

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1780 Session of
1993

INTRODUCED BY MILLER, BELFANTI, RYAN, ITKIN, GLADECK AND ADOLPH,
JUNE 8, 1993

SENATOR TILGHMAN, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, JUNE 14, 1994

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employes of certain departments, boards and
20 commissions shall be determined," CLARIFYING TERMS OF OFFICE <—
21 UNDER THE PENNSYLVANIA INTERGOVERNMENTAL COOPERATION
22 AUTHORITY; PROVIDING FOR APPROPRIATIONS FOR THE EXPENSES OF
23 THE DEPARTMENT OF BANKING AND FOR THE DISBURSEMENT OF FUNDS
24 FROM THE KEYSTONE RECREATION, PARK AND CONSERVATION FUND AND
25 FOR A REVIEW PROCESS FOR APPLICATIONS TO THE DEPARTMENT OF
26 ENVIRONMENTAL RESOURCES; imposing restrictions on the
27 utilization of PennSERVE moneys for certain compensation;
28 FURTHER PROVIDING FOR THE SPACE ON TAX FORMS FOR <—
29 CONTRIBUTIONS TO THE UNITED STATES OLYMPIC COMMITTEE,
30 PENNSYLVANIA DIVISION AND FOR THE POWERS AND DUTIES OF THE
31 DEPARTMENT OF COMMUNITY AFFAIRS; and making a ~~repeat~~ REPEALS. <—

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

3 ~~Section 1. Section 2203-B of the act of April 9, 1929~~ <—
4 ~~(P.L.177, No.175), known as The Administrative Code of 1929, is~~

5 SECTION 1. THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN <—
6 AS THE ADMINISTRATIVE CODE OF 1929, IS AMENDED BY ADDING
7 SECTIONS TO READ:

8 SECTION 308. TERMS OF OFFICE UNDER PENNSYLVANIA
9 INTERGOVERNMENTAL COOPERATION AUTHORITY.--A MEMBER OF THE BOARD
10 OF THE PENNSYLVANIA INTERGOVERNMENTAL COOPERATION AUTHORITY
11 SHALL SERVE AT THE PLEASURE OF HIS OR HER APPOINTING AUTHORITY
12 FOR A TERM EXTENDING NOT MORE THAN SIXTY (60) DAYS BEYOND THE
13 CURRENT TERM OF OFFICE OF THE APPOINTING AUTHORITIES FROM THE
14 HOUSE OF REPRESENTATIVES OR UNTIL HIS OR HER SUCCESSOR IS
15 APPOINTED, WHICHEVER SHALL FIRST OCCUR. THE EXECUTIVE DIRECTOR
16 SHALL SERVE AT THE PLEASURE OF THE BOARD FOR A TERM ENDING SIXTY
17 (60) DAYS BEYOND THE CURRENT TERM OF OFFICE OF THE APPOINTING
18 AUTHORITIES FROM THE HOUSE OF REPRESENTATIVES OR UNTIL HIS OR
19 HER SUCCESSOR IS RETAINED PURSUANT TO SECTION 202(G) OF THE ACT
20 OF JUNE 5, 1991 (P.L.9, NO.6), KNOWN AS THE "PENNSYLVANIA
21 INTERGOVERNMENTAL COOPERATION AUTHORITY ACT FOR CITIES OF THE
22 FIRST CLASS," WHICHEVER SHALL FIRST OCCUR. A PERSON NAMED TO
23 FILL A VACANCY OCCURRING PRIOR TO THE EXPIRATION OF A TERM SHALL
24 SERVE THE UNEXPIRED TERM.

25 SECTION 1605. APPROPRIATIONS FOR EXPENSES OF DEPARTMENT OF
26 BANKING; RECEIPTS.--(A) ALL MONEYS COLLECTED OR RECEIVED BY THE
27 DEPARTMENT OF BANKING, ARISING FROM FEES, ASSESSMENTS, CHARGES
28 AND PENALTIES, FROM THE SALE BY THE DEPARTMENT OF GENERAL
29 SERVICES OF UNSERVICEABLE PROPERTY ORIGINALLY PAID FOR OUT OF
30 THE BANKING DEPARTMENT FUND, AND FROM SIMILAR SOURCES SHALL BE

DEPOSITED IN THE BANKING DEPARTMENT FUND TO BE USED BY THE
DEPARTMENT OF BANKING TO PAY ITS EXPENSES, INCLUDING THE
FOLLOWING:

(1) SALARIES OF THE SECRETARY, THE DEPUTIES, THE EXAMINERS,
THE OTHER EMPLOYES OF THE DEPARTMENT OF BANKING AND ATTORNEYS.

(2) RENTAL AND OTHER EXPENSES FOR OFFICES, ROOMS, GARAGE
SPACE AND OTHER ACCOMMODATIONS OUTSIDE OF THE CAPITOL BUILDINGS
EITHER IN OR OUTSIDE OF THE CAPITAL CITY, OCCUPIED BY THE
DEPARTMENT OF BANKING.

(3) PREMIUMS FOR WORKERS' COMPENSATION INSURANCE COVERING
THE OFFICERS AND EMPLOYES OF THE DEPARTMENT OF BANKING.

(4) PREMIUMS FOR SURETY BONDS FOR SUCH OFFICERS OR EMPLOYES
OF THE DEPARTMENT OF BANKING AS MAY BE REQUIRED BY LAW TO
FURNISH SUCH BONDS.

(5) PURCHASE AND OPERATING COSTS OF MOTOR VEHICLES REQUIRED
BY THE DEPARTMENT OF BANKING FOR FULL-TIME USE, INCLUDING
PREMIUMS FOR LIABILITY INSURANCE COVERING SUCH MOTOR VEHICLES
AND THE DEPARTMENT OF BANKING OFFICERS AND EMPLOYES OPERATING
THEM; ALSO THE AMOUNT PAYABLE TO THE DEPARTMENT OF GENERAL
SERVICES FOR THE USE OF AUTOMOBILES SUPPLIED BY IT FOR TEMPORARY
USE BY THE DEPARTMENT OF BANKING.

(6) FURNITURE, STATIONERY, MATERIALS, SUPPLIES AND ALL OTHER
OVERHEAD EXPENSES OF THE DEPARTMENT OF BANKING.

ALL SUCH PURCHASES AND LEASES SHALL BE MADE, AND ALL SUCH
CONTRACTS OF INSURANCE AND SURETY BONDS SHALL BE PLACED, THROUGH
THE DEPARTMENT OF GENERAL SERVICES, AS AGENT.

(B) FOR THE FISCAL YEAR BEGINNING JULY 1, 1995, AND EACH
FISCAL YEAR THEREAFTER, THE GENERAL ASSEMBLY SHALL APPROPRIATE
SUCH FUNDS AS IT DETERMINES TO BE NECESSARY FROM THE BANKING
DEPARTMENT FUND FOR USE BY THE DEPARTMENT OF BANKING OR OTHER

1 DEPARTMENTS.

2 (C) MONEYS IN THE BANKING DEPARTMENT FUND APPROPRIATED TO
3 THE DEPARTMENT OF BANKING SHALL BE PAID OUT UPON WARRANT OF THE
4 STATE TREASURER DRAWN AFTER REQUESTED BY THE SECRETARY OF
5 BANKING.

6 SECTION 1931-A. ENVIRONMENTAL RESOURCES REVIEW PROCEDURES.--

7 (A) EXCEPT AS PROVIDED IN SUBSECTION (B), THE DEPARTMENT SHALL
8 PERFORM IN THE MANNER PROVIDED BY LAW OR REGULATION AN
9 ADMINISTRATIVE COMPLETENESS REVIEW OF EVERY PERMIT APPLICATION
10 WITHIN TWENTY (20) DAYS OF THE RECEIPT OF THE PERMIT APPLICATION
11 AND NOTIFY THE APPLICANT ON OR BEFORE THE EXPIRATION OF THE
12 TWENTY-DAY TIME PERIOD THAT THE PERMIT APPLICATION IS EITHER
13 COMPLETE OR INCOMPLETE. IF THE DEPARTMENT DETERMINES THAT THE
14 PERMIT APPLICATION IS INCOMPLETE, IT SHALL NOTIFY THE APPLICANT
15 WHICH FORMS, ITEMS OR INFORMATION ARE NECESSARY TO MAKE THE
16 PERMIT APPLICATION COMPLETE. ANY PERMIT APPLICATION RESUBMITTED
17 TO THE DEPARTMENT FOLLOWING A DETERMINATION THAT A PERMIT
18 APPLICATION IS INCOMPLETE SHALL BE SUBJECT TO THE SAME
19 REQUIREMENTS FOR REVIEW AND NOTIFICATION AS THE ORIGINAL PERMIT
20 APPLICATION.

21 (B) THIS SECTION SHALL NOT APPLY TO ANY PERMIT APPLICATION
22 UNDER OR RELATING TO:

23 (1) ANY STATUTE WHICH REQUIRES A LONGER PERIOD OF TIME FOR
24 AN ADMINISTRATIVE COMPLETENESS REVIEW.

25 (2) HAZARDOUS WASTE GOVERNED UNDER ANY OF THE FOLLOWING
26 STATUTES:

27 HAZARDOUS AND SOLID WASTE AMENDMENTS OF 1984 (PUBLIC LAW 98-
28 3221, 98 STAT. 3221).

29 ACT OF JANUARY 8, 1960 (1959 P.L.2119, NO.787), KNOWN AS THE
30 AIR POLLUTION CONTROL ACT.

1 ACT OF JULY 20, 1974 (P.L.572, NO.198), KNOWN AS THE
2 PENNSYLVANIA SOLID WASTE - RESOURCE RECOVERY DEVELOPMENT ACT.

3 ACT OF JULY 7, 1980 (P.L.380, NO.97), KNOWN AS THE SOLID
4 WASTE MANAGEMENT ACT.

5 ACT OF OCTOBER 18, 1988 (P.L.756, NO.108), KNOWN AS THE
6 HAZARDOUS SITES CLEANUP ACT.

7 (3) MUNICIPAL WASTE GOVERNED UNDER ANY OF THE FOLLOWING
8 STATUTES:

9 ACT OF JUNE 22, 1937 (P.L.1987, NO.394), KNOWN AS THE CLEAN
10 STREAMS LAW.

11 ACT OF JULY 7, 1980 (P.L.380, NO.97), KNOWN AS THE SOLID
12 WASTE MANAGEMENT ACT.

13 ACT OF JULY 28, 1988 (P.L.556, NO.101), KNOWN AS THE
14 MUNICIPAL WASTE PLANNING, RECYCLING AND WASTE REDUCTION ACT.

15 (4) INFECTIOUS AND CHEMOTHERAPEUTIC WASTE GOVERNED UNDER ANY
16 OF THE FOLLOWING STATUTES:

17 ACT OF JULY 7, 1980 (P.L.380, NO.97), KNOWN AS THE SOLID
18 WASTE MANAGEMENT ACT.

19 ACT OF JULY 13, 1988 (P.L.525, NO.93), REFERRED TO AS THE
20 INFECTIOUS AND CHEMOTHERAPEUTIC WASTE LAW.

21 (5) RESIDUAL WASTE GOVERNED UNDER ANY OF THE FOLLOWING
22 STATUTES:

23 ACT OF JUNE 22, 1937 (P.L.1987, NO.394), KNOWN AS THE CLEAN
24 STREAMS LAW.

25 ACT OF JULY 7, 1980 (P.L.380, NO.97), KNOWN AS THE SOLID
26 WASTE MANAGEMENT ACT.

27 ACT OF JULY 28, 1988 (P.L.556, NO.101), KNOWN AS THE
28 MUNICIPAL WASTE PLANNING, RECYCLING AND WASTE REDUCTION ACT.

29 (6) AIR QUALITY UNDER THE FOLLOWING STATUTES:

30 CLEAN AIR ACT (PUBLIC LAW 95-95, 42 U.S.C. § 7401 ET SEQ.).

1 ACT OF JANUARY 8, 1960 (1959 P.L.2119, NO.787), KNOWN AS THE
2 AIR POLLUTION CONTROL ACT.

3 (C) THE DEPARTMENT MAY EXEMPT SPECIFIC PERMIT APPLICATIONS
4 FROM THE PROVISIONS OF THIS SECTION UNDER PROCEDURES TO BE
5 ESTABLISHED BY REGULATION OF THE DEPARTMENT.

6 (D) FAILURE OF THE DEPARTMENT TO NOTIFY AN APPLICANT THAT A
7 PERMIT APPLICATION IS EITHER COMPLETE OR INCOMPLETE WITHIN THE
8 TIME PERIOD REQUIRED BY THIS SECTION SHALL RESULT IN THE
9 ADMINISTRATIVE COMPLETENESS REVIEW BEING DEEMED COMPLETE AND THE
10 PERMIT APPLICATION BEING DEEMED COMPLETE.

11 (E) THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS
12 SECTION SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SUBSECTION
13 UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

14 "ADMINISTRATIVE COMPLETENESS REVIEW." A REVIEW BY THE
15 DEPARTMENT OF ENVIRONMENTAL RESOURCES TO DETERMINE WHETHER ALL
16 FORMS AND INFORMATION, INCLUDING, WITHOUT LIMITATION,
17 APPROPRIATE SIGNATURES, FILING FEES, NOTARY SEALS AND MAPS,
18 NECESSARY AS A PREREQUISITE UNDER THE APPLICABLE STATUTE TO
19 ENABLE THE DEPARTMENT OF ENVIRONMENTAL RESOURCES TO DETERMINE
20 WHETHER THE APPLICANT OR THE CONDUCT OF THE APPLICANT IS IN
21 COMPLIANCE WITH THE LAW.

22 "DEPARTMENT." THE DEPARTMENT OF ENVIRONMENTAL RESOURCES OF
23 THE COMMONWEALTH.

24 "PERMIT APPLICATION." AN APPLICATION FILED WITH THE
25 DEPARTMENT OF ENVIRONMENTAL RESOURCES PURSUANT TO LAW FOR A
26 PERMIT, INCLUDING, WITHOUT LIMITATION, A PERMIT MODIFICATION, A
27 PERMIT AMENDMENT, AN APPLICATION FOR REPERMITTING OR A LICENSE.

28 SECTION 2. SECTION 2203-B OF THE ACT IS amended by adding a
29 subsection to read:

30 Section 2203-B. Responsibilities of Office.--* * *

1 (e) The expenditure of money by PennSERVE for the
2 compensation of participants, other than PennSERVE employees, in
3 a community service program, or in any other program established
4 by a community-based agency or by the Commonwealth or a
5 political subdivision, is prohibited.

6 Section ~~2~~ 3. Section 2204-B(2)(iii) of the act is repealed. <—

7 ~~Section 3. This act shall take effect in 60 days.~~ <—

8 SECTION 4. SECTION 2505 OF THE ACT, ADDED JULY 1, 1990 <—

9 (P.L.277, NO.67), IS AMENDED TO READ:

10 SECTION 2505. WAIVER OF REALTY TRANSFER TAX[.--];

11 ALLOCATION.--(A) THE DEPARTMENT OF REVENUE MAY, IN THE CASE OF
12 A TRANSFER OF REAL PROPERTY FROM THE COMMONWEALTH TO A NONPROFIT
13 ORGANIZATION WHERE THAT ORGANIZATION WILL UTILIZE THE PROPERTY
14 FOR A DRUG OR ALCOHOL ABUSE REHABILITATION PROGRAM, WAIVE THE
15 [COLLECTIVE] COLLECTION OF THE REALTY TRANSFER TAX IMPOSED UNDER
16 ARTICLE XI-C OF THE ACT OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS
17 THE "TAX REFORM CODE OF 1971."

18 (B) NOTWITHSTANDING THE LIMITATION CONTAINED IN SECTION 7 OF
19 THE ACT OF JULY 2, 1993 (P.L.359, NO.50), KNOWN AS THE "KEYSTONE
20 RECREATION, PARK AND CONSERVATION FUND ACT," MONEYS IN THE
21 KEYSTONE RECREATION, PARK AND CONSERVATION FUND DESIGNATED FOR
22 THE STATE SYSTEM OF HIGHER EDUCATION SHALL BE MADE AVAILABLE
23 QUARTERLY DURING THE FISCAL YEAR BEGINNING JULY 1, 1994.

24 SECTION 5. SECTION 2506 OF THE ACT, ADDED DECEMBER 18, 1992
25 (P.L.1638, NO.180), IS AMENDED TO READ:

26 SECTION 2506. SPACE ON FORM FOR CONTRIBUTIONS.--(A) THE
27 DEPARTMENT OF REVENUE SHALL PROVIDE A SPACE ON THE FACE OF THE
28 INDIVIDUAL INCOME TAX RETURN FORM WHEREBY AN INDIVIDUAL MAY
29 VOLUNTARILY DESIGNATE A CONTRIBUTION OF ANY AMOUNT DESIRED TO
30 THE UNITED STATES OLYMPIC COMMITTEE, PENNSYLVANIA DIVISION.

1 (B) THE AMOUNT SO DESIGNATED BY AN INDIVIDUAL ON THE INCOME
2 TAX RETURN FORM SHALL BE DEDUCTED FROM THE TAX REFUND TO WHICH
3 SUCH INDIVIDUAL IS ENTITLED AND SHALL NOT CONSTITUTE A CHARGE
4 AGAINST THE INCOME TAX REVENUES DUE THE COMMONWEALTH.

5 (C) THE DEPARTMENT OF REVENUE SHALL DETERMINE ANNUALLY THE
6 TOTAL AMOUNT DESIGNATED PURSUANT TO THIS SECTION, LESS
7 REASONABLE ADMINISTRATIVE COSTS, AND SHALL REPORT SUCH AMOUNT TO
8 THE STATE TREASURER, WHO SHALL TRANSFER SUCH AMOUNT FROM THE
9 GENERAL FUND TO THE UNITED STATES OLYMPIC COMMITTEE,
10 PENNSYLVANIA DIVISION.

11 [(D) THIS SECTION SHALL EXPIRE DECEMBER 31, 1995.]

12 SECTION 6. SECTION 2501-C OF THE ACT IS AMENDED BY ADDING A
13 SUBSECTION TO READ:

14 SECTION 2501-C. POWERS AND DUTIES IN GENERAL.--THE
15 DEPARTMENT OF COMMUNITY AFFAIRS SHALL HAVE THE POWER, AND ITS
16 DUTIES SHALL BE:

17 * * *

18 (N) TO MAKE DIRECT GRANTS OR PROVIDE OTHER FORMS OF
19 TECHNICAL ASSISTANCE TO VARIOUS PUBLIC SAFETY, RECREATION,
20 SENIOR CITIZEN OR OTHER COMMUNITY SERVICE ORGANIZATIONS.

21 SECTION 7. (A) THE FOLLOWING ACTS OR PARTS OF ACTS ARE
22 REPEALED:

23 SECTION 203 OF THE ACT OF MAY 15, 1933 (P.L.565, NO.111),
24 KNOWN AS THE DEPARTMENT OF BANKING CODE.

25 (B) THE FOLLOWING ACTS OR PARTS OF ACTS ARE REPEALED TO THE
26 EXTENT SPECIFIED:

27 SECTION 202(B) OF THE ACT OF JUNE 5, 1991 (P.L.9, NO.6),
28 KNOWN AS THE PENNSYLVANIA INTERGOVERNMENTAL COOPERATION
29 AUTHORITY ACT FOR CITIES OF THE FIRST CLASS, INsofar AS IT IS
30 INCONSISTENT WITH THE PROVISIONS OF SECTION 308 OF THE ACT OF

1 APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE
2 CODE OF 1929.

3 SECTION 8. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

4 (1) THE ADDITION OR REPEAL OF SECTIONS 203 OF THE
5 DEPARTMENT OF BANKING CODE AND 1605 OF THE ACT SHALL TAKE
6 EFFECT JULY 1, 1995.

7 (2) THE ADDITION OF SECTION 1931-A OF THE ACT SHALL TAKE
8 EFFECT IN 60 DAYS.

9 (3) THE AMENDMENT OF SECTION 2505 OF THE ACT SHALL TAKE
10 EFFECT JULY 1, 1994.

11 (4) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT
12 IMMEDIATELY.