

## AMENDMENTS TO HOUSE BILL NO. 859

Sponsor: REPRESENTATIVE KRUEGER

Printer's No. 1309

1 Amend Bill, page 1, lines 1 through 24, by striking out all  
2 of said lines and inserting  
3 Amending the act of April 9, 1929 (P.L.343, No.176), entitled  
4 "An act relating to the finances of the State government;  
5 providing for cancer control, prevention and research, for  
6 ambulatory surgical center data collection, for the Joint  
7 Underwriting Association, for entertainment business  
8 financial management firms, for private dam financial  
9 assurance and for reinstatement of item vetoes; providing for  
10 the settlement, assessment, collection, and lien of taxes,  
11 bonus, and all other accounts due the Commonwealth, the  
12 collection and recovery of fees and other money or property  
13 due or belonging to the Commonwealth, or any agency thereof,  
14 including escheated property and the proceeds of its sale,  
15 the custody and disbursement or other disposition of funds  
16 and securities belonging to or in the possession of the  
17 Commonwealth, and the settlement of claims against the  
18 Commonwealth, the resettlement of accounts and appeals to the  
19 courts, refunds of moneys erroneously paid to the  
20 Commonwealth, auditing the accounts of the Commonwealth and  
21 all agencies thereof, of all public officers collecting  
22 moneys payable to the Commonwealth, or any agency thereof,  
23 and all receipts of appropriations from the Commonwealth,  
24 authorizing the Commonwealth to issue tax anticipation notes  
25 to defray current expenses, implementing the provisions of  
26 section 7(a) of Article VIII of the Constitution of  
27 Pennsylvania authorizing and restricting the incurring of  
28 certain debt and imposing penalties; affecting every  
29 department, board, commission, and officer of the State  
30 government, every political subdivision of the State, and  
31 certain officers of such subdivisions, every person,  
32 association, and corporation required to pay, assess, or  
33 collect taxes, or to make returns or reports under the laws  
34 imposing taxes for State purposes, or to pay license fees or  
35 other moneys to the Commonwealth, or any agency thereof,  
36 every State depository and every debtor or creditor of the  
37 Commonwealth," in additional special funds and restricted  
38 accounts, adding provisions relating to miscellaneous trust

1 funds and accounts by converting the Banking Fund to the  
2 Banking Trust Fund, the Institution Resolution Account to the  
3 Institution Resolution Trust Restricted Account, the Keystone  
4 Recreation, Park and Conservation Fund to the Keystone  
5 Recreation, Park and Conservation Trust Fund and the Fire and  
6 Emergency Medical Services Loan Fund to the Fire and  
7 Emergency Medical Services Loan Trust Fund; and making  
8 related repeals.

9 Amend Bill, page 1, lines 27 and 28; pages 2 through 4, lines  
10 1 through 30; page 5, lines 1 through 25; by striking out all of  
11 said lines on said pages and inserting

12 Section 1. Article XVII-A.1 of the act of April 9, 1929  
13 (P.L.343, No.176), known as The Fiscal Code, is amended by  
14 adding a subarticle to read:

15 SUBARTICLE J

16 MISCELLANEOUS TRUST FUNDS AND ACCOUNTS

17 Section 1791-A.1. Banking Trust Fund.

18 (a) Conversion of Banking Fund.--The Banking Fund is  
19 converted into a trust fund in the State Treasury to be known as  
20 the Banking Trust Fund and administered for the benefit of  
21 institutions, credit unions, licensees and their customers,  
22 except for persons subject to regulation under the act of  
23 December 5, 1972 (P.L.1280, No.284), known as the Pennsylvania  
24 Securities Act of 1972. The fund shall be administered by the  
25 department. All interest earned from the investment or deposit  
26 of money accumulated in the fund shall be deposited into the  
27 fund for the same use. All money deposited into the fund shall:

28 (1) be held in trust;

29 (2) not be considered general revenue of the  
30 Commonwealth;

31 (3) be used only to effectuate the purposes of this  
32 section as determined by the department; and

33 (4) be subject to audit by the Auditor General.

34 (b) Sources.--The sources of the fund are as follows:

35 (1) Money collected or received by the department  
36 arising from:

37 (i) fees, assessments, charges and penalties  
38 relating to the regulation of credit unions, institutions  
39 and licensees;

40 (ii) the sale by the Department of General Services  
41 of unserviceable property originally paid for out of the  
42 fund; and

43 (iii) similar sources.

44 (2) The sources of the fund shall not include fees,  
45 assessments, charges and penalties generated from:

46 (i) the Pennsylvania Securities Act of 1972;

47 (ii) the act of March 3, 1976 (P.L.42, No.19), known  
48 as the Takeover Disclosure Law; or

1           (iii) portions of the money under paragraph (1)  
2           determined by the secretary to be paid into the  
3           Institution Resolution Trust Fund under section 1792-A.1.

4           (c) Use of fund.--The fund shall be used by the department  
5           to pay its expenses relating to the examination and regulation  
6           of institutions, credit unions and licensees, except for persons  
7           subject to regulation under the Pennsylvania Securities Act of  
8           1972, including the following:

9           (1) Salaries of the secretary, the deputies, the  
10           examiners, the other employees of the department and  
11           attorneys.

12           (2) Rental and other expenses for offices, rooms, garage  
13           space and other accommodations, regardless of the  
14           municipality in which they are located, occupied by the  
15           department. This paragraph excludes offices, rooms, garage  
16           space and accommodations in the Capitol Complex.

17           (3) Premiums for workers' compensation insurance  
18           covering the officers and employees of the department.

19           (4) Premiums for surety bonds for officers and employees  
20           of the department required by law to furnish the bonds.

21           (5) Furniture, stationery, materials, supplies and  
22           overhead expenses of the department.

23           (d) Operating reserves.--The fund shall maintain an adequate  
24           operating reserve as determined by the secretary to be necessary  
25           to ensure the ability of the department to continue to pay its  
26           expenses described in subsection (c) in the event of adverse  
27           economic conditions, the loss of revenue as a result of  
28           institutions or licensees becoming subject to the jurisdiction  
29           of another primary regulator or emergencies. In determining the  
30           amount of the reserve to be held by the fund, the secretary  
31           shall take into consideration the accreditation requirements of  
32           the Conference of State Bank Supervisors, the National  
33           Association of State Credit Union Supervisors and the American  
34           Association of Residential Mortgage Regulators.

35           (e) Department of General Services.--Purchases and leases  
36           under subsection (c) shall be made through the Department of  
37           General Services, as agent. Contracts of insurance and surety  
38           bonds under subsection (c) shall be placed through the  
39           Department of General Services, as agent.

40           (f) Restrictions on appropriations.--For fiscal years  
41           beginning after June 30, 2012, the General Assembly shall  
42           appropriate the funds as it determines to be necessary from the  
43           fund for use only by the department and not for any other  
44           Commonwealth agency.

45           (g) Warrant.--Money in the fund appropriated to the  
46           department shall be paid out upon warrant of the State Treasurer  
47           drawn after requested by the secretary.

48           (h) Definitions.--As used in this section, the following  
49           words and phrases shall have the meanings given to them in this  
50           subsection unless the context clearly indicates otherwise:

51           "Department." The Department of Banking and Securities of

1 the Commonwealth.  
2 "Fund." The Banking Trust Fund described in subsection (a).  
3 "Secretary. The Secretary of Banking and Securities of the  
4 Commonwealth.  
5 Section 1792-A.1. Institution Resolution Trust Fund.  
6 (a) Conversion of Institution Resolution Account.--The  
7 Institution Resolution Account in the Banking Fund is converted  
8 into a restricted account in the Banking Trust Fund to be known  
9 as the Institution Resolution Trust Restricted Account and  
10 administered for the benefit of banks, bank and trust companies,  
11 trust companies, savings banks, credit unions and their  
12 customers. The restricted account shall be administered by the  
13 department. All interest earned from the investment or deposit  
14 of money accumulated in the restricted account shall be  
15 deposited into the restricted account for the same use. All  
16 money deposited into the restricted account shall:  
17 (1) be held in trust;  
18 (2) not be considered general revenue of the  
19 Commonwealth;  
20 (3) be used only to effectuate the purposes of this  
21 subsection as determined by the department; and  
22 (4) be subject to audit by the Auditor General.  
23 (b) Sources.--The sources of the restricted account are as  
24 follows:  
25 (1) An amount determined by the secretary each fiscal  
26 year based upon economic and regulatory conditions from  
27 assessments, fees and administrative penalties generated from  
28 statutes administered by the department other than:  
29 (i) the act of December 5, 1972 (P.L.1280, No.284),  
30 known as the Pennsylvania Securities Act of 1972; or  
31 (ii) the act of March 3, 1976 (P.L.42, No.19), known  
32 as the Takeover Disclosure Law.  
33 (2) Amounts received from court litigation involving the  
34 department.  
35 (c) Use.--The secretary may use the money in the restricted  
36 account to pay for costs associated with any of the following:  
37 (1) Resolution of an institution or an association,  
38 under Article X of the act of May 15, 1933 (P.L.565, No.111),  
39 known as the Department of Banking and Securities Code. Money  
40 under this paragraph may be used in lieu of paying expenses  
41 from the assets of an institution or association under  
42 section 1006 of the Department of Banking and Securities  
43 Code.  
44 (2) Seizure and liquidation of a credit union under 17  
45 Pa.C.S. § 503 (relating to regulation by department).  
46 (d) Reserve.--In determining the amount to pay into the  
47 restricted account each year, the secretary shall do so in a  
48 manner that builds up a reserve sufficient to pay costs as  
49 described in subsection (c) in a manner that will allow the  
50 department to discharge its obligations to resolve, seize or  
51 liquidate an institution or credit union without impairing the

1 ability of the department to continue to perform its other  
2 duties.

3 (e) Restrictions on appropriations.--For fiscal years  
4 beginning after June 30, 2012, the General Assembly shall  
5 appropriate the funds as it determines to be necessary from the  
6 the restricted account for use only by the department and not  
7 for any other Commonwealth agency.

8 (f) Warrant.--Money in the restricted account appropriated  
9 to the department shall be paid out upon warrant of the State  
10 Treasurer drawn after requested by the secretary.

11 (g) Definitions.--As used in this section, the following  
12 words and phrases shall have the meanings given to them in this  
13 subsection unless the context clearly indicates otherwise:

14 "Department." The Department of Banking and Securities of  
15 the Commonwealth.

16 "Restricted account." The Institution Resolution Trust  
17 Restricted Account described in subsection (a).

18 "Secretary." The Secretary of Banking and Securities of the  
19 Commonwealth.

20 Section 1793-A.1. Keystone Recreation, Park and Conservation  
21 Trust Fund.

22 (a) Conversion of Keystone Recreation, Park and Conservation  
23 Fund.--The Keystone Recreation, Park and Conservation Fund  
24 established in section 4 of the act of July 2, 1993 (P.L.359,  
25 No.50), known as the Keystone Recreation, Park and Conservation  
26 Fund Act, is converted to a trust fund in the State Treasury to  
27 be known as the Keystone Recreation, Park and Conservation Trust  
28 Fund to provide money necessary to implement the provisions of  
29 that act. All interest earned from the investment or deposit of  
30 money accumulated in the fund shall be deposited into the fund  
31 for the same use. All money deposited into the fund shall:

32 (1) be held in trust;

33 (2) not be considered general revenue of the  
34 Commonwealth;

35 (3) be used only to effectuate the purposes of this  
36 section as determined by the agency; and

37 (4) be subject to audit by the Auditor General.

38 (b) Source of funds.--All proceeds from the sale of bonds or  
39 notes as approved under section 5 of the Keystone Recreation,  
40 Park and Conservation Fund Act and the monthly transfer of a  
41 portion of the State Realty Transfer Tax shall provide the  
42 necessary money for the fund.

43 (c) Appropriations.--All money in the fund is hereby  
44 appropriated on a continuing nonlapsing basis to the designated  
45 agencies in the amounts specified in section 12 of the Keystone  
46 Recreation, Park and Conservation Fund Act. No money shall be  
47 expended by any agency without authorization by the Governor.

48 (d) Interest.--All interest earned by the fund and all  
49 refunds or repayments shall be credited to the fund and are  
50 hereby appropriated to the appropriate agencies in the same  
51 percentage as specified in section 12 of the Keystone

1 Recreation, Park and Conservation Fund Act.

2 (e) Definitions.--As used in this section, the following  
3 words and phrases shall have the meanings given to them in this  
4 subsection unless the context clearly indicates otherwise:

5 "Agency." As defined in the Keystone Recreation, Park and  
6 Conservation Fund Act.

7 "Fund." The Keystone Recreation, Park and Conservation Trust  
8 Fund described in subsection (a).

9 Section 1794-A.1. Fire and Emergency Medical Services Loan  
10 Trust Fund.

11 (a) Conversion of Fire and Emergency Medical Services Loan  
12 Trust Fund.--

13 (1) The Fire and Emergency Medical Services Loan Fund  
14 established in former 35 Pa.C.S. § 7365 is converted to a  
15 trust fund in the State Treasury to be known as the Fire and  
16 Emergency Medical Services Loan Trust Fund.

17 (2) The fund shall be credited with all appropriations  
18 made by the General Assembly other than appropriations for  
19 expenses of administering 35 Pa.C.S. Ch. 73 Subch. E  
20 (relating to Fire and Emergency Medical Services Loan  
21 Program) or grants from other sources to the office as well  
22 as repayment of principal and interest on loans made under 35  
23 Pa.C.S. Ch. 73 Subch. E.

24 (b) Requisition.--Upon approval of the loan, the  
25 commissioner shall routinely requisition from the fund such  
26 amounts as shall be allocated by the office for loans to fire  
27 companies or EMS companies. When and as the amounts so allocated  
28 as loans to fire companies or EMS companies are repaid according  
29 to the terms of the agreements made and entered into with the  
30 office, the office shall pay the amounts into the fund, it being  
31 the intent of 35 Pa.C.S. Ch. 73 Subch. E that the fund shall  
32 operate as a revolving fund in which all appropriations and  
33 payments made to the fund may be applied and reapplied to the  
34 purposes of 35 Pa.C.S. Ch. 73 Subch. E.

35 (c) Administration.--The commissioner may use up to 50% of  
36 the interest payments, but not in excess of \$600,000, for  
37 administrative costs on an annual basis.

38 (d) Definitions.--

39 (1) Except as otherwise provided in paragraph (2), the  
40 words and phrases as used in this section shall have the  
41 meanings given to them in 35 Pa.C.S. § 7363 (relating to  
42 definitions).

43 (2) As used in this section, "fund" means the Fire and  
44 Emergency Medical Services Loan Trust Fund described in  
45 subsection (a).

46 Section 2. The addition of section 1793-A.1 of the act is a  
47 continuation of section 4 of the act of July 2, 1993 (P.L.359,  
48 No.50), known as the Keystone Recreation, Park and Conservation  
49 Fund Act, and the following shall apply:

50 (1) Except as otherwise provided in section 1793-A.1 of  
51 the act, all activities initiated under section 4 of the

1 Keystone Recreation, Park and Conservation Fund Act, shall  
2 continue and remain in full force and effect and may be  
3 completed under section 1793-A.1 of the act. Resolutions,  
4 orders, regulations, rules and decisions which were made  
5 under section 4 of the Keystone Recreation, Park and  
6 Conservation Fund Act and which are in effect on the  
7 effective date of this section shall remain in full force and  
8 effect until revoked, vacated or modified under section 1793-  
9 A.1 of the act. Contracts, obligations and agreements entered  
10 into under section 4 of the Keystone Recreation, Park and  
11 Conservation Fund Act are not affected nor impaired by the  
12 repeal of section 4 of the Keystone Recreation, Park and  
13 Conservation Fund Act.

14 (2) Except as specified in paragraph (3), any difference  
15 in language between section 1793-A.1 of the act and section 4  
16 of the Keystone Recreation, Park and Conservation Fund Act is  
17 intended only to conform to the style of the Pennsylvania  
18 Consolidated Statutes and is not intended to change or affect  
19 the legislative intent, judicial construction or  
20 administrative interpretation and implementation of section 4  
21 of the Keystone Recreation, Park and Conservation Fund Act.

22 (3) Paragraph (2) does not apply to section 1793-A.1(a)  
23 and (e) of the act.

24 (4) Except as specified in paragraph (5), any difference  
25 in language between section 1794-A.1 of the act and 35  
26 Pa.C.S. § 7365 is intended only to conform to the style of  
27 the act and is not intended to change or affect the  
28 legislative intent, judicial construction or administrative  
29 interpretation and implementation of 35 Pa.C.S. § 7365.

30 (5) Paragraph (4) does not apply to section 1794-A.1(a)  
31 (1) of the act.

32 Section 3. The following shall apply:

33 (1) A reference in any law to the Banking Fund shall be  
34 deemed to be a reference to the Banking Trust Fund.

35 (2) A reference in any law to the Institution Resolution  
36 Account in the Banking Fund shall be deemed to be a reference  
37 to the Institution Resolution Trust Fund.

38 (3) A reference in any law to the Keystone Recreation,  
39 Park and Conservation Fund shall be deemed to be a reference  
40 to the Keystone Recreation, Park and Conservation Trust Fund.

41 (4) A reference in any law to the Fire and Emergency  
42 Medical Services Loan Fund shall be deemed to be a reference  
43 to the Fire and Emergency Medical Services Loan Trust Fund.

44 (5) The reference to 35 Pa.C.S. § 7365 in 35 Pa.C.S. §§  
45 7363 and 7376 shall be deemed to be a reference to section  
46 1794-A.1 of the act.

47 Section 4. Repeals are as follows:

48 (1) The General Assembly finds that the repeal under  
49 paragraph (2) is necessary to effectuate the addition of  
50 sections 1791-A.1 and 1792-A.1 of the act.

51 (2) Section 1113-A of the act of May 15, 1933 (P.L.565,

1 No.111), known as the Department of Banking and Securities  
2 Code, is repealed.

3 (3) The General Assembly finds that the repeal under  
4 paragraph (4) is necessary to effectuate the addition of  
5 section 1793-A.1 of the act.

6 (4) Section 4 of the act of July 2, 1993 (P.L.359,  
7 No.50), known as the Keystone Recreation, Park and  
8 Conservation Fund Act, is repealed.

9 (5) The General Assembly finds that the repeal under  
10 paragraph (6) is necessary to effectuate the addition of  
11 section 1794-A.1 of the act.

12 (6) The provisions of 35 Pa.C.S. § 7365 are repealed.

13 Amend Bill, page 5, line 26, by striking out "2" and

14 inserting

15 5