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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 53 Session of  
2021

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INTRODUCED BY KEEFER, GROVE, O'NEAL, LEWIS, STAATS, GREINER,  
KAUFFMAN, RYAN, HAMM, ROTHMAN, JOZWIAK, OWLETT, MOUL, SANKEY  
AND GREGORY, JANUARY 11, 2021

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REFERRED TO COMMITTEE ON APPROPRIATIONS, JANUARY 11, 2021

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A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth  
2 of Pennsylvania, in taxation and finance, further providing  
3 for appropriations.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby resolves as follows:

6 Section 1. The following amendment to the Constitution of  
7 Pennsylvania is proposed in accordance with Article XI:

8 That section 13 of Article VIII be amended to read:

9 § 13. Appropriations.

10 (a) Operating budget appropriations made by the General  
11 Assembly shall not exceed the actual and estimated revenues and  
12 surplus available in the same fiscal year.

13 (b) The General Assembly shall adopt a capital budget for  
14 the ensuing fiscal year.

15 (c) Operating budget appropriations shall not be transferred  
16 out of the General Fund into a special or restricted fund which  
17 requires tax revenue or revenue previously used for General Fund

1 expenditures. This subsection shall not apply to the Motor  
2 License Fund or revenue under section 11 of Article VIII.

3 (d) Operating budget appropriations may be transferred into  
4 a special or restricted fund under the following circumstances:

5 (1) The money for the fund is collected from a specific  
6 industry and the appropriations from the fund are used for  
7 programs related to the specific industry.

8 (2) The fund is necessary for the management of retirement  
9 or other employment benefits offered by the Commonwealth.

10 (3) The fund is necessary for management of the  
11 Commonwealth's lottery system.

12 (4) The fund is necessary for the Commonwealth to act as a  
13 trust or trustee for individual residents of the Commonwealth.

14 (e) A fund under subsection (d) may not serve a corporate-  
15 related or business-related purpose.

16 Section 2. (a) Upon the first passage by the General  
17 Assembly of this proposed constitutional amendment, the  
18 Secretary of the Commonwealth shall proceed immediately to  
19 comply with the advertising requirements of section 1 of Article  
20 XI of the Constitution of Pennsylvania and shall transmit the  
21 required advertisements to two newspapers in every county in  
22 which such newspapers are published in sufficient time after  
23 passage of this proposed constitutional amendment.

24 (b) Upon the second passage by the General Assembly of this  
25 proposed constitutional amendment, the Secretary of the  
26 Commonwealth shall proceed immediately to comply with the  
27 advertising requirements of section 1 of Article XI of the  
28 Constitution of Pennsylvania and shall transmit the required  
29 advertisements to two newspapers in every county in which such  
30 newspapers are published in sufficient time after passage of

1 this proposed constitutional amendment. The Secretary of the  
2 Commonwealth shall submit this proposed constitutional amendment  
3 to the qualified electors of this Commonwealth at the first  
4 primary, general or municipal election which meets the  
5 requirements of and is in conformance with section 1 of Article  
6 XI of the Constitution of Pennsylvania and which occurs at least  
7 three months after the proposed constitutional amendment is  
8 passed by the General Assembly.