

No. 1984-196

AN ACT

HB 1823

Amending the act of April 9, 1929 (P.L.343, No.176), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," further providing for payment of interest on certain Commonwealth purchases.

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

Section 1. Section 1507(f) of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, added December 13, 1982 (P.L.1155, No.266), is amended to read:

Section 1507. Interest Penalties on Commonwealth Accounts.—* * *

(f) For the purposes of this section:

(1) The term "Commonwealth agency" shall include, the Executive and all departments, boards, bureaus and agencies hereunder, all independent agencies as defined by section 102 of the act of October 15, 1980 (P.L.950, No.164), known as the "Commonwealth Attorneys Act," and the Auditor General, the Board of Arbitration of Claims, the State Treasurer and the Public Utility Commission.

(2) The term "qualified small business concern" means any independently owned and operated for-profit business concern employing **[fifty] one hundred** or fewer employes.

(3) The term "business concern" means any person engaged in a trade or business and operating as contractors with Commonwealth agencies, and nonprofit entities operating as contractors with Commonwealth agencies.

(4) An invoice shall be considered a "proper invoice" when it contains or is accompanied by such substantiating documentation as the Secretary of Budget may require by regulation, and as the Commonwealth agency involved may require by regulation or contract.

(5) An invoice shall be deemed to have been received by an agency on the later of:

(i) the date on which the agency's designated payment office or finance center actually receives a proper invoice; or

(ii) the date on which such agency accepts the property or service concerned.

(6) A payment shall be considered made on the date on which a check for such payment is dated.

(7) This section shall not apply to any "public contracts" subject to the act of November 26, 1978 (P.L.1309, No.317), referred to as the Public Works Contract Regulation Law.

Section 2. The provisions of this act shall apply to contracts entered into for the acquisition of property or services on or after its effective date.

Section 3. This act shall take effect in 60 days.

APPROVED—The 12th day of December, A. D. 1984.

DICK THORNBURGH