
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1129 Session of
2015

INTRODUCED BY STEFANO, VULAKOVICH, VANCE, RAFFERTY, GREENLEAF,
WAGNER, WHITE, CORMAN, MENSCH AND VOGEL, MARCH 7, 2016

REFERRED TO APPROPRIATIONS, MARCH 7, 2016

AN ACT

1 Prohibiting certain payments from the State Treasury and certain
2 activities of Commonwealth departments during a budget
3 impasse; establishing the Budget Impasse Critical Services
4 Fund; and providing for disbursements from the fund and other
5 special funds during a budget impasse.

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

8 Section 1. Short title.

9 This act shall be known and may be cited as the Commonwealth
10 Budget Impasse Act.

11 Section 2. Definitions.

12 The following words and phrases when used in this act shall
13 have the meanings given to them in this section unless the
14 context clearly indicates otherwise:

15 "Budget impasse." The time period, during any fiscal year of
16 the Commonwealth, in which a General Appropriation Act for that
17 fiscal year has not been enacted into law.

18 "Commonwealth department." The executive branch and the
19 legislative branch of the Commonwealth.

1 "Critical services." Any of the following programs that
2 received an appropriation from the Commonwealth during the
3 fiscal year prior to a budget impasse:

4 (1) In the Department of Agriculture:

5 (i) State grants to counties to help needy persons
6 purchase food, including the Pennsylvania Agriculture
7 Surplus System Program, the Emergency Food Assistance
8 Development Program and distributing TEFAP commodities to
9 counties.

10 (ii) Farmers food market coupons.

11 (2) In the Department of Conservation and Natural
12 Resources:

13 (i) State parks operations.

14 (ii) Forest pest management.

15 (iii) Payment of annual fixed charges in lieu of
16 taxes to counties and townships on land acquired for
17 water conservation and flood control.

18 (iv) Payment of annual fixed charges in lieu of
19 taxes to political subdivisions for school districts on
20 lands acquired by the Commonwealth for Project 70.

21 (v) Payment of annual fixed charges in lieu of taxes
22 to counties, school districts and townships on forest
23 lands.

24 (vi) Payment of annual fixed charges in lieu of
25 taxes to counties, school districts and local
26 municipalities on State park lands.

27 (3) In the Department of Corrections:

28 (i) State correctional institutions.

29 (ii) Inmate medical care.

30 (iii) Payments for grants-in-aid to counties for

1 providing improved probation services.

2 (4) In the Department of Drug and Alcohol Programs:

3 (i) Assistance to Drug and Alcohol Programs.

4 (ii) (Reserved).

5 (5) In the Department of Education:

6 (i) Programs of education and training at youth
7 development centers and the monitoring of programs of
8 education and training provided to incarcerated
9 juveniles.

10 (ii) Basic education funding to school districts.

11 (iii) Ready to Learn Block Grant.

12 (iv) Pre-K Counts Program.

13 (v) Head Start Supplemental Assistance.

14 (vi) Career and technical education.

15 (vii) Payments on account of pupil transportation.

16 (viii) Payments on account of nonpublic and charter
17 school transportation.

18 (ix) Payments on account of special education of
19 exceptional children.

20 (x) Payments for early intervention services.

21 (xi) Payment for tuition to school districts
22 providing education to nonresident orphaned children
23 placed in private homes by the court and nonresident
24 inmates of children's institutions.

25 (xii) Payments to Pennsylvania Charter Schools for
26 the Deaf and Blind.

27 (xiii) Special education-approved private schools.

28 (xiv) Grants to school districts to assist in
29 meeting Federal matching requirements for grants received
30 under the Federal Child Nutrition Act of 1966 (Public Law

1 89-642, 42 U.S.C. § 1771 et seq.) and to aid in providing
2 a food program for needy children.

3 (xv) Payment for the Commonwealth's share of Federal
4 Social Security taxes for public school employees.

5 (xvi) Payment of required contribution for public
6 school employees' retirement.

7 (xvii) Subsidy to public libraries.

8 (xviii) Payment of approved operating expenses of
9 community colleges.

10 (xix) Transfer from the General Fund to the
11 Community College Capital Fund.

12 (6) In the Pennsylvania Higher Education Assistance
13 Agency:

14 (i) Payment of education assistance grants.

15 (ii) (Reserved).

16 (7) In the Department of Health:

17 (i) State health care centers.

18 (ii) Reimbursement to school districts on account of
19 health services.

20 (iii) Maintenance of local health departments.

21 (iv) Renal dialysis services.

22 (8) In the Department of Human Services:

23 (i) Statewide operations related to county
24 administration of public assistance and medical
25 assistance programs.

26 (ii) County assistance operations related to the
27 administration of public assistance and medical
28 assistance programs.

29 (iii) Mental health services, including grants to
30 counties or other county-based human services included

1 under the Human Services Block Grant Pilot Program,
2 exclusive of capital improvements.

3 (iv) Intellectual Disabilities - State Centers.

4 (v) Supplemental grants to the aged, blind and
5 disabled.

6 (vi) Primary health care and preventive services for
7 eligible Medical Assistance recipients in the fee-for-
8 service delivery system.

9 (vii) Medical assistance payments - capitation
10 plans, for provision of outpatient services and inpatient
11 hospital services to eligible persons enrolled in an
12 approved capitation plan.

13 (viii) Medical assistance payments - obstetrics and
14 neonatal services.

15 (ix) Long-term care.

16 (x) Home-based and community-based services.

17 (xi) Long-term care - managed care.

18 (xii) Medical Assistance - hospital-based burn
19 centers.

20 (xiii) Medical Assistance - Critical Access
21 Hospitals.

22 (xiv) Medical Assistance - Trauma Centers.

23 (xv) Medical Assistance payments to academic
24 centers.

25 (xvi) Medical Assistance - transportation.

26 (xvii) Behavioral health services or other county-
27 based human services covered under the Human Services
28 Block Grant Pilot Program.

29 (xviii) Intellectual disabilities - intermediate
30 care facilities.

1 (xix) Intellectual disabilities - community base
2 programs, including grants to counties for
3 noninstitutional programs, or other county-based human
4 services included under the Human Services Block Grant
5 Pilot Program, exclusive of capital improvements.

6 (xx) Intellectual Disabilities - community waiver
7 program.

8 (xxi) Early Intervention Services.

9 (xxii) Services to persons with autism spectrum
10 disorders, including oversight, support services and
11 provider training.

12 (xxiii) Payment and services to counties for
13 children and youth programs and for the care of
14 delinquent and dependent children, or other county-based
15 human services included under the Human Services Block
16 Grant Pilot Program.

17 (xxiv) Community-based family centers.

18 (xxv) Child-care Services.

19 (xxvi) Child-Care Assistance Program.

20 (xxvii) Nurse Family Partnership Program.

21 (xxviii) Domestic violence programs.

22 (xxix) Rape crisis programs.

23 (xxx) Breast cancer screening.

24 (xxxi) Provision of services to the homeless or
25 other county-based human services included under the
26 Human Services Block Grant Program.

27 (xxxii) Services to persons with disabilities.

28 (xxxiii) Medical Assistance - Attendant Care.

29 (xxxiv) Medical Assistance - workers with
30 disabilities.

- 1 (xxxv) Children's Health Insurance.
- 2 (9) In the Department of Labor and Industry:
- 3 (i) Occupational and industrial safety.
- 4 (ii) Occupational disease payments.
- 5 (iii) Centers for independent living, including
- 6 independent living services purchased by Office of
- 7 Vocational Rehabilitation District Offices.
- 8 (10) In the Department of Military and Veterans Affairs:
- 9 (i) Operation and maintenance of veterans homes.
- 10 (ii) Pensions for veterans blinded through service-
- 11 connected injuries or disease.
- 12 (iii) Pensions for amputee and paralyzed veterans as
- 13 required by 51 Pa.C.S. § 7702 (relating to amputee and
- 14 paralyzed veteran's pension).
- 15 (iv) Disabled American veterans' transportation.
- 16 (v) Veterans outreach services.
- 17 (11) In the Department of Revenue:
- 18 (i) For the distribution of Public Utility Realty
- 19 Tax.
- 20 (ii) (Reserved).
- 21 (12) In the Pennsylvania State Police:
- 22 (i) Automated Fingerprint Identification System
- 23 (AFIS).
- 24 (ii) Municipal Police Training Grants.
- 25 (iii) Activities associated with the purchase of
- 26 firearms by individuals.
- 27 "Critical services provider." An entity that provides
- 28 critical services to the Commonwealth under a program authorized
- 29 by law and continues to provide the critical services during a
- 30 budget impasse.

1 "Emergency travel." Travel necessary to ensure the proper
2 conduct of Commonwealth business and provision of services,
3 during an officially declared state of emergency.

4 "Fund." The Budget Impasse Critical Services Fund
5 established under this act.

6 "Special fund." Any of the following funds in the State
7 Treasury:

8 (1) The Motor License Fund.

9 (2) The State Lottery Fund.

10 (3) The Tobacco Settlement Fund.

11 Section 3. Prohibitions during budget impasse.

12 During a budget impasse the following shall apply:

13 (1) The State Treasurer may not approve or advance, from
14 any fund in the State Treasury, the disbursement of money to
15 a Commonwealth department for the payment of salaries or
16 administrative expenses of the Commonwealth department except
17 as required by Federal law or court order. If required by
18 Federal law or court order, the Commonwealth department must
19 document the source of the Federal law in writing to the
20 State Treasurer prior to requesting the disbursement.

21 (2) No public official or employee of a Commonwealth
22 department may, on behalf of a Commonwealth agency, engage in
23 travel in the performance of the official duties of the
24 public official or employee, except for travel in the case of
25 an unforeseeable emergency.

26 (3) No member of the Senate or House of Representatives
27 may earn or be entitled to receive a per diem and no per diem
28 shall be available retroactively to cover the budget impasse.
29 Expenses accrued during the time period shall not be eligible
30 for reimbursement, and shall not be submitted retroactively

1 to cover the budget impasse.

2 (4) No member of the Senate or House of Representatives
3 may produce or distribute communication materials, the
4 expense of which the Commonwealth would be legally obligated
5 to pay.

6 (5) Publicly funded and maintained Internet websites and
7 social media platforms of the General Assembly and the
8 executive branch shall be made inaccessible to the public,
9 except when necessary to comply with statutory or regulatory
10 requirements or for the dissemination of information
11 necessary for public safety.

12 Section 4. Budget Impasse Critical Services Fund.

13 (a) Establishment.--The Budget Impasse Critical Services
14 Fund is established in the State Treasury. The money in the fund
15 is appropriated on a continuing basis to the Office of the
16 Budget for disbursement as specified in subsection (d).

17 (b) Source of funding.--The fund shall receive money during
18 a budget impasse as provided in subsection (c).

19 (c) Transfer from General Fund.--

20 (1) No later than July 15 during a budget impasse, the
21 Office of the Budget shall determine the aggregate amount of
22 money paid from the General Fund in the prior fiscal year for
23 critical services.

24 (2) After making the determination, the Office of the
25 Budget shall instruct the State Treasurer to transfer from
26 the General Fund to the fund an amount equal to 8.33% of the
27 aggregate amount by the fifteenth day of each month in which
28 the budget impasse continues.

29 (d) Disbursements from fund.--

30 (1) During each month in which a budget impasse exists,

1 the State Treasurer shall disburse to each critical services
2 provider 8.33% of the amount received by the critical
3 services provider in the prior fiscal year, provided that the
4 critical services provider remains eligible to receive at
5 least the same amount of funding for the provision of the
6 critical services in the current fiscal year.

7 (2) After a budget impasse ceases to exist in a fiscal
8 year, the amount received by a critical services provider
9 under paragraph (1) shall be reconciled against the amount
10 the critical services provider is otherwise entitled to
11 receive for the provisions of the critical services during
12 the fiscal year.

13 Section 5. Disbursements from special funds.

14 (a) General rule.--Money in a special fund is hereby
15 appropriated on a continuing basis during a budget impasse in
16 such amounts as necessary to make the same disbursements from
17 the same line items as made during the prior fiscal year.

18 (b) Method of making disbursements.--

19 (1) During each month in which a budget impasse exists,
20 the State Treasurer shall disburse from the special fund
21 8.33% of the amount disbursed in the prior fiscal year,
22 provided that the recipients of the disbursements are
23 eligible to receive at least the same amount in the current
24 fiscal year.

25 (2) After a budget impasse ceases to exist in a fiscal
26 year, the amount disbursed under paragraph (1) shall be
27 reconciled against the amount the recipients are otherwise
28 entitled to receive during the fiscal year.

29 Section 6. Effective date.

30 This act shall take effect in 60 days.