

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1743 Session of 2017

INTRODUCED BY ZIMMERMAN, B. MILLER, RADER, GREINER, DIAMOND, PICKETT, BLOOM, CUTLER, GODSHALL, WARD, CAUSER, KEEFER, BARRAR, HEFFLEY, A. HARRIS, GROVE, ORTITAY, WHEELAND, DUSH, RYAN, MALONEY, KNOWLES, PHILLIPS-HILL, SCHEMEL, COOK, MOUL, MILNE, IRVIN, WALSH, FEE, ROAE, KLUNK AND MENTZER, AUGUST 24, 2017

REFERRED TO COMMITTEE ON APPROPRIATIONS, AUGUST 24, 2017

AN ACT

1 Amending the act of April 9, 1929 (P.L.343, No.176), entitled
 2 "An act relating to the finances of the State government;
 3 providing for the settlement, assessment, collection, and
 4 lien of taxes, bonus, and all other accounts due the
 5 Commonwealth, the collection and recovery of fees and other
 6 money or property due or belonging to the Commonwealth, or
 7 any agency thereof, including escheated property and the
 8 proceeds of its sale, the custody and disbursement or other
 9 disposition of funds and securities belonging to or in the
 10 possession of the Commonwealth, and the settlement of claims
 11 against the Commonwealth, the resettlement of accounts and
 12 appeals to the courts, refunds of moneys erroneously paid to
 13 the Commonwealth, auditing the accounts of the Commonwealth
 14 and all agencies thereof, of all public officers collecting
 15 moneys payable to the Commonwealth, or any agency thereof,
 16 and all receipts of appropriations from the Commonwealth,
 17 authorizing the Commonwealth to issue tax anticipation notes
 18 to defray current expenses, implementing the provisions of
 19 section 7(a) of Article VIII of the Constitution of
 20 Pennsylvania authorizing and restricting the incurring of
 21 certain debt and imposing penalties; affecting every
 22 department, board, commission, and officer of the State
 23 government, every political subdivision of the State, and
 24 certain officers of such subdivisions, every person,
 25 association, and corporation required to pay, assess, or
 26 collect taxes, or to make returns or reports under the laws
 27 imposing taxes for State purposes, or to pay license fees or
 28 other moneys to the Commonwealth, or any agency thereof,
 29 every State depository and every debtor or creditor of the
 30 Commonwealth," in Treasury Department, further providing for

1 funds.

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

4 Section 1. Section 302 of the act of April 9, 1929 (P.L.343,
5 No.176), known as The Fiscal Code, is amended to read:

6 Section 302. Funds.--(a) The moneys paid into the State
7 Treasury, and the moneys of which the State Treasurer is
8 custodian, shall be credited by the Treasury Department to the
9 following funds, as hereinafter provided:

10 Agricultural College Land Scrip Fund,
11 Banking [Department] Fund,
12 Federal Vocational Education Fund,
13 Fire Insurance Tax Fund,
14 Fish Fund,
15 Game Fund,
16 General Fund,
17 Liquid Fuels Tax Fund,
18 Manufacturing Fund,
19 Motor License Fund,
20 School Employes' Retirement Fund,
21 Sinking Fund,
22 State College Experimental Farm Fund,
23 State Employes' Retirement Fund,
24 State Farm Products Show Fund,
25 State Insurance Fund,
26 State School Fund,
27 State [Workmen's] Workers' Insurance Fund,
28 Surplus Commodities Stamp Fund,
29 Historical Preservation Fund,
30 Vocational Rehabilitation Fund,

1 Rehabilitation Center Fund.

2 1. Agricultural College Land Scrip Fund.--The \$500,000
3 derived from the sale of lands and scrip, donated to the
4 Commonwealth for the establishment of a college for the benefit
5 of agriculture and the mechanical arts by the act of Congress,
6 approved July second, one thousand eight hundred sixty-two
7 (Chapter one hundred thirty, twelve Statutes, five hundred
8 three), entitled "An act donating public lands to the several
9 states and territories which may provide colleges for the
10 benefit of agriculture and the mechanic arts," or the
11 investments representing the same, shall be credited by the
12 Treasury Department to the Agricultural College Land Scrip Fund.

13 2. Banking [Department] Fund.--All moneys received by the
14 Treasury Department from the Department of Revenue, arising from
15 fees, assessments, charges, and penalties, collected or
16 recovered from persons, firms, corporations, or associations,
17 under the supervision of the Department of Banking and
18 Securities, and from the sale by the Department of [Property and
19 Supplies] General Services of unserviceable property originally
20 paid for out of the Banking [Department] Fund, shall be credited
21 to the Banking [Department] Fund.

22 4. Federal Vocational Education Fund.--All moneys received
23 by the Treasury Department from the Department of Revenue
24 arising from annual appropriations from the Federal Government
25 to this Commonwealth for the advancement of vocational
26 education, shall be credited to the Federal Vocational Education
27 Fund.

28 5. Fire Insurance Tax Fund.--All moneys received by the
29 Treasury Department from the Department of Revenue arising from
30 the two per centum tax paid upon premiums received by foreign

1 fire insurance companies from business done within this
2 Commonwealth, shall be credited to the Fire Insurance Tax Fund.

3 6. Fish Fund.--All moneys received by the Treasury
4 Department from the Department of Revenue arising from license
5 fees, fines, penalties, and other moneys paid, received,
6 recovered, and collected, under the fish laws, and from the sale
7 by the Department of [Property and Supplies] General Services of
8 unserviceable property originally paid for out of the Fish Fund,
9 shall be credited to the Fish Fund.

10 7. Game Fund.--All moneys received by the Treasury
11 Department from the Department of Revenue arising from license
12 fees, fines, penalties, and other moneys paid, received,
13 recovered, and collected, under the game laws, and from the sale
14 by the Department of [Property and Supplies] General Services of
15 unserviceable property originally paid for out of the Game Fund,
16 shall be credited to the Game Fund.

17 8. General Fund.--All moneys received by the Treasury
18 Department from the Department of Revenue, or from any other
19 source, which are not by this act required to be credited to any
20 other fund, shall be credited to the General Fund.

21 9. Liquid Fuels Tax Fund.--That portion of the liquid fuels
22 tax received by the Treasury Department from the Department of
23 Revenue, which is directed by law to be returned to the
24 counties, shall be credited to the Liquid Fuels Tax Fund.

25 10. Manufacturing Fund.--All moneys received by the Treasury
26 Department from the Department of Revenue arising from the
27 industries established and maintained by the Department of
28 [Justice] Corrections in State institutions, and from the
29 employment of inmates in maintenance activities, and from the
30 sale by the Department of [Property and Supplies] General

1 Services of unserviceable property originally paid for out of
2 the Manufacturing Fund, shall be credited to the Manufacturing
3 Fund.

4 11. Motor License Fund.--All moneys received by the Treasury
5 Department from the Department of Revenue arising from title
6 registration and license fees, fines, penalties, bail forfeited,
7 and other miscellaneous receipts, collected or recovered under
8 the motor laws; from the collection of any portion of the Liquid
9 Fuels Tax, not directed by law to be returned to the counties;
10 from contributions by the Federal Government and political
11 subdivisions of this Commonwealth for the improvement,
12 maintenance, and rebuilding of highways within this
13 Commonwealth; from the sale of highway bulletins and maps; from
14 the sale by the Department of [Property and Supplies] General
15 Services of unserviceable State property originally paid for out
16 of the Motor License Fund; from fees for permits authorizing
17 work on State or township highways and restoration charges,
18 license fees for occupancy of bridges, restoration charges and
19 payments on agreements to which the Commonwealth has succeeded
20 upon taking over county bridges; from amounts received from
21 utility companies covering the cost of constructing facilities
22 over or rentals for the use of bridges; from forfeited checks,
23 fees for certifying records of the Department of [Highways]
24 Transportation, amounts recovered for damage to or loss of
25 equipment of said department, rentals for equipment of said
26 department, liquidated damages on highway contracts; and from
27 tolls collected on intrastate toll bridges, acquired by the
28 Commonwealth, and paid for out of the Motor License Fund,--shall
29 be credited to the Motor License Fund.

30 12. School Employes' Retirement Fund.--All moneys in the

1 School Employees' Contingent Reserve Fund, the School Employees'
2 Annuity Reserve Fund, the School Employees' State Annuity Reserve
3 Fund, and the School Employees; State Annuity Reserve Fund Number
4 Two, shall, upon the effective date of this act, be consolidated
5 into one fund, to be known as the School Employees' Retirement
6 Fund, and thereafter the Treasury Department shall credit to the
7 School Employees' Retirement Fund all moneys received by it from
8 the Department of Revenue, arising from (a) payments by the
9 Commonwealth of such amounts, certified by the School Employees'
10 Retirement Board as necessary to pay the State annuity to each
11 new entrant in the School Employees' Retirement System, (b)
12 deductions from the salaries of contributors in the School
13 Employees' Retirement System, and (c) payments by the
14 Commonwealth of amounts necessary to accumulate a reserve to pay
15 all State annuity payments to present employes when due.

16 13. Sinking Fund.--All moneys received by the Treasury
17 Department from the Department of Revenue arising from State
18 appropriations to meet State road bond sinking fund
19 requirements, shall be credited to the Sinking Fund. The sum of
20 one hundred forty-one thousand three hundred twenty dollars and
21 twenty-six cents (\$141,320.26), which is necessary for the
22 payment of bonds and obligations of the Commonwealth which have
23 never been presented for redemption, shall continue to be
24 credited to the Sinking Fund.

25 14. State College Experimental Farm Fund.--All moneys
26 derived from the sale of eastern and western experimental farms
27 of State College, which were originally purchased from Federal
28 moneys appropriated by the act of Congress, approved July
29 second, one thousand eight hundred sixty-two (Chapter one
30 hundred thirty, twelve Statutes, five hundred three), entitled

1 "An act donating lands to the several states and territories
2 which may provide colleges for the benefit of agriculture and
3 the mechanic arts," or the investments representing the same,
4 shall be credited to the State College Experimental Farm Fund.

5 15. State Employees' Retirement Fund.--All moneys in the
6 State Employees' Contingent Reverse Fund, the State Employees'
7 Annuity Reserve Fund, the State Employees' Annuity Savings Fund,
8 the State Employees' State Annuity Reserve Fund, and the State
9 Employees' State Annuity Reserve Fund Number Two, shall, upon the
10 effective date of this act, be consolidated into one fund to be
11 known as the State Employees' Retirement Fund, and thereafter the
12 Treasury Department shall credit to the State Employees'
13 Retirement Fund all moneys received by it from the Department of
14 Revenue, arising from (a) payments by the Commonwealth of such
15 amounts, certified by the retirement board as necessary to
16 provide a proper reserve to pay the State annuity to all new
17 members in the State Employees' Retirement System, (b) deductions
18 from the salaries of contributors in the State Employees'
19 Retirement System, and (c) payments by the Commonwealth of
20 amounts necessary to accumulate a reserve to meet the annuity
21 values of all retiring original members in the State Employees'
22 Retirement System.

23 16. State Farm Products Show Fund.--All moneys received by
24 the Treasury Department from the Department of Revenue, arising
25 from the leasing or sub-leasing, by the State Farm Products Show
26 Commission, of space to exhibitors, including the departments,
27 boards, and commissions of the State Government, the leasing of
28 the State Farm Show Building for exhibitions, conventions, or
29 other proper purposes, admission and entry fees, and any other
30 moneys received or collected by the Department of Revenue as

1 agent for the State Farm Products Show Commission, shall be
2 credited to the State Farm Products Show Fund.

3 17. State Insurance Fund.--All moneys appropriated from the
4 General Fund, or any other fund, to the State Insurance Fund,
5 shall be credited to the State Insurance Fund.

6 18. State School Fund.--All moneys received by the Treasury
7 Department from all real estate owned by this Commonwealth which
8 is not used for State or other public purposes, from all
9 escheated estates in this Commonwealth, and from all other
10 property or money which shall in any way accrue to such fund,
11 whether by devise, gift, or otherwise, shall be credited to the
12 State School Fund.

13 19. State [Workmen's] Workers' Insurance Fund.--All moneys
14 received by the Treasury Department from the Department of
15 Revenue arising from the collection of premiums on policies
16 issued by the State [Workmen's] Workers' Insurance Board, and
17 from the sale by the Department of [Property and Supplies]
18 General Services of unserviceable property originally paid for
19 out of the State [Workmen's] Workers' Insurance Fund, shall be
20 credited to the State [Workmen's] Workers' Insurance Fund.

21 21. Surplus Commodities Stamp Fund.--All moneys received by
22 the Treasury Department from the Department of Revenue arising
23 from appropriations by the several counties, cities, boroughs,
24 incorporated towns and townships for participation in the
25 Federal Surplus Commodities Stamp plans, all receipts and
26 proceeds resulting from the sale of Federal Surplus Commodities
27 Stamps, and all moneys received from insurance covering losses
28 of such stamps or the proceeds from the sale of such stamps
29 shall be credited to the Surplus Commodities Stamp Fund.

30 22. Historical Preservation Fund.--All moneys received by

1 the Treasury Department from the Department of Revenue arising
2 from the sale by the Department of [Property and Supplies]
3 General Services of publications of the Pennsylvania Historical
4 and Museum Commission, and all moneys received from admission
5 fees to historical buildings, shall be credited to the
6 Historical Preservation Fund.

7 23. Vocational Rehabilitation Fund.--All moneys received by
8 the Treasury Department from the Department of Revenue, arising
9 from moneys received from the Federal Government and from moneys
10 contributed by the Commonwealth of Pennsylvania for vocational
11 rehabilitation services and from all other moneys received as a
12 result of vocational rehabilitation services or for the
13 promotion of vocational rehabilitation services, shall be
14 credited to the Vocational Rehabilitation Fund.

15 24. Rehabilitation Center Fund.--All moneys received by the
16 Treasury Department from the Department of Revenue, arising from
17 fees for services rendered by the Rehabilitation Center at
18 Johnstown, or from other income received by the Center, shall be
19 credited to the Rehabilitation Center Fund.

20 (b) All moneys in the State Treasury, and in the possession
21 of the State Treasurer as custodian, upon the effective date of
22 this act, shall be credited to the funds to which they would be
23 credited if thereafter received, and the Treasury Department
24 shall notify the Department of Revenue and the Department of the
25 Auditor General of the balances in each fund as of such date.

26 (c) (1) Notwithstanding any other provision of law, all
27 fees charged and collected by a Commonwealth agency, and all
28 administrative fines and penalties assessed and collected by a
29 Commonwealth agency for violations and acts subject to the
30 enforcement authority of the Commonwealth agency, shall be paid

1 into the General Fund.

2 (2) As used in this subsection,

3 "Commonwealth agency" shall mean any department, board or
4 commission subject to the provisions of the act of April 9, 1929
5 (P.L.177, No.175), known as "The Administrative Code of 1929."

6 "Fee" shall mean any money payable to the Commonwealth for
7 goods, services, certifications, permits, inspection licenses or
8 the filing of any legal paper, except for money paid for the
9 purchase of surplus property.

10 Section 2. All acts and parts of acts are repealed insofar
11 as they are inconsistent with the addition of section 302(c) of
12 the act.

13 Section 3. This act shall take effect July 1, 2018.