

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL****No. 2206** Session of  
2020

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INTRODUCED BY MACKENZIE, BERNSTINE, GAYDOS, JAMES, KEEFER,  
MILLARD, PICKETT AND WHEELAND, JANUARY 10, 2020

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AS REPORTED FROM COMMITTEE ON COMMERCE, HOUSE OF  
REPRESENTATIVES, AS AMENDED, APRIL 21, 2020

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## 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; providing for judicial administration; and  
18 prescribing the manner in which the number and compensation  
19 of the deputies and all other assistants and employes of  
20 certain departments, boards and commissions shall be  
21 determined," in administrative organization, further  
22 providing for executive officers, administrative departments  
23 and independent administrative boards and commissions, for  
24 departmental administrative boards, commissions and offices,  
25 for department heads and for gubernatorial appointments; in  
26 organization of departmental administrative boards and  
27 commissions and of advisory boards and commissions, further  
28 providing for board to license private bankers; in  
29 Commonwealth agency fees, further providing for Department of  
30 Banking and for Pennsylvania Securities Commission; and, in  
31 powers and duties of the Department of Banking and its  
32 departmental administrative board and commission, further  
33 providing for powers and duties in general, for banking

1 supervisory powers and for banking laws; repealing provisions  
2 relating to powers and duties of the Pennsylvania Securities  
3 Commission; and making editorial changes.

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

6 Section 1. Sections 201(a), 202, 206, 207.1(d)(1) and (2),  
7 428, 603-A, 615-A, Article XVI heading and sections 1601, 1602  
8 introductory paragraph and 1603 of the act of April 9, 1929  
9 (P.L.177, No.175), known as The Administrative Code of 1929, are  
10 amended to read:

11 Section 201. Executive Officers, Administrative Departments  
12 and Independent Administrative Boards and Commissions.--(a) The  
13 executive and administrative work of this Commonwealth shall be  
14 performed by the Executive Department, consisting of the  
15 Governor, Lieutenant Governor, Secretary of the Commonwealth,  
16 Attorney General, Auditor General, State Treasurer, and  
17 Secretary of Education; by the Executive Board, and the  
18 Pennsylvania State Police; by the following administrative  
19 departments: Department of State, Office of Attorney General,  
20 Department of Corrections, Department of the Auditor General,  
21 Treasury Department, Department of Education, Department of  
22 Military Affairs, Insurance Department, Department of Banking  
23 and Securities, Department of Agriculture, Department of  
24 Transportation, Department of Health, Department of Drug and  
25 Alcohol Programs, Department of Labor and Industry, Department  
26 of Aging, Department of Public Welfare, Department of General  
27 Services, Department of Revenue, Department of Community and  
28 Economic Development, Department of Environmental Protection and  
29 Department of Conservation and Natural Resources; and by the  
30 following independent administrative boards and commissions:  
31 Pennsylvania Game Commission, Pennsylvania Fish and Boat

1 Commission, State Civil Service Commission[, ] and Pennsylvania  
2 Public Utility Commission [and the Pennsylvania Securities  
3 Commission].

4 \* \* \*

5 Section 202. Departmental Administrative Boards,  
6 Commissions, and Offices.--The following boards, commissions,  
7 and offices are hereby placed and made departmental  
8 administrative boards, commissions, or offices, as the case may  
9 be, in the respective administrative departments mentioned in  
10 the preceding section, as follows:

11 In the Department of State,  
12 Commissioner of Professional and Occupational Affairs,  
13 State Real Estate Commission,  
14 State Board of Medical Education and Licensure,  
15 State Board of Physical Therapy Examiners,  
16 State Board of Pharmacy,  
17 State Dental Council and Examining Board,  
18 State Board of Optometrical Examiners,  
19 State Board of Osteopathic Medical Examiners,  
20 State Board of Nurse Examiners,  
21 State Board of Barber Examiners,  
22 State Board of Cosmetology,  
23 State Board of Veterinary Medical Examiners,  
24 State Board of Chiropractic Examiners,  
25 State Board of Podiatry Examiners,  
26 State Board of Examiners of Public Accountants,  
27 State Board of Examiners of Architects,  
28 State Registration Board for Professional Engineers,  
29 State Board of Funeral Directors,  
30 State Board of Examiners of Nursing Home Administrators,

1 State Board of Auctioneer Examiners,  
2 State Board of Psychologist Examiners,  
3 State Board of Landscape Architects.  
4 In the Department of Justice,  
5 In the Treasury Department,  
6 Board of Finance and Revenue;  
7 In the Department of Community Affairs,  
8 Board of Property;  
9 In the Department of Education,  
10 Board of Trustees of Thaddeus Stevens College of  
11 Technology,  
12 Board of Trustees of Scranton State School for the Deaf,  
13 Public Service Institute Board,  
14 State Board of Private Academic Schools,  
15 State Board of Private Licensed Schools,  
16 State Board of Education.  
17 In the Department of Military and Veterans Affairs,  
18 Armory Board of the State of Pennsylvania,  
19 Board of Trustees of Scotland School for Veterans'  
20 Children.  
21 In the Department of Banking and Securities,  
22 [Board to License Private Bankers;]  
23 In the Department of Agriculture,  
24 State Farm Products Show Commission;  
25 In the Department of Health,  
26 In the Department of Labor and Industry,  
27 Workmen's Compensation Appeal Board,  
28 State Workmen's Insurance Board,  
29 The Industrial Board,  
30 Unemployment Compensation Board of Review,

1 Pennsylvania Labor Relations Board,  
2 Advisory Council on Affairs of the Handicapped;  
3 In the Department of Public Welfare,  
4 Board of Trustees of The Western Youth Development  
5 Centers,  
6 Board of Trustees of The Central Youth Development  
7 Centers,  
8 Board of Trustees of The Eastern Youth Development  
9 Centers,  
10 Board of Trustees of Allentown State Hospital,  
11 Board of Trustees of Clarks Summit State Hospital,  
12 Board of Trustees of Danville State Hospital,  
13 Board of Trustees of Embreeville Center,  
14 Board of Trustees of Farview State Hospital,  
15 Board of Trustees of Harrisburg State Hospital,  
16 Board of Trustees of Mayview State Hospital,  
17 Board of Trustees of Norristown State Hospital,  
18 Board of Trustees of Philadelphia State Hospital,  
19 Board of Trustees of Somerset State Hospital,  
20 Board of Trustees of Warren State Hospital,  
21 Board of Trustees of Wernersville State Hospital,  
22 Board of Trustees of Woodville State Hospital,  
23 Board of Trustees of Torrance State Hospital,  
24 Board of Trustees of Haverford State Hospital,  
25 Board of Trustees of Ashland State General Hospital,  
26 Board of Trustees of Coaldale State General Hospital,  
27 Board of Trustees of Nanticoke State General Hospital,  
28 Board of Trustees of Philipsburg State General Hospital,  
29 Board of Trustees of Scranton State General Hospital,  
30 Board of Trustees of Shamokin State General Hospital,

1 Board of Trustees of Ebensburg Center,  
2 Board of Trustees of Eastern State School and Hospital,  
3 Board of Trustees of Laurelton Center,  
4 Board of Trustees of Pennhurst Center,  
5 Board of Trustees of Polk Center,  
6 Board of Trustees of Selinsgrove Center,  
7 Board of Trustees of Hamburg Center,  
8 Board of Trustees of Western Center,  
9 Board of Trustees of White Haven Center,  
10 Board of Trustees of Woodhaven Center,  
11 Board of Trustees of South Mountain Restoration Center.  
12 In the Department of General Services,  
13 Board of Commissioners of Public Grounds and Buildings,  
14 State Art Commission;  
15 In the Department of Revenue,  
16 State Athletic Commission;  
17 In the Department of Commerce,  
18 Navigation Commission for the Delaware River and its  
19 navigable tributaries;  
20 In the Department of Highways,  
21 State Highway Commission.  
22 In the Department of Transportation,  
23 Hazardous Substances Transportation Board,  
24 In the Department of Environmental Resources,  
25 Environmental Quality Board,  
26 Environmental Hearing Board,  
27 State Board for Certification of Sewage Treatment and  
28 Waterworks Operators,  
29 State Soil and Water Conservation Commission,  
30 Anthracite Mine Inspectors,

1 Bituminous Mine Inspectors.

2 In the Department of Drug and Alcohol Programs,  
3 Bureau of Prevention and Intervention,  
4 Bureau of Treatment,  
5 Bureau of Administration.

6 All of the foregoing departmental administrative boards and  
7 commissions shall be organized or reorganized as provided in  
8 this act.

9 Section 206. Department Heads.--Each administrative  
10 department shall have as its head an officer who shall, either  
11 personally, by deputy, or by the duly authorized agent or  
12 employe of the department, and subject at all times to the  
13 provisions of this act, exercise the powers and perform the  
14 duties by law vested in and imposed upon the department.

15 The following officers shall be the heads of the  
16 administrative departments following their respective titles:  
17 Secretary of the Commonwealth, of the Department of State;  
18 Auditor General, of the Department of the Auditor General;  
19 State Treasurer, of the Treasury Department;  
20 Attorney General, of the Office of Attorney General;  
21 Secretary of Education, of the Department of Education;  
22 Adjutant General, of the Department of Military Affairs;  
23 Insurance Commissioner, of the Insurance Department;  
24 Secretary of Banking and Securities, of the Department of  
25 Banking and Securities;  
26 Secretary of Agriculture, of the Department of Agriculture;  
27 Secretary of Transportation, of the Department of  
28 Transportation;  
29 Secretary of Health, of the Department of Health;  
30 Secretary of Drug and Alcohol Programs, of the

1 Department of Drug and Alcohol Programs;  
2 Secretary of Labor and Industry, of the Department of Labor  
3 and Industry;  
4 Secretary of Aging, of the Department of Aging;  
5 Secretary of Public Welfare, of the Department of Public  
6 Welfare;  
7 Secretary of Revenue, of the Department of Revenue;  
8 Secretary of Community and Economic Development, of the  
9 Department of Community and Economic Development;  
10 Secretary of Environmental Protection, of the Department of  
11 Environmental Protection;  
12 Secretary of Conservation and Natural Resources, of the  
13 Department of Conservation and Natural Resources;  
14 Secretary of General Services, of the Department of General  
15 Services;  
16 Secretary of Corrections, of the Department of Corrections.

17 Section 207.1. Gubernatorial Appointments.--\* \* \*

18 (d) The Governor shall nominate in accordance with the  
19 provisions of the Constitution of the Commonwealth of  
20 Pennsylvania and, by and with the advice and consent of a  
21 majority of the members elected to the Senate appoint persons to  
22 fill the following positions:

23 (1) The Secretary of Education, the Secretary of the  
24 Commonwealth, the Adjutant General, the Insurance Commissioner,  
25 the Secretary of Banking and Securities, the Secretary of  
26 Agriculture, the Secretary of Transportation, the Secretary of  
27 Health, the Secretary of Drug and Alcohol Programs, the  
28 Commissioner of the State Police, the Secretary of Corrections,  
29 the Secretary of Labor and Industry, the Secretary of Aging, the  
30 Secretary of Public Welfare, the Secretary of General Services,

1 the Secretary of Revenue, the Secretary of Community and  
2 Economic Development, the Secretary of Environmental Protection  
3 and the Secretary of Conservation and Natural Resources.

4 (2) Those members which he is authorized to appoint to the  
5 Board of Pardons, the Board of Probation and Parole, the State  
6 Civil Service Commission, the State Horse Racing Commission, the  
7 State Harness Racing Commission, the Board of Claims, [the  
8 Pennsylvania Securities Commission,] the Pennsylvania Industrial  
9 Development Authority, the State Board of Education, the Board  
10 of Governors of the State System of Higher Education, the Board  
11 of Trustees of Pennsylvania State University, the Board of  
12 Trustees of the University of Pittsburgh, the Board of Trustees  
13 of Temple University, the Board of Trustees of Lincoln  
14 University, the Environmental Hearing Board, the Pennsylvania  
15 Fish and Boat Commission, the Pennsylvania Game Commission, the  
16 Pennsylvania Labor Relations Board, the Pennsylvania Public  
17 Utility Commission, the Industrial Board, the Milk Marketing  
18 Board, the Unemployment Compensation Board of Review, the  
19 Workers' Compensation Appeals Board, the State Art Commission,  
20 the State Transportation Commission and the Pennsylvania Human  
21 Relations Commission.

22 \* \* \*

23 [Section 428. Board to License Private Bankers.--The Board  
24 to License Private Bankers shall consist of the Secretary of  
25 Banking, who shall be chairman thereof, the Secretary of the  
26 Commonwealth, and the State Treasurer.]

27 Section 603-A. Department of Banking and Securities.--The  
28 Department of Banking and Securities is authorized to charge  
29 fees for the following purposes and in the following amounts:

30 (1) Consumer discount companies:

1	(i) Initial license.....	\$500.00
2	(ii) Additional licenses for each business	
3	location.....	500.00
4	(iii) Annual license renewal.....	350.00
5	(2) Motor vehicle sales finance:	
6	(i) Initial license for sales finance	
7	company.....	500.00
8	Annual license renewal.....	350.00
9	(ii) License for installment seller.....	250.00
10	Annual license renewal.....	250.00
11	(iii) Initial license collector-	
12	repossessor.....	350.00
13	Annual license renewal.....	250.00
14	(3) Pawnbroker:	
15	(i) Initial license for pawnbroker.....	500.00
16	Annual license renewal.....	250.00
17	[(4) Money transmitter:	
18	(i) Initial license for money	
19	transmitter.....	2,000.00
20	Annual license renewal.....	2,000.00
21	(5) Secondary mortgage loan company:	
22	(i) Initial license for principal place of	
23	business and each branch office.....	500.00
24	Annual license renewal.....	350.00
25	(6) Secondary mortgage loan broker:	
26	(i) Initial license for principal place of	
27	business.....	500.00
28	Annual license renewal.....	200.00
29	(ii) Each branch office.....	50.00
30	Annual branch renewal.....	25.00

1	(7) First Mortgage Banker:	
2	(i) Initial license for principal place of	
3	business and each branch office.....	500.00
4	Annual license renewal.....	350.00
5	(8) First mortgage broker:	
6	(i) Initial license fee for principal place	
7	of business.....	500.00
8	Annual license renewal.....	200.00
9	(ii) Each branch office.....	50.00
10	Annual branch renewal.....	25.00]
11	<u>(9) Takeover Disclosure Law:</u>	
12	<u>(i) For an offer valued at less than</u>	
13	<u>\$5,000,000.....</u>	<u>1,500.00</u>
14	<u>(ii) For an offer valued at \$5,000,000 or</u>	
15	<u>more, but less than \$10,000,000.....</u>	<u>2,000.00</u>
16	<u>(iii) For an offer valued at \$10,000,000 or</u>	
17	<u>more, but less than \$25,000,000.....</u>	<u>3,000.00</u>
18	<u>(iv) For an offer valued at \$25,000,000 or</u>	
19	<u>more.....</u>	<u>5,000.00</u>
20	<u>(v) The fee for filing a notice under</u>	
21	<u>section 8(a) of the act of March 3, 1976</u>	
22	<u>(P.L.42, No.19), known as the "Takeover</u>	
23	<u>Disclosure Law".....</u>	<u>100.00</u>
24	<u>(vi) Any target company making any filing</u>	
25	<u>pursuant to section 6 of the "Takeover</u>	
26	<u>Disclosure Law," payable at the time of</u>	
27	<u>the initial filing.....</u>	<u>500.00</u>
28	<u>(vii) A registrant, applicant for</u>	
29	<u>registration, issuer or other person</u>	
30	<u>upon whom the <del>commission</del> DEPARTMENT has</u>	

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1	more.....	5,000.00
2	(v) The fee for filing a notice under	
3	section 8(a) of the act of March 3, 1976	
4	(P.L.42, No.19), known as the "Takeover	
5	Disclosure Law".....	100.00
6	(vi) Any target company making any filing	
7	pursuant to section 6, of the "Takeover	
8	Disclosure Law," payable at the time of	
9	the initial filing.....	500.00
10	(vii) A registrant, applicant for	
11	registration, issuer or other person	
12	upon whom the commission has conducted	
13	an examination, audit, investigation or	
14	prosecution and who has been found	
15	guilty of a violation of the provisions	
16	of this act shall pay for all the costs	
17	incurred in the conduct of such	
18	examination, audit, investigation or	
19	prosecution. These costs shall include,	
20	but are not limited to, the salaries and	
21	other compensation paid to clerical,	
22	administrative, investigative and legal	
23	personnel, plus the actual amount of	
24	expenses reasonably incurred by such	
25	personnel or the commission in the	
26	conduct of such examination, audit,	
27	investigation or prosecution	
28	(viii) The fee for requesting an order	
29	issued by the commission under section	
30	8(b) of the "Takeover Disclosure Law"..	100.00]

ARTICLE XVI

POWERS AND DUTIES OF THE DEPARTMENT  
OF BANKING AND SECURITIES AND ITS DEPARTMENTAL  
ADMINISTRATIVE BOARD AND COMMISSION

1 Section 1601. Powers and Duties in General.--The Department  
2 of Banking and Securities shall, subject to any inconsistent  
3 provisions in this act contained, continue to exercise the  
4 powers and perform the duties by law vested in and imposed upon  
5 the said department, the Banking Department, the Commissioner of  
6 Banking, and the Secretary of Banking and the Pennsylvania  
7 Securities Commission.

8 Section 1602. Banking Supervisory Powers.--The Department of  
9 Banking and Securities shall have supervision over:

10 \* \* \*

11 Section 1603. Banking Laws.--The Department of Banking and  
12 Securities shall enforce and administer the laws of this  
13 Commonwealth in relation to all corporations and persons under  
14 its jurisdiction, and shall see that the greatest possible  
15 safety is afforded to depositors therein or therewith, and to  
16 other interested persons.

17 Section 2. Article XXVIII-B of the act is repealed:

18 [ARTICLE XXVIII-B

19 POWERS AND DUTIES OF THE PENNSYLVANIA

20 SECURITIES COMMISSION

21 Section 2801-B. Pennsylvania Securities Commission.--The  
22 Pennsylvania Securities Commission shall continue to exercise  
23 the powers and perform the duties vested in and imposed upon  
24 such commission by law.]

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