

## AMENDMENTS TO HOUSE BILL NO. 1461

Sponsor: SENATOR BROWNE

Printer's No. 2064

1 Amend Bill, page 1, lines 1 through 22, by striking out all  
2 of said lines and inserting

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

24 in administrative organization,  
25 repealing provisions relating to employees with  
26 access to Federal tax information and providing for  
27 criminal history background checks of employees and  
28 contractors with access to Federal tax information;  
29 in organization of independent administrative boards and  
30 commissions,  
31 providing for Center for Rural Pennsylvania;  
32 in Office of State Inspector General,  
33 further providing for powers, purpose and duties and  
34 for criminal charges;  
35 in Commonwealth budget procedures,  
36 further providing for submission of budget to General  
37 Assembly;  
38 in Commonwealth agency fees,

1 further providing for Department of State;  
2 in Independent Fiscal Office,  
3 further providing for revenue estimates;  
4 providing for Joint Underwriting Association  
5 accountability;  
6 in powers and duties of the Department of Labor and  
7 Industry, its departmental administrative and advisory boards  
8 and departmental administrative officers,  
9 providing for Bureau of Occupational and Industrial  
10 Safety;  
11 providing for legislative agencies and the continuation  
12 of Pennsylvania Commission on Sentencing; and  
13 making editorial changes and related repeals.

14 Amend Bill, page 1, lines 25 through 27; page 2, lines 1  
15 through 30; page 3, lines 1 through 9; by striking out all of  
16 said lines on said pages and inserting

17 Section 1. The General Assembly finds and declares as  
18 follows:

19 (1) The intent of this act is to provide for the  
20 administration of the 2019-2020 Commonwealth budget.

21 (2) The Constitution of Pennsylvania confers numerous  
22 express duties upon the General Assembly, including the  
23 passage of a balanced budget for the Commonwealth.

24 (3) Section 24 of Article III of the Constitution of  
25 Pennsylvania requires the General Assembly to adopt all  
26 appropriations for the operation of government in the  
27 Commonwealth, regardless of their source. The Supreme Court  
28 has repeatedly affirmed that, "It is fundamental within  
29 Pennsylvania's tripartite system that the General Assembly  
30 enacts the legislation establishing those programs which the  
31 State provides for its citizens and appropriates the funds  
32 necessary for their operation."

33 (4) Pursuant to section 13 of Article VIII of the  
34 Constitution of Pennsylvania, the General Assembly is  
35 explicitly required to adopt a balanced Commonwealth budget.  
36 Given the unpredictability and potential insufficiency of  
37 revenue collections, various changes in State law relating to  
38 the 2019-2020 budget implementation and the administration of  
39 State Government which impact revenue may be required to  
40 discharge this constitutional obligation.

41 (5) Section 11 of Article III of the Constitution of  
42 Pennsylvania requires the adoption of a general appropriation  
43 act that embraces "nothing but appropriations." While actual  
44 items of appropriation can be contained in a General  
45 Appropriations Act, the achievement and implementation of a  
46 comprehensive budget involves administrative action related  
47 to appropriations. Ultimately, the budget has to be balanced  
48 under section 13 of Article VIII of the Constitution of

1 Pennsylvania. This may necessitate administrative changes and  
2 the enactment of statutes to achieve full compliance with  
3 these constitutional provisions.

4 (6) Among the many administrative challenges faced by  
5 the Commonwealth is use of financial resources in a fiscally  
6 responsible manner, the timely submission of financial data  
7 related to the annual budget process by the Independent  
8 Fiscal Office, the extension of audit authority to ensure  
9 that public funds are used for their intended purposes and  
10 other related changes necessary to accomplish the goal set  
11 forth in paragraph (7).

12 (7) For the reasons set forth in paragraphs (1) through  
13 (6), it is the intent of the General Assembly through this  
14 act to provide for the administrative implementation of the  
15 2019-2020 Commonwealth budget.

16 (8) Every provision of this act relates to the  
17 administrative implementation of the operating budget of the  
18 Commonwealth for this fiscal year, addressing in various ways  
19 the administrative operations and potential liabilities of  
20 the Commonwealth. To that end, this act is intended to  
21 implement the 2019-2020 Commonwealth budget without  
22 specifically appropriating public money from the General  
23 Fund. This act provides administrative accountability for  
24 spending and makes other changes necessary to impact the  
25 availability of revenue in order to meet the requirements of  
26 section 13 of Article VIII of the Constitution of  
27 Pennsylvania and to implement the act of June , 2019 (P.L. ,  
28 No.1A), known as the General Appropriation Act of 2019.  
29 Section 2. Section 225 of the act of April 9, 1929 (P.L.177,  
30 No.175), known as The Administrative Code of 1929, is repealed:

31 [Section 225. Employees with Access to Federal Tax  
32 Information.--(a) As required under any Federal law, regulation  
33 or published guidance from the Internal Revenue Service, an  
34 employe or prospective employe whose duties and responsibilities  
35 require or will require access to Federal tax information shall  
36 submit all of the following to the employe's or prospective  
37 employe's employer:

38 (1) A report of Federal criminal history record information.

39 (2) A report of criminal history record information from the  
40 Pennsylvania State Police as provided under 18 Pa.C.S. Ch. 91  
41 (relating to criminal history record information) or a statement  
42 from the Pennsylvania State Police that the Pennsylvania State  
43 Police central repository contains no information relating to  
44 the individual. The criminal history record information shall be  
45 limited to that which is disseminated under 18 Pa.C.S. § 9121(b)  
46 (2) (relating to general regulations).

47 (3) Validation of the employe's or prospective employe's  
48 eligibility to legally work in the United States.

49 (b) For the purpose of complying with subsection (a)(1), an  
50 employe or prospective employe shall provide fingerprints to the  
51 Pennsylvania State Police, its agent or an agent approved for

1 fingerprinting by the Federal Government. The fingerprints may  
2 be used by the Pennsylvania State Police to conduct a criminal  
3 background check and shall be forwarded to the Federal Bureau of  
4 Investigation for a national criminal background check.

5 (c) (1) Except as provided under paragraph (2), information  
6 relating to an employe or prospective employe submitted to or  
7 obtained by an employer or prospective employer under this  
8 section shall be interpreted and used only to determine the  
9 employe's or prospective employe's character, fitness and  
10 suitability to access Federal tax information.

11 (2) An employer may utilize information obtained under this  
12 section for employment decisions, including hiring of an  
13 applicant, promotion of a current employe or disciplinary action  
14 against an employe regarding a position that requires access to  
15 Federal tax information.

16 (3) An employer may receive and retain information  
17 consistent with this section that is otherwise protected under  
18 18 Pa.C.S. Ch. 91, subject to any requirements related to  
19 redaction as specified in 18 Pa.C.S. § 9121(b)(2).

20 (d) An individual who has been cleared to access Federal tax  
21 information under this section shall reapply for clearance under  
22 subsections (a) and (b) within ten years of the issuance of the  
23 prior clearance unless the employer participates in a program  
24 exempting employes from clearance.

25 (e) A Commonwealth agency receiving Federal tax information  
26 that transfers the Federal tax information to any other entity  
27 except as it involves a Federal or State court or the Board of  
28 Finance and Revenue as part of a legal proceeding before the  
29 same may audit that entity to determine compliance with this  
30 section.

31 (f) The Department of Revenue shall publish guidelines to  
32 implement this section.

33 (g) As used in this section, the following words and phrases  
34 shall have the meanings given to them in this subsection unless  
35 the context clearly indicates otherwise:

36 "Employer." Any Commonwealth agency, office, department,  
37 authority, board, multistate agency or commission of the  
38 executive branch, an independent agency or State-affiliated  
39 entity, political subdivision or a contractor thereof, receiving  
40 Federal tax information, even though the Federal tax information  
41 may be forwarded to another Commonwealth agency, political  
42 subdivision or contractor, from any of the following:

43 (1) The Internal Revenue Service.

44 (2) The Social Security Administration.

45 (3) Under section 6103 of the Internal Revenue Code of 1986  
46 (Public Law 99-514, 26 U.S.C. § 6103).

47 (4) By exchange agreement approved by the Internal Revenue  
48 Service.

49 (5) Any other secondary source.

50 "Federal tax information." Includes any "return" or "return  
51 information" as defined in section 6103 of the Internal Revenue

1 Code of 1986.]

2 Section 3. The act is amended by adding sections to read:

3 Section 226. Criminal History Background Checks of Employees  
4 and Contractors with Access to Federal Tax Information.--(a) An  
5 agency shall require any current or prospective employe or  
6 contractor whose duties and responsibilities require, or will  
7 require, access to Federal tax information to submit to a  
8 criminal history background check to be conducted by the  
9 Pennsylvania State Police. A current or prospective employe or  
10 contractor shall submit fingerprints and other identifying  
11 information to the Pennsylvania State Police. An individual who  
12 refuses to comply with this subsection will not be considered  
13 suitable to access Federal tax information for purposes of  
14 subsection (c).

15 (b) When a criminal history background check is requested  
16 under subsection (a), the Pennsylvania State Police, or its  
17 designee, shall do all of the following:

18 (1) Provide the agency with a report of the individual's  
19 criminal history record information as defined by 18 Pa.C.S. §  
20 9102 (relating to definitions) or a statement that the  
21 Pennsylvania State Police central repository contains no  
22 information relating to the individual. The criminal history  
23 record information shall be limited to that which is  
24 disseminated under 18 Pa.C.S. § 9121(b)(2) (relating to general  
25 regulations).

26 (2) Submit the individual's fingerprints to the Federal  
27 Bureau of Investigation for a national criminal history records  
28 check.

29 (3) Provide the agency with the national criminal history  
30 record information of the individual. The information provided  
31 under this subsection may not be limited by 18 Pa.C.S. § 9121(b)  
32 (2).

33 (c) Information relating to a current or prospective employe  
34 or contractor submitted to or obtained by an agency under this  
35 section shall be interpreted and used only to determine the  
36 individual's character, fitness and suitability to access  
37 Federal tax information. If an agency determines an individual  
38 is not suitable to access Federal tax information, the agency  
39 shall take appropriate action, including:

40 (1) declining to hire or utilize the services of the  
41 individual;

42 (2) transferring the individual to a position that does not  
43 require access to Federal tax information; or

44 (3) terminating the individual's employment.

45 (d) An agency may receive and retain information consistent  
46 with this section that is otherwise protected under 18 Pa.C.S.  
47 Ch. 91 (relating to criminal history record information),  
48 subject to any requirements related to redaction as specified in  
49 18 Pa.C.S. § 9121(b)(2) with respect to information described in  
50 subsection (b)(1). All information received and retained by an  
51 agency in accordance with this section shall be marked as

1 confidential and shall be excluded from any requirement of  
2 public disclosure as a public record.

3 (e) An individual who has been determined suitable to access  
4 Federal tax information under this section shall resubmit to a  
5 criminal history background check under subsections (a) and (b)  
6 within ten years of the individual's last check under this  
7 section, unless the agency participates in a program exempting  
8 employees from clearance.

9 (f) An agency receiving Federal tax information that  
10 transfers the Federal tax information to any other entity except  
11 as it involves a Federal or State court or the Board of Finance  
12 and Revenue as part of a legal proceeding before the same may  
13 audit that entity to determine compliance with this section.

14 (g) The Department of Revenue may publish guidelines to  
15 implement this section.

16 (h) As used in this section, the following words and phrases  
17 shall have the meanings given to them in this subsection unless  
18 the context clearly indicates otherwise:

19 "Agency." A Commonwealth agency, office, department,  
20 authority, board or commission of the executive branch or a  
21 political subdivision receiving Federal tax information, even  
22 though the Federal tax information may be forwarded to the  
23 agency from or through any of the following:

24 (1) The Internal Revenue Service.

25 (2) The Social Security Administration.

26 (3) A permitted disclosure under section 6103 of the  
27 Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. §  
28 6103).

29 (4) By exchange agreement approved by the Internal Revenue  
30 Service.

31 (5) Any other secondary source.

32 "Contractor." An individual who is not an employe of an  
33 agency and performs work functions for an agency under the terms  
34 of a written agreement, regardless of whether the written  
35 agreement is directly with the agency or a third party.

36 "Federal tax information." Includes any "return" or "return  
37 information" as defined in section 6103 of the Internal Revenue  
38 Code of 1986.

39 Section 311. Center for Rural Pennsylvania.--The board of  
40 directors under section 302(a) of the act of June 30, 1987  
41 (P.L.163, No.16), known as the "Rural Pennsylvania  
42 Revitalization Act," shall include two additional members, one  
43 of whom shall be a representative from the Northern Pennsylvania  
44 Regional College and one of whom shall be a representative from  
45 the Pennsylvania College of Technology.

46 Section 4. Sections 503-A(c)(1), 506-A and 613 of the act  
47 are amended to read:

48 Section 503-A. Powers, purpose and duties.

49 \* \* \*

50 (c) Duties.--The State Inspector General shall:

51 (1) Inspect, evaluate, investigate and review the

1 activities, records and individuals with contracts,  
2 procurements, grants, agreements and other financial  
3 arrangements undertaken by an executive agency for the  
4 purposes of identifying fraud, waste, misconduct or abuse.  
5 This paragraph shall include all contracts entered into by  
6 the Pennsylvania Statewide Radio Network after June 30, 1996.

7 \* \* \*

8 Section 506-A. Criminal charges.

9 Notwithstanding any other provision of law, the State  
10 Inspector General shall have the power to investigate and may  
11 file criminal charges for a violation of any of the following:

12 (1) Section 481 of the act of June 13, 1967 (P.L.31,  
13 No.21), known as the Human Services Code.

14 (2) Section 1408 of the Human Services Code.

15 [(3) 18 Pa.C.S. § 7313 (relating to buying or exchanging  
16 Federal food order coupons, stamps, authorization cards or  
17 access devices).]

18 (4) 18 Pa.C.S. § 7314 (relating to fraudulent traffic in  
19 food orders).]

20 (3) The following provisions of 18 Pa.C.S. (relating to  
21 crimes and offenses) which are substantially related to the  
22 administration of benefits by the Department of Human  
23 Services:

24 (i) Section 3921 (relating to theft by unlawful  
25 taking or disposition).

26 (ii) Section 3922 (relating to theft by deception).

27 (iii) Section 4101 (relating to forgery).

28 (iv) Section 4104 (relating to tampering with  
29 records or identification).

30 (v) Section 4106 (relating to access device fraud).

31 (vi) Section 4107 (relating to deceptive or  
32 fraudulent business practices).

33 (vii) Section 4120 (relating to identity theft).

34 (viii) Section 4914 (relating to false  
35 identification to law enforcement authorities).

36 (ix) Section 7313 (relating to buying or exchanging  
37 Federal Supplemental Nutrition Assistance Program (SNAP)  
38 benefit coupons, stamps, authorization cards or access  
39 devices.)

40 (x) Section 7314 (relating to fraudulent traffic in  
41 Supplemental Nutrition Assistance Program (SNAP)  
42 benefits).

43 Section 613. Submission of Budget to General Assembly.--(a)  
44 As soon as possible after the organization of the General  
45 Assembly, but not later than the first full week in February of  
46 each year, except in the case where a Governor has been elected  
47 for his first term of office and then no later than the first  
48 full week in March, the Governor shall submit to the General  
49 Assembly copies of original agency budget requests and all  
50 subsequent revised agency budget requests and a State budget and  
51 program and financial plan embracing:

1 (1) A balanced operating budget for the ensuing fiscal year  
2 setting forth in detail:

3 (i) The amounts recommended by him to be appropriated to the  
4 General Assembly, the Judicial Department, the Governor, and the  
5 several administrative departments, boards, and commissions of  
6 the State Government, and to institutions within the State, and  
7 for all public purposes, classified by department or agency and  
8 by program.

9 (ii) The estimated revenues or receipts from any and all  
10 sources, and an estimated amount to be raised by taxation or  
11 otherwise, including proposals for new revenues and receipts.

12 (2) A capital budget for the ensuing fiscal year setting  
13 forth capital projects to be financed from the proceeds of  
14 obligations of the Commonwealth or of its agencies or  
15 authorities or from operating funds.

16 (3) A program and financial plan for not less than the prior  
17 fiscal year, the current fiscal year, this budget year and the  
18 four succeeding fiscal years, which plan shall include for each  
19 such fiscal year:

20 (i) Actual or estimated operating expenditures classified by  
21 department or agency and by program, in reasonable detail, and  
22 actual or estimated revenue by major categories from existing  
23 and additional sources.

24 (ii) Clearly stated purposes of each program in terms of  
25 desired accomplishments.

26 (iii) Measures used to determine to what extent such program  
27 has achieved its stated purposes.

28 (iv) Actual or estimated levels of accomplishment for each  
29 program and actual or estimated levels of program activities and  
30 their associated costs.

31 (v) Clearly stated purposes for each recommended new or  
32 revised program, measures to be used to determine whether each  
33 new or revised program has achieved its purpose, estimated  
34 levels of additional or new accomplishment of each new or  
35 revised program, estimated levels of additional activities for  
36 each such program, and their associated costs.

37 (vi) When the Secretary of the Budget identifies a new or  
38 expanded program by criteria used in the budget instructions,  
39 the new or expanded program shall be displayed and justified as  
40 a separate item in the Governor's budget request. A new program  
41 shall not be considered to be enacted by the General Assembly in  
42 its first year unless it is specifically referred to or  
43 displayed as a line item in an appropriation bill.

44 (4) The budget shall list as a single, separate line item  
45 for each administrative department, board, and commission the  
46 amount which the Governor recommends to be appropriated for the  
47 ensuing fiscal year for public relations. For the purposes of  
48 this clause, "public relations" shall include the preparation,  
49 presentation and distribution of advertising, publications,  
50 radio tapes, television films and tapes, and media releases. The  
51 separate line item shall include all compensation, including



1 fringe benefits; all travel, meal, lodging, and similar  
2 expenses; the cost of purchasing new equipment and supplies; the  
3 cost of leasing offices and equipment; the cost of purchasing  
4 material, including newspapers, magazines, movies, films and  
5 tapes; the cost of using wire service equipment; and all other  
6 similar public relations expenditures.

7 (5) For a request for an additional appropriation from State  
8 funds for a fiscal year prior to the fiscal year which is the  
9 subject of the submission under this subsection, a written  
10 statement detailing the amounts requested and the need for the  
11 additional appropriation.

12 (b) For a request for an additional appropriation from State  
13 funds made after the submissions under subsection (a) by the  
14 Governor to the General Assembly for a fiscal year prior to the  
15 next succeeding fiscal year, the request shall include a written  
16 statement detailing the amounts requested and the need for the  
17 additional appropriation.

18 (c) Written statements under subsections (a) (5) and (b)  
19 shall be submitted to the Chairman and Minority Chairman of the  
20 Appropriations Committee of the Senate and the Chairman and  
21 Minority Chairman of the Appropriations Committee of the House  
22 of Representatives no later than October 31 and May 31 of each  
23 year.

24 Section 5. Section 618-A of the act is amended by adding a  
25 paragraph to read:

26 Section 618-A. Department of State.--The Department of State  
27 is authorized to charge fees for the following purposes and in  
28 the following amounts:

29 \* \* \*

30 (3) State Board of Vehicle Manufacturers, Dealers and  
31 Salespersons.--In addition to the limitations under section  
32 327(c) of the act of December 22, 1983 (P.L.306, No.84), known  
33 as the "Board of Vehicles Act," the maximum documentary fee  
34 limitation imposed under section 327(c) as adjusted under  
35 section 327(d) shall include an additional amount equal to the  
36 product of section 327(c) (1) or section 327(c) (2) multiplied by  
37 a factor of 1.7 to establish a maximum documentary fee that  
38 equals all costs associated with the requirements under section  
39 327.

40 Section 6. Section 605-B(e) of the act is amended and the  
41 section is amended by adding subsections to read:

42 Section 605-B. Revenue estimates.

43 (a.1) Initial revenue estimate.--By May 20 of each year, the  
44 office shall submit to the General Assembly an initial revenue  
45 estimate for the next fiscal year.

46 (b.1) Official revenue estimate.--The following apply:

47 (1) By June 20 of each year, the office shall submit an  
48 official revenue estimate for the next fiscal year.

49 (2) A revenue estimate submitted under this section  
50 shall be considered by the Governor and the General Assembly  
51 as the amount of revenue which may be considered for the

1 general appropriation act for the ensuing fiscal year unless  
2 the Governor or the General Assembly determines that revenues  
3 are greater than or less than the estimate provided under  
4 this section. The office may amend the revenue estimate under  
5 this section if changes in law affecting revenues and  
6 receipts are enacted or proposed to be enacted with the  
7 annual State budget or unless significant changes in economic  
8 assumptions occur prior to June 30. The office shall submit  
9 the amended revenue estimate to the General Assembly within  
10 10 days of the change.

11 (3) The office shall publish the methodology used to  
12 develop revenue estimates.

13 \* \* \*

14 (d.1) Required information.--

15 (1) A revenue estimate submitted by the office under  
16 subsection (b) shall include:

17 (i) Projected revenue collections by specific tax or  
18 revenue source, including Federal funds, the General  
19 Fund, the State Lottery Fund and the Motor License Fund.

20 (ii) All data, assumptions and econometric models  
21 used to develop a revenue estimate.

22 (iii) Any projected revenue surplus or deficit for  
23 the current fiscal year.

24 (2) A revenue estimate shall be based on existing law  
25 and tax policy and existing or emerging State or national  
26 economic trends.

27 (e) Proposed change in law.--The office shall prepare a  
28 revenue estimate of any change in law affecting revenues and  
29 receipts, including increases in regulatory fees, proposed or  
30 considered as part of the annual State budget. If the proposed  
31 change in law will have a fiscal impact in excess of \$10,000,000  
32 in any fiscal year, the estimate shall be prepared on the basis  
33 of assumptions that estimate the probable behavioral responses  
34 of taxpayers, businesses and other persons to the proposed  
35 changes and shall include a statement identifying those  
36 assumptions. The information may be used to revise the revenue  
37 estimate under subsection [(a)] (a.1).

38 \* \* \*

39 Section 7. The act is amended by adding an article to read:

40 ARTICLE XV-B

41 JOINT UNDERWRITING ASSOCIATION ACCOUNTABILITY

42 Section 1501-B. Definitions.

43 The following words and phrases when used in this article  
44 shall have the meanings given to them in this section unless the  
45 context clearly indicates otherwise:

46 "Joint underwriting association." The Pennsylvania  
47 Professional Liability Joint Underwriting Association  
48 established under section 731 of the act of March 20, 2002  
49 (P.L.154, No.13), known as the Medical Care Availability and  
50 Reduction of Error (Mcare) Act.

51 Section 1502-B. Appropriations.

1 Notwithstanding any provision of law to the contrary, the  
2 operations of the joint underwriting association shall be funded  
3 through appropriations determined by the General Assembly.

4 Section 1503-B. Reports and hearings.

5 (a) Budget estimates.--The joint underwriting association  
6 shall submit written estimates to the Secretary of the Budget as  
7 required of administrative departments, boards and commissions  
8 under section 615. Estimates shall be submitted from time to  
9 time as requested by the Governor, but in no event less than  
10 once every fiscal year.

11 (b) Testimony.--The following shall apply:

12 (1) Within 30 days after the submission of an estimate  
13 under subsection (a), an agent of the joint underwriting  
14 association shall appear at a public hearing of the Banking  
15 and Insurance Committee of the Senate and the Insurance  
16 Committee of the House of Representatives to testify about  
17 the estimate.

18 (2) The joint underwriting association shall annually  
19 appear before the Appropriations Committee of the Senate and  
20 the Appropriations Committee of the House of Representatives  
21 to testify as to the fiscal status of the joint underwriting  
22 association and to make requests for appropriations.

23 Section 1504-B. Board meetings.

24 The board of directors of the joint underwriting association  
25 shall hold quarterly public meetings, subject to the  
26 requirements of 65 Pa.C.S. Ch. 7 (relating to open meetings), to  
27 discuss the actuarial and fiscal status of the joint  
28 underwriting association.

29 Section 1505-B. Construction.

30 The joint underwriting association shall be considered a  
31 Commonwealth agency for purposes of:

32 (1) the act of October 15, 1980 (P.L.950, No.164), known  
33 as the Commonwealth Attorneys Act;

34 (2) the act of February 14, 2008 (P.L.6, No.3), known as  
35 the Right-to-Know Law;

36 (3) the act of June 30, 2011 (P.L.81, No.18), known as  
37 the Pennsylvania Web Accountability and Transparency  
38 (PennWATCH) Act; and

39 (4) 62 Pa.C.S. Pt. I (relating to Commonwealth  
40 Procurement Code).

41 Section 1506-B. Requirements.

42 The joint underwriting association shall:

43 (1) transmit to the Auditor General, the State  
44 Treasurer, the Secretary of the Budget and the Legislative  
45 Data Processing Center a list of all employees of the joint  
46 underwriting association required under section 614;

47 (2) conduct the association's operations in facilities  
48 owned by the Commonwealth; and

49 (3) coordinate with the Department of Revenue to ensure  
50 that any employee of the joint underwriting association with  
51 access to Federal tax information has met all of the

1 requirements of the Department of Revenue to gain access to  
2 that information.

3 Section 8. The act is amended by adding a section to read:

4 Section 2219. Bureau of Occupational and Industrial  
5 Safety.--(a) Money collected by the Department of Labor and  
6 Industry under section 613-A(a) for the 2019-2020 fiscal year  
7 and each fiscal year thereafter shall be distributed as follows:

8 (1) the amount of \$10,000,000 shall augment an appropriation  
9 made to the Bureau of Occupational and Industrial Safety in a  
10 general appropriations act; and

11 (2) any amount in excess of the amount under paragraph (1)  
12 shall be deposited in the General Fund.

13 Section 9. The act is amended by adding an article to read:

14 ARTICLE XXVIII-F

15 LEGISLATIVE AGENCIES

16 (a) Pennsylvania Commission on Sentencing  
17 Section 2801-F. Definitions.

18 The following words and phrases when used in this article  
19 shall have the meanings given to them in this section unless the  
20 context clearly indicates otherwise:

21 "Board." The Pennsylvania Board of Probation and Parole.

22 "Commission." The Pennsylvania Commission on Sentencing  
23 continued in section 2802-F.

24 "Department." The Department of Corrections of the  
25 Commonwealth.

26 Section 2802-F. Commission.

27 (a) Continuation.--The commission is continued as an agency  
28 of the General Assembly and shall consist of 11 individuals  
29 selected as provided under this subarticle.

30 (b) Seal.--The commission shall have a seal engraved with the  
31 commission's name and such other inscription as may be specified  
32 by regulation of the commission.

33 Section 2803-F. Composition of commission.

34 (a) Members.--The Pennsylvania Commission on Sentencing shall  
35 consist of the following:

36 (1) One individual selected by the Speaker of the House  
37 of Representatives, who shall be a district attorney.

38 (2) One individual selected by the President pro tempore  
39 of the Senate, who shall be a defense attorney.

40 (3) Two judges of courts of record selected by the Chief  
41 Justice of Pennsylvania.

42 (3.1) Two judges of courts of record, one of whom shall  
43 be selected by the President Judge of the Commonwealth Court  
44 and one of whom shall be selected by the President Judge of  
45 the Superior Court.

46 (4) One individual selected by the Chief Justice of  
47 Pennsylvania, who shall be a professor of law knowledgeable  
48 in criminal sentencing.

49 (5) One individual, who may be a member of the House of  
50 Representatives, selected by the Majority Leader of the House  
51 of Representatives.

1           (6) One individual, who may be a member of the House of  
2 Representatives, selected by the Minority Leader of the House  
3 of Representatives.

4           (7) One member of the Senate selected by the President  
5 pro tempore of the Senate.

6           (8) One member of the Senate selected by the Minority  
7 Leader of the Senate.

8           (b) Ex officio members.--The Secretary of Corrections and the  
9 chairman of the board, during their tenure in their respective  
10 positions, shall serve as ex officio nonvoting members of the  
11 commission.

12           (c) Terms of office.--The members of the commission shall  
13 serve for terms of two years and until a successor has been  
14 selected and qualified. A vacancy on the commission shall be  
15 filled for the balance of the term.

16           (d) Chairman and executive director.--The commission shall  
17 select a chairman from its members and an executive director.  
18 The chairman shall:

19           (1) Preside at meetings of the commission.

20           (2) Direct the preparation of requests for appropriations  
21 for the commission and the use of funds made available to the  
22 commission.

23           (e) Meetings and quorum.--

24           (1) The commission shall meet at least four times a year  
25 and not less than semiannually to establish the commission's  
26 general policies and rules.

27           (2) The commission shall be deemed an "agency" within the  
28 meaning of and shall be subject to the provisions of 65  
29 Pa.C.S. Ch. 7 (relating to open meetings).

30           (3) Seven commissioners shall constitute a quorum for the  
31 purpose of adopting proposed initial and subsequent  
32 guidelines. A majority of commissioners shall constitute a  
33 quorum for all other purposes.

34           (4) Minutes of meetings shall be kept by the executive  
35 director and filed at the executive office of the commission.

36           (f) Records of action.--Except as otherwise provided by law,  
37 the commission shall maintain and make available for public  
38 inspection a record of the final vote of each member on any  
39 action taken by the commission.

40           (g) Expenses.--Each commissioner shall be entitled to  
41 reimbursement for each commissioner's accountable expenses  
42 incurred while engaged in the business of the commission.

43           (h) Competency to testify.--In a judicial, administrative or  
44 similar proceeding, a commissioner or commission staff shall not  
45 be competent to testify and may not be required to produce  
46 records or other discovery as to any statement, conduct,  
47 decision or deliberation occurring during the course of official  
48 business, to the same extent as a legislator or legislative  
49 staff of this Commonwealth acting in a legislative capacity.  
50 Section 2804-F. Powers and duties of commission.

51           (a) Powers and duties.--The commission, in accordance with

1 the rules and regulations of the commission, shall have the  
2 power to:

3 (1) Establish general policies and promulgate such rules  
4 and regulations for the commission as are necessary to  
5 administer this subarticle, 42 Pa.C.S. Ch. 21, Subch. F  
6 (relating to Pennsylvania Commission on Sentencing) and 42  
7 Pa.C.S. Ch. 97 (relating to sentencing).

8 (2) Utilize, with the commission's consent, the services,  
9 equipment, personnel, information and facilities of Federal,  
10 State, local and private agencies and instrumentalities with  
11 or without reimbursement.

12 (3) Enter into and perform such contracts, leases,  
13 cooperative agreements and other transactions as may be  
14 necessary in the conduct of the functions of the commission,  
15 with any public agency or with any person, firm, association,  
16 corporation, educational institution or nonprofit  
17 organization.

18 (4) Request such information, data and reports from any  
19 officer or agency of the Commonwealth as the commission may  
20 from time to time require and as may be produced consistent  
21 with any other Federal or State law.

22 (5) Arrange with the head of any government unit for the  
23 performance by the government unit of any function of the  
24 commission, with or without reimbursement.

25 (6) Issue invitations requesting the attendance and  
26 testimony of witnesses and the production of any evidence that  
27 relates directly to a matter with respect to which the  
28 commission or any member thereof is empowered to make a  
29 determination under this subchapter.

30 (7) Establish a research and development program within  
31 the commission for the purpose of:

32 (i) Serving as a clearinghouse and information center  
33 for the collection, preparation and dissemination of  
34 information on Commonwealth sentencing, resentencing and  
35 parole practices.

36 (ii) Assisting and serving in a consulting capacity to  
37 the board, State courts, departments and agencies in the  
38 development, maintenance and coordination of sound  
39 sentencing, resentencing and parole practices.

40 (8) Collect systematically the data obtained from  
41 studies, research and the empirical experience of public and  
42 private agencies concerning the sentencing processes.

43 (9) Publish data concerning the sentencing and parole  
44 processes.

45 (10) Collect systematically and disseminate information  
46 concerning parole dispositions and sentences actually imposed,  
47 including initial sentences and any subsequent modification of  
48 sentences or resentences following revocation or remand, and  
49 parole and reparole decisions by the board and any other  
50 paroling authority.

51 (11) Collect systematically and disseminate information

1 regarding effectiveness of parole dispositions and sentences  
2 imposed.

3 (12) Make recommendations to the General Assembly  
4 concerning modification or enactment of sentencing, parole and  
5 correctional statutes which the commission finds to be  
6 necessary and advisable to carry out an effective, humane and  
7 rational sentencing, resentencing and parole policy.

8 (13) Establish a plan and timetable to collect and  
9 disseminate information relating to incapacitation,  
10 recidivism, deterrence and overall effectiveness of sentences  
11 and parole dispositions imposed.

12 (14) Establish a program to systematically monitor  
13 compliance with the guidelines, with the risk assessment  
14 instrument, with recommitment ranges and with mandatory  
15 sentencing laws to document eligibility for and releases in  
16 accordance with a county reentry plan, to document eligibility  
17 for and imposition of recidivism risk reduction incentive  
18 minimum sentences and to document all parole and reparole  
19 decisions by the board and any other paroling authority by:

20 (i) Promulgating forms which document the application  
21 of sentencing, resentencing and parole guidelines,  
22 mandatory sentencing laws, risk assessment instrument,  
23 releases in accordance with a county reentry plan,  
24 recommitment ranges and recidivism risk reduction  
25 incentive minimum sentences and collecting information on  
26 all parole and reparole decisions by the board and any  
27 other paroling authority.

28 (ii) Requiring the timely completion and electronic  
29 submission of such forms to the commission.

30 (15) Prior to adoption of changes to guidelines for  
31 sentencing, resentencing and parole, risk assessment  
32 instrument and recommitment ranges following revocation, use a  
33 correctional population simulation model to determine:

34 (i) Resources that are required under current  
35 guidelines, risk assessment instrument and ranges.

36 (ii) Resources that would be required to carry out any  
37 proposed changes to the guidelines, risk assessment  
38 instrument and ranges.

39 (b) Annual reports.--The commission shall report annually to  
40 the General Assembly, the Administrative Office of Pennsylvania  
41 Courts and the Governor on the activities of the commission.

42 (c) Additional powers and duties.--The commission shall have  
43 such other powers and duties and shall perform such other  
44 functions as may be necessary to carry out the purposes of this  
45 subarticle or as may be provided under any other provision of  
46 State law and may delegate to any commissioner or designated  
47 person such powers as may be appropriate other than the power to  
48 establish general policies, guidelines, rules and factors under  
49 subsection (a) (1).

50 (b) (Reserved)

51 Section 10. The following apply:

1 (1) Not later than one year after the effective date of  
2 this section, the State Inspector General shall submit a  
3 report on the implementation of the amendment to section 503-  
4 A(c)(1) of the act, including any finding relating to the  
5 Pennsylvania Statewide Radio Network, to the General  
6 Assembly.

7 (2) The terms of the members of the Pennsylvania  
8 Commission on Sentencing who are members on the effective  
9 date of this section shall expire on October 1, 2019, or  
10 immediately, whichever is later.

11 Section 11. Repeals are as follows:

12 (1) The General Assembly declares that the repeal under  
13 paragraph (2) is necessary to effectuate the amendment or  
14 addition of section 605-B(a.1), (b.1), (d.1) and (e).

15 (2) Section 1704-E of the act of April 9, 1929 (P.L.343,  
16 No.176), known as The Fiscal Code, is repealed.

17 (3) The General Assembly declares that the repeal under  
18 paragraph (4) is necessary to effectuate the addition of  
19 section 2219 of the act.

20 (4) Section 1727-E(b) of the act of April 9, 1929  
21 (P.L.343, No.176), known as The Fiscal Code, is repealed.

22 (5) The General Assembly declares that the repeal under  
23 paragraph (6) is necessary to effectuate the addition of  
24 sections 2802-F, 2803-F and 2804-F of the act.

25 (6) The provisions of 42 Pa.C.S. §§ 2151.2, 2152 and  
26 2153 are repealed.

27 Section 12. The addition of sections 2802-F, 2803-F and  
28 2804-F of the act are a continuation of 42 Pa.C.S. §§ 2151.2,  
29 2152 and 2153. The following apply:

30 (1) Except as otherwise provided in sections 2802-F,  
31 2803-F and 2804-F of the act, all activities initiated under  
32 42 Pa.C.S. §§ 2151.2, 2152 and 2153 shall continue and remain  
33 in full force and effect and may be completed under sections  
34 2802-F, 2803-F and 2804-F of the act. Orders, regulations,  
35 rules and decisions which were made under 42 Pa.C.S. §§  
36 2151.2, 2152 and 2153 and which are in effect on the  
37 effective date of this act shall remain in full force and  
38 effect until revoked, vacated or modified under sections  
39 2802-F, 2803-F and 2804-F of the act. Contracts, obligations  
40 and collective bargaining agreements entered into under 42  
41 Pa.C.S. §§ 2151.2, 2152 and 2153 are not affected nor  
42 impaired by the repeal of 42 Pa.C.S. §§ 2151.2, 2152 and  
43 2153.

44 (2) Except as set forth in paragraph (3), any difference  
45 in language between sections 2802-F, 2803-F and 2804-F of the  
46 act and 42 Pa.C.S. §§ 2151.2, 2152 and 2153 is not intended  
47 to change or affect the legislative intent, judicial  
48 construction or administration and implementation of 42  
49 Pa.C.S. §§ 2151.2, 2152 and 2153.

50 (3) Paragraph (2) does not apply to the addition of  
51 section 2803-F(a), (b) and (h) of the act.



1 Section 13. This act shall take effect as follows:

2 (1) The following provisions of this act shall take  
3 effect immediately:

4 (i) This section.

5 (ii) The addition of sections 311 and 605-B(a.1),  
6 (b.1), (d.1) and (e), Article XV-B and section 2219 of  
7 the act.

8 (iii) Section 10(2) of this act.

9 (iv) Except as provided in paragraph (2)(ii),  
10 section 11 of this act.

11 (2) The following provisions of this act shall take  
12 effect October 1, 2019, or immediately, whichever is later:

13 (i) The addition of Article XXVIII-F of the act.

14 (ii) Sections 11(5) and (6) and 12.

15 (3) The addition of section 618-A(3) shall take effect  
16 January 1, 2020.

17 (4) The remainder of this act shall take effect in 60  
18 days.