
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 44 Session of
2023

INTRODUCED BY OWLETT, GROVE, IRVIN, JAMES, NEILSON AND GLEIM,
MARCH 7, 2023

REFERRED TO COMMITTEE ON FINANCE, MARCH 7, 2023

AN ACT

1 Amending Title 71 (State Government) of the Pennsylvania
2 Consolidated Statutes, providing for improper payments; and
3 providing for participation in Do-Not-Pay Initiative.

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

6 Section 1. Title 71 of the Pennsylvania Consolidated
7 Statutes is amended by adding a part to read:

8 PART IV

9 IMPROPER PAYMENTS

10 Chapter

11 35. Do-Not-Pay Initiative

12 CHAPTER 35

13 DO-NOT-PAY INITIATIVE

14 Sec.

15 3501. Definitions.

16 3502. Participation in initiative.

17 § 3501. Definitions.

18 The following words and phrases when used in this chapter

1 shall have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 "Commonwealth agency." A department, agency or commission of
4 the Commonwealth under the policy supervision and control of the
5 Governor.

6 "Improper payment." A payment made by a Commonwealth agency
7 that:

8 (1) exceeds the amount a recipient should have received
9 from a Commonwealth agency;

10 (2) is less than the amount a recipient should have
11 received from the Commonwealth;

12 (3) is made to a recipient who is ineligible to receive
13 the payment from a particular Commonwealth program;

14 (4) is ineligible;

15 (5) is duplicative or redundant;

16 (6) is for a service which was never received; or

17 (7) is for a service that does not account for or was
18 not given any of the available credits or discounts available
19 for the service rendered.

20 "Initiative." The Do-Not-Pay Initiative established under
21 section 5 of the Improper Payments Elimination and Recovery
22 Improvement Act of 2012 (Public Law 112-248, 126 Stat. 2392).

23 "Payment." Money expended by the Commonwealth as part of the
24 operating budget for the Commonwealth.

25 "Secretary." The Secretary of the Budget of the
26 Commonwealth.

27 § 3502. Participation in initiative.

28 (a) Participation.--A Commonwealth agency that makes
29 payments by expending Federal funds shall enter into a
30 memorandum of understanding with the United States Department of

1 the Treasury to participate in the initiative. The participation
2 in the initiative by a Commonwealth agency shall include all of
3 the following:

4 (1) The use of the initiative's online interface to
5 verify the accuracy and integrity of payments issued by the
6 Commonwealth agency.

7 (2) An analytical review of the Commonwealth agency's
8 data through the initiative to improve the data collected by
9 the Commonwealth agency and the integrity of payments made by
10 the Commonwealth agency.

11 (b) Schedule.--The secretary shall establish a schedule to
12 ensure that each Commonwealth agency under subsection (a) has
13 entered into a memorandum of understanding to participate in the
14 initiative within two years of the effective date of this
15 section.

16 (c) Annual report.--A Commonwealth agency that participates
17 in the initiative shall provide an annual report about the
18 Commonwealth agency's participation in the initiative to the
19 following:

20 (1) The secretary.

21 (2) The Office of State Inspector General.

22 (3) The Department of Auditor General.

23 (4) The members of the General Assembly.

24 (5) The Legislative Budget and Finance Committee.

25 (d) Contents of report.--The annual report under subsection
26 (c) shall include analytical data obtained by a Commonwealth
27 agency as a result of participating in the initiative,
28 including, but not limited to, all of the following:

29 (1) The total number of improper payments identified by
30 the Commonwealth agency after participation in the

1 initiative.

2 (2) The total number of improper payments prevented by
3 the Commonwealth agency as a result of participating in the
4 initiative.

5 (3) The total amount of improper payments identified and
6 prevented by the Commonwealth agency after participating in
7 the initiative.

8 (4) The savings realized by the Commonwealth as a result
9 of the Commonwealth agency's participation in the initiative.

10 (5) Any weakness in the internal financial controls of
11 the Commonwealth agency identified through participation in
12 the initiative.

13 (6) Any changes made to programs operated by the
14 Commonwealth agency to improve payment accuracy and integrity
15 resulting from participation in the initiative.

16 (7) Recommendations to improve the Commonwealth agency's
17 payment accuracy and integrity, including legislative or
18 regulatory changes required to prevent improper payments and
19 improve payment accuracy and integrity.

20 Section 2. This act shall take effect in 90 days.