

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2451 Session of 2018

INTRODUCED BY ZIMMERMAN, B. MILLER, CUTLER, GROVE, WARD, FEE, GREINER, BARRAR, CORR, RADER, RYAN, SCHEMEL, DIAMOND, KLUNK, JAMES, COX, BLOOM, MOUL, HEFFLEY, MENTZER, PICKETT, MALONEY, DUSH, ROAE, PHILLIPS-HILL, A. HARRIS, IRVIN, CAUSER, WHEELAND, SAYLOR, KEEFER, SIMMONS, NELSON, KNOWLES, WARNER, METCALFE AND COOK, MAY 30, 2018

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MAY 30, 2018

AN ACT

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

1 other moneys to the Commonwealth, or any agency thereof,  
2 every State depository and every debtor or creditor of the  
3 Commonwealth," in Treasury Department, further providing for  
4 funds.

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

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

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

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

1 Vocational Rehabilitation Fund,

2 Rehabilitation Center Fund.

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

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

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

29 5. Fire Insurance Tax Fund.--All moneys received by the  
30 Treasury Department from the Department of Revenue arising from

1 the two per centum tax paid upon premiums received by foreign  
2 fire insurance companies from business done within this  
3 Commonwealth, shall be credited to the Fire Insurance Tax Fund.

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

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

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

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

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

1 sale by the Department of [Property and Supplies] General  
2 Services of unserviceable property originally paid for out of  
3 the Manufacturing Fund, shall be credited to the Manufacturing  
4 Fund.

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

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

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

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

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

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

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

1 moneys received or collected by the Department of Revenue as  
2 agent for the State Farm Products Show Commission, shall be  
3 credited to the State Farm Products Show Fund.

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

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

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

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



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

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

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

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

27       (c) (1) All fees charged and collected by a Commonwealth  
28 agency, and all administrative fines and penalties assessed and  
29 collected by a Commonwealth agency for violations and acts  
30 subject to the enforcement authority of the Commonwealth agency

1 regarding activities of the regulated entity that require  
2 regulatory approval, shall, upon receipt, be immediately  
3 deposited into the General Fund.

4 (2) A fee, administrative fine or penalty collected under  
5 this section shall only be used for expenditures as authorized  
6 by an act of the General Assembly enacted after the effective  
7 date of this subsection.

8 (3) As used in this subsection,  
9 "Application" shall mean a submission to a Commonwealth  
10 Agency by an applicant for:

11 (1) A new permit.

12 (2) A permit renewal.

13 (3) A permit amendment.

14 (4) A permit modification.

15 (5) A permit transfer.

16 (6) A change of ownership of a permit.

17 "Commonwealth agency" shall mean the following State agencies  
18 or their successors:

19 (1) The Department of Environmental Protection of the  
20 Commonwealth.

21 (2) The Department of Health of the Commonwealth.

22 (3) The Department of Labor and Industry of the  
23 Commonwealth.

24 (4) The Department of Human Services of the Commonwealth.

25 (5) The Department of Revenue of the Commonwealth.

26 "Fee" shall mean money payable to the Commonwealth for the  
27 purchase of a good or service, the issuance of a registration,  
28 certification, permit or license, the performance of an  
29 inspection or the filing of any legal paper, except for money  
30 paid for the purchase of surplus property.

1 "Permit" shall mean an authorization issued by a Commonwealth  
2 agency that approves the performance of an activity under the  
3 Commonwealth agency's jurisdiction. The term includes an  
4 authorization permit, a plan approval and a registration under a  
5 general permit.

6 "Regulated entity" shall mean an individual, person,  
7 organization or corporation that engages in an activity in this  
8 Commonwealth that requires regulatory approval by a Commonwealth  
9 agency.

10 "Regulatory approval" shall mean the approval, clearance or  
11 other authorization of or recognition by a Commonwealth agency  
12 for:

13 (1) A permit.

14 (2) An application.

15 (3) A license.

16 (4) A certificate, excluding any certificate which is issued  
17 solely for personal use.

18 (5) The payment of taxes.

19 Section 2. All acts and parts of acts are repealed insofar  
20 as they are inconsistent with the addition of section 302(c) of  
21 the act.

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