

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL****No. 1941** Session of  
2017

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INTRODUCED BY SAYLOR, REED, DUNBAR, NELSON, DELOZIER, R. BROWN,  
WARD, BERNSTINE, CUTLER, BOBACK, A. HARRIS, FEE, BARRAR,  
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GREINER, HELM, DUSH, COX, EVERETT, TOEPEL, STAATS, KEEFER,  
WHEELAND, BLOOM, DOWLING, WATSON, KLUNK, MASSER, BENNINGHOFF,  
GROVE AND SONNEY, DECEMBER 1, 2017

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AS REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF  
REPRESENTATIVES, AS AMENDED, DECEMBER 5, 2017

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## AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled,  
2 as amended, "An act providing for and reorganizing the  
3 conduct of the executive and administrative work of the  
4 Commonwealth by the Executive Department thereof and the  
5 administrative departments, boards, commissions, and officers  
6 thereof, including the boards of trustees of State Normal  
7 Schools, or Teachers Colleges; abolishing, creating,  
8 reorganizing or authorizing the reorganization of certain  
9 administrative departments, boards, and commissions; defining  
10 the powers and duties of the Governor and other executive and  
11 administrative officers, and of the several administrative  
12 departments, boards, commissions, and officers; fixing the  
13 salaries of the Governor, Lieutenant Governor, and certain  
14 other executive and administrative officers; providing for  
15 the appointment of certain administrative officers, and of  
16 all deputies and other assistants and employes in certain  
17 departments, boards, and commissions; providing for judicial  
18 administration; and prescribing the manner in which the  
19 number and compensation of the deputies and all other  
20 assistants and employes of certain departments, boards and  
21 commissions shall be determined," in Commonwealth budget  
22 procedures, further providing for lapsing of funds.

23 The General Assembly of the Commonwealth of Pennsylvania  
24 hereby enacts as follows:

25 Section 1. Section 621(m) of the act of April 9, 1929

1 (P.L.177, No.175), known as The Administrative Code of 1929, is  
2 amended to read:

3 Section 621. Lapsing of Funds.--\* \* \*

4 (m) The Secretary of the Budget [shall have the power to  
5 waive any of the provisions included in section 621] may waive  
6 subsections (c), (d), (e), (f), (h), (i), (j) and (l) upon  
7 written request of an agency justifying an exception to these  
8 provisions which is [in the best interests of the Commonwealth.]  
9 necessary for the prudent management of the Commonwealth's  
10 budget in accordance with the following:

11 (1) When the Secretary of the Budget decides to approve an  
12 agency request for a waiver of these provisions, he shall submit  
13 the agency request along with his own written analysis and  
14 justification for the waiver of these provisions to the  
15 respective Chairmen of the Majority and Minority Appropriations  
16 Committees in the House of Representatives and the Senate  
17 allowing a reasonable time for their review and comment.

18 (2) The submission under paragraph (1) shall include all of  
19 the following:

20 (i) The specific amount, appropriation and fiscal year that  
21 the money was appropriated which is the subject of the waiver.

22 (ii) The provision of this section requested to be waived.

23 (iii) A description of the purpose of the waiver and how  
24 granting the waiver is necessary for the prudent management of  
25 the Commonwealth's budget.

26 (iv) The contract number or other identifying information  
27 for a contract submitted under Chapter 17 of the act of February  
28 14, 2008 (P.L.6, No.3), known as the "Right-to-Know Law," if  
29 applicable.

30 (3) Amounts subject to a waiver under this subsection may

1 not be used for the creation of a new or expanded program or  
2 initiative.

3 (4) A waiver under this subsection shall expire on the first  
4 day of the fiscal year following the year in which the waiver  
5 was granted.

6 (5) No waiver may be granted for amounts appropriated prior  
7 to the two fiscal years preceding the fiscal year in which the  
8 waiver is requested.

9 Section 2. The amendment of section 621(m) of the act shall  
10 apply to waivers approved on or after the effective date of this  
11 act.

12 Section 3. This act shall take effect ~~in 60 days~~ <--  
13 IMMEDIATELY. <--