

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 985 Session of 2009

INTRODUCED BY KESSLER, DALEY, GEORGE, GOODMAN, HALUSKA, HARKINS, JOSEPHS, KORTZ, MAHONEY, McGEEHAN, MOUL, PAYNE, PRESTON, READSHAW, SAYLOR, SEIP, SIPTROTH, VULAKOVICH, M. O'BRIEN, SWANGER, BELFANTI, KULA, K. SMITH, YOUNGBLOOD, CALTAGIRONE AND BRADFORD, MARCH 18, 2009

SENATOR D. WHITE, BANKING AND INSURANCE, IN SENATE, AS AMENDED, JUNE 9, 2009

AN ACT

1 Amending the act of May 15, 1933 (P.L.565, No.111), entitled "An
2 act relating to the powers and duties of the Department of
3 Banking and the Secretary of Banking in exercising
4 supervision over, and taking possession of and conducting or
5 liquidating the business and property of, corporations,
6 associations, and persons receiving deposits or otherwise
7 transacting a banking business, corporations acting as
8 fiduciaries, and building and loan associations; providing
9 for the payment of the expenses of the Department of Banking
10 by supervised corporations, associations, or persons, and
11 appropriating the Banking Department Fund; authorizing the
12 Department of Banking, under certain circumstances, to
13 examine corporations, associations, or persons affiliated, or
14 having business transactions with supervised corporations,
15 associations or persons; authorizing appeals to the Supreme
16 Court, and prescribing and limiting the powers and duties of
17 certain other courts and their prothonotaries, registers of
18 wills, recorders of deeds, and certain State departments,
19 commissions, and officers; authorizing certain local public
20 officers and State departments to collect fees for services
21 rendered under this act; providing penalties; and repealing
22 certain acts and parts of acts," FURTHER DEFINING ←
23 "INSTITUTION"; AND further providing for employee protection.

24 The General Assembly of the Commonwealth of Pennsylvania

25 hereby enacts as follows:

26 ~~Section 1. Section 1104 of the act of May 15, 1933 (P.L.565,~~ ←

1 ~~No.111), known as the Department of Banking Code, amended~~
2 ~~December 9, 2002 (P.L.1604, No.209), is amended to read:~~

3 SECTION 1. THE DEFINITION OF "INSTITUTION" IN SUBSECTION A ←
4 OF SECTION 2 OF THE ACT OF MAY 15, 1933 (P.L.565, NO.111), KNOWN
5 AS THE DEPARTMENT OF BANKING CODE, AMENDED DECEMBER 9, 2002
6 (P.L.1604, NO.209), IS AMENDED TO READ:

7 SECTION 2. DEFINITIONS.--A. THE FOLLOWING TERMS SHALL BE
8 CONSTRUED IN THIS ACT TO HAVE THE FOLLOWING MEANINGS, EXCEPT IN
9 THOSE INSTANCES WHERE THE CONTEXT CLEARLY INDICATES OTHERWISE:

10 * * *

11 "INSTITUTION." A CORPORATION OR A PERSON, AS DEFINED IN THIS
12 SECTION, OR OTHER TYPE OF BUSINESS ENTITY, INCLUDING, BUT NOT
13 LIMITED TO, A MUTUAL HOLDING COMPANY, WHICH IS, OR WAS, SUBJECT
14 TO THE SUPERVISION OF THE DEPARTMENT. THE TERM DOES NOT INCLUDE
15 CREDIT UNIONS OR LICENSEES UNLESS SPECIFICALLY STATED OTHERWISE.

16 * * *

17 SECTION 2. SECTION 1104 OF THE ACT, AMENDED DECEMBER 9, 2002
18 (P.L.1604, NO.209), IS AMENDED TO READ:

19 Section 1104. Protection of Employes.--A. No licensee may
20 discharge, threaten or otherwise discriminate or retaliate
21 against an employe regarding the employe's compensation, terms,
22 conditions, location or privileges of employment because the
23 employe or a person acting on behalf of the employe makes a good
24 faith report or is about to report, verbally or in writing, to
25 the employer or appropriate authority a violation of [this act]
26 law.

27 B. No licensee may discharge, threaten or otherwise
28 discriminate or retaliate against an employe regarding the
29 employe's compensation, terms, conditions, location or
30 privileges of employment because the employe is requested by an

1 appropriate authority to participate in an investigation,
2 hearing or inquiry held by an appropriate authority or in a
3 court action relating to a violation of [this act] law.

4 C. A licensee may not bring a cause of action against an
5 employe for damages arising out of:

6 (1) a report under subsection A; or

7 (2) participation under subsection B.

8 Section 2 3. This act shall take effect in 60 days.

