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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1146 Session of  
2023

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INTRODUCED BY LAWRENCE, GROVE, STRUZZI, E. NELSON, DELOZIER,  
ADAMS, SMITH, BERNSTINE, HAMM, MARCELL, STAATS, KAUFFMAN AND  
ECKER, MAY 10, 2023

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REFERRED TO COMMITTEE ON APPROPRIATIONS, MAY 10, 2023

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AN ACT

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

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

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

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

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

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

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

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

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

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

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

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

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

13       Section 3. This act shall take effect immediately.