID AS AGAINST ANY PERSON
4 WHO HAS NOT HAD ACTUAL KNOWLEDGE THEREOF UNTIL SUCH PUBLICATION
5 HAS BEEN EFFECTED. PUBLICATION SHALL BE DEEMED TO HAVE BEEN
6 EFFECTED UPON THE DEPOSIT OF THE BULLETIN OR THE PERMANENT
7 SUPPLEMENT TO THE CODE CONTAINING SUCH DOCUMENT IN THE UNITED
8 STATES MAIL FOR DISTRIBUTION. THE ISSUE DATE OF THE BULLETIN AND
9 OF THE PERMANENT SUPPLEMENT TO THE CODE SHALL BE THE DAY OF SUCH
10 DEPOSIT, AND, IN THE CASE OF THE BULLETIN, SUCH DATE SHALL BE
11 INDICATED PROMINENTLY UPON THE FIRST PAGE OF EACH ISSUE THEREOF.

12 (B) EXECUTIVE ORDER.--NO OTHERWISE VALID EXECUTIVE ORDER OF
13 THE GOVERNOR WHICH IS GENERAL AND PERMANENT IN NATURE SHALL BE
14 VALID AS AGAINST ANY PERSON UNTIL 60 DAYS AFTER THE PUBLICATION
15 HAS BEEN EFFECTED UNDER THE PROVISIONS OF THIS TITLE.

16 Section 2. Section 4104(a) of Title 71 is amended by adding
17 a paragraph to read:

18 § 4104. Duties of office.

19 (a) Mandatory.--The office shall:

20 * * *

21 (8) Notwithstanding any other provision of law, prepare
22 a fiscal note for each executive order of the Governor which
23 is general and permanent in nature. The fiscal note shall
24 state whether the proposed action or procedure causes a loss
25 of revenue or an increase in the cost of programs to the
26 Commonwealth or its political subdivisions. The fiscal note
27 shall be published in the Pennsylvania Bulletin and the
28 Pennsylvania Code at the same time the executive order is
29 published. The fiscal note shall provide the following
30 information:

1 (i) The designation of the fund out of which the
2 appropriation providing for expenditures under the action
3 or procedure shall be made.

4 (ii) The probable cost for the fiscal year the
5 program is implemented.

6 (iii) A projected cost estimate of the program for
7 each of the five succeeding fiscal years.

8 (iv) The fiscal history of the program for which
9 expenditures are to be made.

10 (v) The probable loss of revenue for the fiscal year
11 of its implementation.

12 (vi) A projected loss of revenue from the program
13 for each of the five succeeding fiscal years.

14 (vii) The line item, if any, of the General
15 Appropriation Act or other appropriation act out of which
16 expenditures or losses of Commonwealth funds shall occur
17 as a result of the action or procedure.

18 (viii) The recommendation, if any, of the Secretary <--
19 of the Budget OFFICE and the reasons for the <--
20 recommendation.

21 * * *

22 Section 3. Section 612 of the act of April 9, 1929 (P.L.177,
23 No.175), known as The Administrative Code of 1929, is repealed
24 insofar as it is inconsistent with the addition of 71 Pa.C.S §
25 4104(a) (8) .

26 Section 4. This act shall take effect in 60 days.