

THE GENERAL ASSEMBLY OF PENNSYLVANIA

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

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

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
DECEMBER 11, 2017

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. THE <--
18 SECRETARY OF THE BUDGET SHALL ALSO SUBMIT THE WRITTEN ANALYSIS
19 AND JUSTIFICATION TO THE INDEPENDENT FISCAL OFFICE AND MEMBERS
20 OF THE GENERAL ASSEMBLY.

21 (2) The submission under paragraph (1) shall include all of
22 the following:

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

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

26 (iii) A description of the purpose of the waiver and how
27 granting the waiver is necessary for the prudent management of
28 the Commonwealth's budget.

29 (iv) The contract number or other identifying information
30 for a contract submitted under Chapter 17 of the act of February

1 14, 2008 (P.L.6, No.3), known as the "Right-to-Know Law," if
2 applicable.

3 (3) Amounts subject to a waiver under this subsection may
4 not be used for the creation of a new or expanded program or
5 initiative.

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

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

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

15 Section 3. This act shall take effect immediately.