

**ADMINISTRATIVE CODE OF 1929 - OMNIBUS AMENDMENTS**

**Act of Jul. 9, 2021, P.L. 377, No. 70**

**Cl. 71**

Session of 2021

No. 2021-70

HB 336

AN ACT

Amending the act of April 9, 1929 (P.L.177, No.175), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; providing for judicial administration; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," in administrative organization, further providing for executive officers, administrative departments and independent administrative boards and commissions, for departmental administrative boards, commissions and offices, for department heads and for gubernatorial appointments; in organization of independent administrative boards and commissions, further providing for Pennsylvania Commission on Crime and Delinquency; in organization of departmental administrative boards and commissions and of advisory boards and commissions, repealing provisions relating to Board of License Private Bankers; providing for the Pennsylvania Emergency Management Agency and for flood plain management by the Pennsylvania Emergency Management Agency; in Commonwealth agency fees, further providing for Department of Banking and for Pennsylvania Securities Commission; in Independent Fiscal Office, further providing for definitions, for revenue estimates and for additional duties; in powers and duties of the Governor and other Constitutional officers of the Executive Board and of the Pennsylvania State Police, further providing for Auditor General; in powers and duties of the Department of State and its departmental administrative board, further providing for powers and duties in general and providing for equity reporting; in powers and duties of the Department of Justice and its departmental administrative boards, providing for duty of Attorney General to defend actions; in powers and duties of the Department of Banking, further providing for powers and duties in general for banking supervisory powers and for banking laws; in powers and duties of the Department of Environmental Resources, its officers and departmental and advisory boards and commissions, providing for general permit for transfer, storage or processing of oil and gas liquid waste; in powers

and duties of Department of Conservation and Natural Resources, providing for Project 70; in powers and duties of the Department of Labor and Industry, its departmental administrative and advisory boards and departmental administrative officers, providing for abrogation of department regulations; in powers and duties of the Department of Public Welfare and its departmental and advisory boards and commissions, providing for waiver guidance; in powers and duties of the Department of Drug and Alcohol Programs, providing for service alignment; in powers and duties of the Department of General Services and its departmental administrative and advisory boards and commissions, further providing for Department of Environmental Resources powers not affected; in powers and duties of Department of Revenue, repealing provisions relating to vehicle and tractor codes; in powers and duties of the Department of Community Affairs, its departmental boards, bureaus and agencies, further providing for powers and duties in general; providing for United States semiquincentennial; making related repeals; and making editorial changes.

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

Section 1. Sections 201(a), 202, 206, 207.1(d)(1) and (2) and 310 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, are amended to read:

Section 201. Executive Officers, Administrative Departments and Independent Administrative Boards and Commissions.--(a) The executive and administrative work of this Commonwealth shall be performed by the Executive Department, consisting of the Governor, Lieutenant Governor, Secretary of the Commonwealth, Attorney General, Auditor General, State Treasurer, and Secretary of Education; by the Executive Board, and the Pennsylvania State Police; by the following administrative departments: Department of State, Office of Attorney General, Department of Corrections, Department of the Auditor General, Treasury Department, Department of Education, Department of Military Affairs, Insurance Department, Department of Banking **and Securities**, Department of Agriculture, Department of Transportation, Department of Health, Department of Drug and Alcohol Programs, Department of Labor and Industry, Department of Aging, Department of [Public Welfare] **Human Services**, Department of General Services, Department of Revenue, Department of Community and Economic Development, Department of Environmental Protection and Department of Conservation and Natural Resources; and by the following independent administrative boards and commissions: Pennsylvania Game Commission, Pennsylvania Fish and Boat Commission, State Civil Service Commission[, ] **and** Pennsylvania Public Utility Commission [and the Pennsylvania Securities Commission].

\* \* \*

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

In the Department of State,  
Commissioner of Professional and Occupational Affairs,  
State Real Estate Commission,

State Board of Medical Education and Licensure,  
State Board of Physical Therapy Examiners,  
State Board of Pharmacy,  
State Dental Council and Examining Board,  
State Board of Optometrical Examiners,  
State Board of Osteopathic Medical Examiners,  
State Board of Nurse Examiners,  
State Board of Barber Examiners,  
State Board of Cosmetology,  
State Board of Veterinary Medical Examiners,  
State Board of Chiropractic Examiners,  
State Board of Podiatry Examiners,  
State Board of Examiners of Public Accountants,  
State Board of Examiners of Architects,  
State Registration Board for Professional Engineers,  
State Board of Funeral Directors,  
State Board of Examiners of Nursing Home Administrators,  
State Board of Auctioneer Examiners,  
State Board of Psychologist Examiners,  
State Board of Landscape Architects.

In the Department of Justice,

In the Treasury Department,  
Board of Finance and Revenue;

In the Department of Community Affairs,  
Board of Property;

In the Department of Education,  
Board of Trustees of Thaddeus Stevens College of  
Technology,  
Board of Trustees of Scranton State School for the Deaf,  
Public Service Institute Board,  
State Board of Private Academic Schools,  
State Board of Private Licensed Schools,  
State Board of Education.

In the Department of Military and Veterans Affairs,  
Armory Board of the State of Pennsylvania,  
Board of Trustees of Scotland School for Veterans'  
Children.

In the Department of Banking **and Securities**,  
[Board to License Private Bankers;]

In the Department of Agriculture,  
State Farm Products Show Commission;

In the Department of Health,

In the Department of Labor and Industry,  
Workmen's Compensation Appeal Board,  
State Workmen's Insurance Board,  
The Industrial Board,

Unemployment Compensation Board of Review,  
Pennsylvania Labor Relations Board,  
Advisory Council on Affairs of the Handicapped;

In the Department of [Public Welfare] **Human Services**,  
Board of Trustees of The Western Youth Development  
Centers,  
Board of Trustees of The Central Youth Development  
Centers,  
Board of Trustees of The Eastern Youth Development  
Centers,  
Board of Trustees of Allentown State Hospital,  
Board of Trustees of Clarks Summit State Hospital,  
Board of Trustees of Danville State Hospital,  
Board of Trustees of Embreeville Center,  
Board of Trustees of Farview State Hospital,  
Board of Trustees of Harrisburg State Hospital,

Board of Trustees of Mayview State Hospital,  
Board of Trustees of Norristown State Hospital,  
Board of Trustees of Philadelphia State Hospital,  
Board of Trustees of Somerset State Hospital,  
Board of Trustees of Warren State Hospital,  
Board of Trustees of Wernersville State Hospital,  
Board of Trustees of Woodville State Hospital,  
Board of Trustees of Torrance State Hospital,  
Board of Trustees of Haverford State Hospital,  
Board of Trustees of Ashland State General Hospital,  
Board of Trustees of Coaldale State General Hospital,  
Board of Trustees of Nanticoke State General Hospital,  
Board of Trustees of Philipsburg State General Hospital,  
Board of Trustees of Scranton State General Hospital,  
Board of Trustees of Shamokin State General Hospital,  
Board of Trustees of Ebsensburg Center,  
Board of Trustees of Eastern State School and Hospital,  
Board of Trustees of Laurelton Center,  
Board of Trustees of Pennhurst Center,  
Board of Trustees of Polk Center,  
Board of Trustees of Selinsgrove Center,  
Board of Trustees of Hamburg Center,  
Board of Trustees of Western Center,  
Board of Trustees of White Haven Center,  
Board of Trustees of Woodhaven Center,  
Board of Trustees of South Mountain Restoration Center.

In the Department of General Services,  
Board of Commissioners of Public Grounds and Buildings,  
State Art Commission;

In the Department of Revenue,  
State Athletic Commission;

In the Department of Commerce,  
Navigation Commission for the Delaware River and its  
navigable tributaries;

In the Department of Highways,  
State Highway Commission.

In the Department of Transportation,  
Hazardous Substances Transportation Board,

In the Department of Environmental Resources,  
Environmental Quality Board,  
Environmental Hearing Board,  
State Board for Certification of Sewage Treatment and  
Waterworks Operators,  
State Soil and Water Conservation Commission,  
Anthracite Mine Inspectors,  
Bituminous Mine Inspectors.

In the Department of Drug and Alcohol Programs,  
Bureau of Prevention and Intervention,  
Bureau of Treatment,  
Bureau of Administration.

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

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

The following officers shall be the heads of the administrative departments following their respective titles:  
Secretary of the Commonwealth, of the Department of State;

Auditor General, of the Department of the Auditor General;  
State Treasurer, of the Treasury Department;  
Attorney General, of the Office of Attorney General;  
Secretary of Education, of the Department of Education;  
Adjutant General, of the Department of Military Affairs;  
Insurance Commissioner, of the Insurance Department;  
Secretary of Banking **and Securities**, of the Department of  
Banking **and Securities**;  
Secretary of Agriculture, of the Department of Agriculture;  
Secretary of Transportation, of the Department of  
Transportation;  
Secretary of Health, of the Department of Health;  
Secretary of Drug and Alcohol Programs, of the  
Department of Drug and Alcohol Programs;  
Secretary of Labor and Industry, of the Department of Labor  
and Industry;  
Secretary of Aging, of the Department of Aging;  
Secretary of [Public Welfare] **Human Services**, of the  
Department of [Public Welfare] **Human Services**;  
Secretary of Revenue, of the Department of Revenue;  
Secretary of Community and Economic Development, of the  
Department of Community and Economic Development;  
Secretary of Environmental Protection, of the Department of  
Environmental Protection;  
Secretary of Conservation and Natural Resources, of the  
Department of Conservation and Natural Resources;  
Secretary of General Services, of the Department of General  
Services;  
Secretary of Corrections, of the Department of Corrections.  
Section 207.1. Gubernatorial Appointments.--\* \* \*

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

(1) The Secretary of Education, the Secretary of the Commonwealth, the Adjutant General, the Insurance Commissioner, the Secretary of Banking **and Securities**, the Secretary of Agriculture, the Secretary of Transportation, the Secretary of Health, the Secretary of Drug and Alcohol Programs, the Commissioner of the State Police, the Secretary of Corrections, the Secretary of Labor and Industry, the Secretary of Aging, the Secretary of [Public Welfare] **Human Services**, the Secretary of General Services, the Secretary of Revenue, the Secretary of Community and Economic Development, the Secretary of Environmental Protection and the Secretary of Conservation and Natural Resources.

(2) Those members which he is authorized to appoint to the Board of Pardons, the Board of Probation and Parole, the State Civil Service Commission, the State Horse Racing Commission, the State Harness Racing Commission, the Board of Claims, [the Pennsylvania Securities Commission,] the Pennsylvania Industrial Development Authority, the State Board of Education, the Board of Governors of the State System of Higher Education, the Board of Trustees of Pennsylvania State University, the Board of Trustees of the University of Pittsburgh, the Board of Trustees of Temple University, the Board of Trustees of Lincoln University, the Environmental Hearing Board, the Pennsylvania Fish and Boat Commission, the Pennsylvania Game Commission, the Pennsylvania Labor Relations Board, the Pennsylvania Public Utility Commission, the Industrial Board, the Milk Marketing Board, the Unemployment Compensation Board of Review, the

Workers' Compensation Appeals Board, the State Art Commission, the State Transportation Commission and the Pennsylvania Human Relations Commission.

\* \* \*

Section 310. Pennsylvania Commission on Crime and Delinquency.--(a) The following shall apply:

(1) Notwithstanding section 2(b)(1) of the act of November 22, 1978 (P.L.1166, No.274), referred to as the Pennsylvania Commission on Crime and Delinquency Law, the composition of the Pennsylvania Commission on Crime and Delinquency shall consist of the Attorney General or a designee.

(2) Notwithstanding section 2(b)(6) of the Pennsylvania Commission on Crime and Delinquency Law, the composition of the Pennsylvania Commission on Crime and Delinquency shall consist of the chairperson of the Appropriations Committee of the Senate and the chairperson of the Appropriations Committee of the House of Representatives or the chairpersons' designated legislative staff.

(3) Notwithstanding section 2(b)(8) of the Pennsylvania Commission on Crime and Delinquency Law, the composition of the Pennsylvania Commission on Crime and Delinquency shall consist of four members of the General Assembly or the members' designated legislative staff, of whom one shall be designated by, and serve at the pleasure of, the President pro tempore of the Senate, one by the Minority Leader of the Senate, one by the Speaker of the House of Representatives and one by the Minority Leader of the House of Representatives.

(b) The following shall apply:

(1) The Judicial Computer System Financial Audit Committee is established within the commission. The committee shall consist of voting and nonvoting advisory members. The chair of the committee shall be selected by a majority vote of the voting members:

(2) The voting members are as follows:

(i) The President pro tempore of the Senate or a designee.

(ii) The Majority Leader of the Senate or a designee.

(iii) The Minority Leader of the Senate or a designee.

(iv) The Speaker of the House of Representatives or a designee.

(v) The Majority Leader of the House of Representatives or a designee.

(vi) The Minority Leader of the House of Representatives or a designee.

(vii) A commissioned judge or justice of the Commonwealth, appointed by the Chief Justice of Pennsylvania.

(3) The nonvoting advisory members are as follows:

(i) The Court Administrator of Pennsylvania.

(ii) The executive director of the commission.

(iii) The Secretary of Corrections or a designee.

(iv) The Pennsylvania State Police Commissioner or a designee.

(v) The President of the County Commissioners Association of Pennsylvania or a designee.

(vi) The President of the Pennsylvania State Association of the Prothonotaries and Clerks of Courts or a designee.

(c) The committee shall:

(1) Request information from the Administrative Office of Pennsylvania Courts necessary to fulfill the duties under this subsection.

(2) Review the policy goals, purpose and programs of the system, including, but not limited to, the provision of Statewide case management systems for magisterial, common pleas

and appellate courts and other critical functions, the system's impact on the implementation of statutory enactments and the collection of fines, fees and costs payable to the Commonwealth, counties and municipal corporations.

(3) Assess the annual financial needs and revenue streams that support the continuous and uninterrupted operation of the system, including disaster recovery.

(4) Evaluate the annual revenues and expenditures within the system and the amount of any annual surpluses.

(5) Submit legislative recommendations related to the reallocation of undedicated surpluses.

(6) By January 31, 2022, submit a report of its findings to the chair and minority chair of the Appropriations Committee of the Senate, the chair and minority chair of the Appropriations Committee of the House of Representatives, the chair and minority chair of the Judiciary Committee of the Senate and the chair and minority chair of the Judiciary Committee of the House of Representatives.

(d) Staff support shall be made available to the committee by the Executive Director of the commission in order to adequately perform the duties provided for under subsection (c).

(e) The committee shall expire on June 30, 2023, unless otherwise extended by an act of the General Assembly.

(f) As used herein:

The term "commission" shall mean the Pennsylvania Commission on Crime and Delinquency.

The term "committee" shall mean the Judicial Computer System Financial Audit Committee established under subsection (b)(1).

The term "system" shall mean the Judicial Computer System established under 42 Pa.C.S. Ch. 37 Subch. C (relating to Judicial Computer System).

Section 2. Section 428 of the act is repealed:

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

Section 3. The act is amended by adding an article to read:

#### **ARTICLE V-B**

##### **PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY**

**Section 501-B. Flood Plain Management.**

(a) Assumption of powers and duties.--Notwithstanding the act of October 4, 1978 (P.L.851, No.166), known as the Flood Plain Management Act, the powers and duties of the Department of Community Affairs and the Department of Community and Economic Development under the Flood Plain Management Act shall be assumed by the Pennsylvania Emergency Management Agency.

(b) Exclusive State jurisdiction over certain obstructions in flood plains.--Notwithstanding section 302(b) of the Flood Plain Management Act, no person shall construct, modify, remove, abandon or destroy a structure or engage in an activity specified in section 302(a) of the Flood Plain Management Act in the 100-year flood plain unless the person has first applied for and obtained a permit from the Department of Environmental Protection. The Department of Environmental Protection may impose permit terms and conditions as it deems necessary to carry out the purposes of the Flood Plain Management Act. The permit shall become effective 60 days following the receipt of the application by the Department of Environmental Protection unless the application is disapproved by the Department of Environmental Protection. If the Department of Environmental

**Protection disapproves the application, it shall notify the applicant of the reasons for disapproval.**

Section 4. Sections 603-A and 615-A of the act are amended to read:

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

(1)	Consumer discount companies:	
	(i) Initial license.....	\$500.00
	(ii) Additional licenses for each business location.....	500.00
	(iii) Annual license renewal.....	350.00
(2)	Motor vehicle sales finance:	
	(i) Initial license for sales finance company.....	500.00
	Annual license renewal.....	350.00
	(ii) License for installment seller.....	250.00
	Annual license renewal.....	250.00
	(iii) Initial license collector-repossessor.....	350.00
	Annual license renewal.....	250.00
(3)	Pawnbroker:	
	(i) Initial license for pawnbroker.....	500.00
	Annual license renewal.....	250.00
[ (4)	Money transmitter:	
	(i) Initial license for money transmitter.....	2,000.00
	Annual license renewal.....	2,000.00
(5)	Secondary mortgage loan company:	
	(i) Initial license for principal place of business and each branch office....	500.00
	Annual license renewal.....	350.00
(6)	Secondary mortgage loan broker:	
	(i) Initial license for principal place of business.....	500.00
	Annual license renewal.....	200.00
	(ii) Each branch office.....	50.00
	Annual branch renewal.....	25.00
(7)	First Mortgage Banker:	
	(i) Initial license for principal place of business and each branch office....	500.00
	Annual license renewal.....	350.00
(8)	First mortgage broker:	
	(i) Initial license fee for principal place of business.....	500.00
	Annual license renewal.....	200.00
	(ii) Each branch office.....	50.00
	Annual branch renewal.....	25.00]
(9)	<b>Takeover Disclosure Law:</b>	
	(i) <b>For an offer valued at less than \$5,000,000.....</b>	<b>1,500.00</b>
	(ii) <b>For an offer valued at \$5,000,000 or more, but less than \$10,000,000.....</b>	<b>2,000.00</b>
	(iii) <b>For an offer valued at \$10,000,000 or more, but less than \$25,000,000....</b>	<b>3,000.00</b>
	(iv) <b>For an offer valued at \$25,000,000 or more.....</b>	<b>5,000.00</b>
	(v) <b>The fee for filing a notice under section 8(a) of the act of March 3, 1976 (P.L.42, No.19), known as the "Takeover Disclosure Law".....</b>	<b>100.00</b>



- (vi) Any target company making any filing pursuant to section 6 of the "Takeover Disclosure Law," payable at the time of the initial filing..... 500.00
- (vii) A registrant, applicant for registration, issuer or other person upon whom the department has conducted an examination, audit, investigation or prosecution and who has been found guilty of a violation of the provisions of this act shall pay for all the costs incurred in the conduct of such examination, audit, investigation or prosecution. These costs shall include, but are not limited to, the salaries and other compensation paid to clerical, administrative, investigative and legal personnel, plus the actual amount of expenses reasonably incurred by such personnel or the department in the conduct of such examination, audit, investigation or prosecution.
- (viii) The fee for requesting an order issued by the department under section 8(b) of the "Takeover Disclosure Law." 100.00

[Section 615-A. Pennsylvania Securities Commission.--The Pennsylvania Securities Commission is authorized to charge fees for the following purposes and in the following amounts:

- (3) Takeover disclosure law:
  - (i) For an offer valued at less than \$5,000,000..... 1,500.00
  - (ii) For an offer valued at \$5,000,000 or more, but less than \$10,000,000..... 2,000.00
  - (iii) For an offer valued at \$10,000,000 or more, but less than \$25,000,000.... 3,000.00
  - (iv) For an offer valued at \$25,000,000 or more..... 5,000.00
  - (v) The fee for filing a notice under section 8(a) of the act of March 3, 1976 (P.L.42, No.19), known as the "Takeover Disclosure Law"..... 100.00
  - (vi) Any target company making any filing pursuant to section 6, of the "Takeover Disclosure Law," payable at the time of the initial filing..... 500.00
  - (vii) A registrant, applicant for registration, issuer or other person upon whom the commission has conducted an examination, audit, investigation or prosecution and who has been found guilty of a violation of the provisions of this act shall pay for all the costs incurred in the conduct of such examination, audit, investigation or prosecution. These costs shall include, but are not limited to, the salaries and other compensation paid to clerical, administrative, investigative and legal personnel, plus the actual amount of expenses reasonably incurred by such personnel or the commission in the

conduct of such examination, audit,  
investigation or prosecution  
(viii) The fee for requesting an order  
issued by the commission under section  
8(b) of the "Takeover Disclosure Law".. 100.00]

Section 5. Section 602-B of the act is amended by adding a  
definition to read:

Section 602-B. Definitions.

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

\* \* \*

**"Requesting officer." The following officers of the General  
Assembly:**

- (1) The President pro tempore of the Senate or the  
Speaker of the House of Representatives.**
- (2) The Majority Leader or the Minority Leader of the  
Senate.**
- (3) The Majority Leader or the Minority Leader of the  
House of Representatives.**
- (4) The chairperson or minority chairperson of the  
Appropriations Committee of the Senate.**
- (5) The chairperson or minority chairperson of the  
Appropriations Committee of the House of Representatives.**
- (6) The chairperson or minority chairperson of the  
standing committee of the Senate to which the bill is  
referred.**
- (7) The chairperson or minority chairperson of the  
standing committee of the House of Representatives to which  
the bill is referred.**

\* \* \*

Section 6. Section 605-B(e) of the act is amended to read:  
Section 605-B. Revenue estimates.

\* \* \*

(e) Proposed change in law.--

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

**(2) The office shall prepare, if requested by a  
requesting officer, a revenue estimate of any change in law  
affecting revenues and receipts, including increases in  
regulatory fees, that may be expected to carry a fiscal  
impact in excess of \$50,000,000 in any fiscal year, proposed  
or considered as part of a bill or amendment in either house  
of the General Assembly. If the proposed change in law will  
have a fiscal impact in excess of \$50,000,000 in any fiscal  
year, the estimate shall be prepared on the basis of  
assumptions that consider the probable behavioral responses  
of taxpayers, businesses and other persons and any potential  
dynamic or macroeconomic impacts in response to the proposed  
changes and shall include a statement identifying those  
assumptions. The information may be used to revise the  
revenue estimate under subsection (a.1).**

\* \* \*

Section 7. Section 615-B(a), (b), (d)(3), (f), (g) and (k)(2) of the act, amended June 30, 2020 (P.L.511, No.37), are amended to read:

Section 615-B. Additional duties.

(a) Actuarial notes.--The office shall prepare actuarial notes by selecting an enrolled pension actuary to prepare actuarial notes for bills or amendments which could have a material actuarial impact on a public employee retirement plan. Actuarial notes shall include a reliable estimate of the financial and actuarial effect of the proposed change in any pension or retirement system. The financial analysis contained in actuarial notes for legislation that proposes substantial benefit design changes under 24 Pa.C.S. Pt. IV (relating to retirement for school employees) and 71 Pa.C.S. Pt. XXV (relating to retirement for State employees and officers) shall include, but not be limited to, a risk transfer analysis and, if requested by [an] **a requesting** officer [listed in this subsection], an analysis of the potential impact on the asset allocation and related costs for the systems. The actuarial note shall be factual, and shall, if possible, provide a reliable estimate of both the immediate cost and effect of the bill and, if determinable or reasonably foreseeable, the long-range actuarial cost and effect of the bill. The State Employees' Retirement System or the Public School Employees' Retirement System shall provide the office with all information necessary to complete an actuarial note within 14 days of the request for information by the office. The office shall transmit actuarial notes in electronic form to the Governor and all members of the General Assembly within the time periods specified under this section upon the request of **a requesting officer**. [any of the following:

- (1) The President pro tempore of the Senate or the Speaker of the House of Representatives.
- (2) The Majority Leader or the Minority Leader of the Senate.
- (3) The Majority Leader or the Minority Leader of the House of Representatives.
- (4) The chairperson or minority chairperson of the Appropriations Committee of the Senate.
- (5) The chairperson or minority chairperson of the Appropriations Committee of the House of Representatives.
- (6) The chairperson or minority chairperson of the standing committee of the Senate to which the bill is referred.
- (7) The chairperson or minority chairperson of the standing committee of the House of Representatives to which the bill is referred.]

(b) Analysis.--At the request of [an] **a requesting** officer [listed in subsection (a)], the office shall analyze the provisions of a bill relating to public employee retirement or pension policy and issue a report on the bill in a timely fashion. The report shall provide a synopsis of the bill and financial cost and shall identify proposed changes to current law and current policy. The report, after consultation with the requesting officer, may include an assessment of the actuarial impact and shall be submitted in electronic form to the Governor and all members of the General Assembly.

\* \* \*

(d) Website.--The office shall maintain the following on its Internet website in a publicly accessible and searchable area:

\* \* \*

(3) Any other information that is requested to be posted by [an] **a requesting** officer [listed in subsection (a)].  
\* \* \*

(f) Formulation.--The office shall study generally the subject of retirement, income after retirement, disability and death benefits and the retirement needs of public employees. The office shall formulate principles and objectives and recommend any new legislation it deems advisable as requested by [an] **a requesting** officer [listed in subsection (a)].

(g) Study.--The office shall study the relationship of retirement and pension policy to other aspects of public personnel policy and to the effective operation of government generally, as requested by [an] **a requesting** officer [listed in subsection (a)].  
\* \* \*

(k) Effect of failure of office to attach note.--

\* \* \*

(2) If the office fails to attach an actuarial note within 20 legislative days after an amendment to a bill proposing a change relative to a public employee pension or retirement has been submitted to the office by [an] **a requesting** officer [listed in subsection (a)], the amendment may be considered in the same manner as if the actuarial note had been attached to the amendment.

\* \* \*

Section 7.1. Section 706 of the act is amended by adding a subsection to read:

Section 706. Auditor General.--\* \* \*

(e) The following shall apply:

(1) If there is a proposed increase in either water or waste water rates, the Auditor General, through agents as the Auditor General may select, may perform an audit of a municipal authority:

(i) located in a county of the third class with a population of more than 355,000, but less than 370,000, as determined by the 2010 census;

(ii) incorporated under 53 Pa.C.S. Ch. 56 (related to municipal authorities) as a public corporation of the Commonwealth of Pennsylvania;

(iii) organized for the purpose of providing municipal services, principally consisting of operation of a water collection, treatment and distribution system and a waste water system; and

(iv) which provides services in at least one county outside of the boundaries of the county in which it is incorporated.

(2) The audit under paragraph (1) shall be a thorough review of financial and governance information and shall examine the effectiveness, economy and efficiency of the authority, including, but not limited to, a review of billing systems, acquisitions of other municipal authorities, contract processes and transparency, management practices, conflicts of interest and compliance with relevant Federal and State statutes by the authority, its board members and its contractors.

(3) For the purpose of the audit under paragraph (1), the Auditor General may employ consultants, experts, accountants or investigators as the Auditor General may deem advisable and conduct the audit independently of any other audits.

(4) The audit under paragraph (1) shall be concluded six months after it is commenced and may include recommendations on how to improve procedures and activities to enhance economy, efficiency and effectiveness in any area covered by the audit.

Section 8. Section 801 of the act is amended to read:

Section 801. Powers and Duties in General.--(a) The Department of State shall, subject to any inconsistent provisions in this act contained, continue to exercise the powers and perform the duties heretofore by law vested in and imposed upon the Department of the Secretary of the Commonwealth, and the several bureaus thereof, the Department of State and Finance, the Department of State, and the Secretary of the Commonwealth.

(b) Additional powers and duties shall be as follows:

(1) (i) No later than 14 days prior to the publication of a constitutional amendment by the Secretary of the Commonwealth under section 1 of Article XI of the Constitution of Pennsylvania or prior to publication of an emergency constitutional amendment under section 1 of Article XI of the Constitution of Pennsylvania, the Secretary of the Commonwealth shall notify the following of the date on which publication under Article XI of the Constitution of Pennsylvania will be completed:

(A) Each member of the General Assembly.

(B) The Secretary of the Senate, who shall have the notice read into the journal of the Senate.

(C) The Chief Clerk of the House of Representatives, who shall read the notice into the journal of the House of Representatives.

(D) The Parliamentarian of the House of Representatives.

(E) The Legislative Reference Bureau, which shall publish the notice in the Pennsylvania Bulletin.

(ii) Failure of the Secretary of the Commonwealth to comply with clause (i) shall not impact the effectiveness of the proposed constitutional amendment.

(2) (Reserved).

Section 9. The act is amended by adding sections to read:

Section 816. Equity Reporting.--Each lobbying firm and lobbyist required to register under 65 Pa.C.S. § 13A04(a) (relating to registration) shall, subject to the penalties under 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities), electronically file an equity report thirty days after the effective date of this section and, beginning in 2022, by July 30 annually thereafter using the computerized filing system developed by the Department of State. Equity reports shall disclose each equity a lobbying firm or lobbyist holds in an entity for which they are lobbying and shall be consistent with the purpose of 65 Pa.C.S. Ch. 13A (relating to lobbying disclosure). Equity reports may include additional information required by the Department of State.

Section 926. Duty of Attorney General to Defend Actions.--(a) Notwithstanding any other provision of law, the Attorney General shall defend a claim against a Commonwealth entity if all of the following conditions are met:

(1) If payment for damages and other costs related to the claim may be paid or reimbursed under any of the Commonwealth's self-insurance programs or contracts for third-party insurance managed by the Department of General Services.

(2) If the Commonwealth entity requests in writing for the Attorney General to defend the claim.

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

"Claim." A legal action filed against a Commonwealth entity for actions in tort to recover damages for injuries sustained to persons or property.

"Commonwealth entity." A person eligible for coverage under any of the Commonwealth's self-insurance programs or contracts for third-party insurance managed by the Department of General Services, including the General Assembly, the Judiciary or elected officials, employes and agents thereof.

Section 10. Article XVI heading and sections 1601, 1602 introductory paragraph and 1603 of the act are amended to read:

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

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

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

\* \* \*

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

Section 11. The act is amended by adding sections to read:

**Section 1939-A. General Permit for Transfer, Storage or Processing of Oil and Gas Liquid Waste.**--Consistent with section 102 of the act of July 7, 1980 (P.L.380, No.97), known as the "Solid Waste Management Act," and in furthering the protection of the water resources of this Commonwealth, by July 1, 2022, the Department of Environmental Protection shall submit to the Legislative Reference Bureau for final publication in the Pennsylvania Bulletin a general permit pursuant to 25 Pa. Code § 287.643 (relating to registration) for use for the transfer, storage or processing of oil and gas liquid waste at temporary facilities which will be in operation for no more than 180 consecutive days at any one time. For purposes of this section, the provisions of 25 Pa. Code § 287.641(d) (relating to inclusion in a general permit) shall not apply.

**Section 1903-B. Project 70.**

The Department of Conservation and Natural Resources shall have the powers and duties vested in the Department of Commerce by the act of June 22, 1964 (Sp.Sess., P.L.131, No.8), known as the Project 70 Land Acquisition and Borrowing Act.

**Section 2215.1. Abrogation of Department Regulations.**--The regulations at 34 Pa. Code §§ 231.82 (relating to executive) 231.83 (relating to administrative) and 231.84 (relating to professional) are abrogated.

**Section 2337. Waiver Guidance.**--The Department of Human Services shall request guidance from the United States Department of Agriculture on the Commonwealth's ability to pursue a waiver from the requirement to have a declared disaster emergency in order for the continuation of the Supplemental Nutrition Assistance Program Emergency Allotment benefits.

**Section 2302-A. Service Alignment.**

(a) Requirement.--Except as provided under subsection (b), a drug and alcohol treatment provider shall align service delivery conditions with the American Society of Addiction Medicine Criteria, 3rd Edition, 2013.

(b) **Exception.**--Substantial compliance with alignment of service delivery conditions under the American Society of Addiction Medicine Criteria, 3rd Edition, 2013, shall be required by July 1, 2021, except if the Department of Drug and Alcohol Programs grants an application as follows:

(1) A drug and alcohol treatment provider may file an application requesting an extension in substantially aligning with service delivery conditions by July 9, 2021.

(2) A submitted application shall address a provider's reasons for needing the extension for substantial compliance. Extensions under this subsection may be granted until December 31, 2021.

(c) **Development.**--The department, in consultation with the Department of Human Services, shall develop the application under subsection (b).

Section 12. Section 2401.2 of the act is amended to read:

Section 2401.2. Department of [Environmental] **Conservation and Natural Resources** Powers not Affected.--It is not the intention or purpose of this Article XXIV to curtail the historical construction activities of the Department of Environmental Resources. Therefore, nothing in this article shall be interpreted as altering in any way the powers, duties and authority of the Department of Environmental Resources as possessed by it just prior to the effective date of this article[.] **and transferred to the Department of Conservation and Natural Resources by section 304 of the act of June 28, 1995 (P.L.89, No.18), known as the Conservation and Natural Resources Act.**

Section 13. Section 2502 of the act is repealed:

[Section 2502. Vehicle and Tractor Codes.--In the collection of motor license fees, fees for titling vehicles and tractors and operators' license fees, and the issuance of certificates of title and motor and operators' licenses, the Department of Revenue shall be entitled to such assistance from the Pennsylvania State Police as the department may deem necessary.

The Secretary of Revenue may designate the person in charge of the work to which this section refers as the Commissioner of Motor Vehicles.]

Section 14. Section 2501-C introductory paragraph and (h) of the act are amended to read:

Section 2501-C. Powers and Duties in General.--The Department of Community [Affairs] **and Economic Development** shall have the power, and its duties shall be:

\* \* \*

(h) To coordinate and wherever provided by law to supervise or administer the various programs of State and Federal assistance and grants, including but not limited to housing, redevelopment, urban renewal, urban planning assistance, [Project 70,] area development, revitalization of central city cores, mass transportation, river basin studies, port development, air and water pollution, land and soil conservation, economic opportunity, and public works and community facilities and Appalachian assistance; and to furnish comprehensive planning and technical assistance on any program set forth in this subsection [(h)].

\* \* \*

Section 15. The act is amended by adding an article to read:

#### **ARTICLE XXVIII-I**

#### **UNITED STATES SEMIQUINCENTENNIAL**

**Section 2801-I. Scope of article.**

**This article establishes the Pennsylvania Commission for the United States Semiquincentennial.**

Section 2802-I. Definitions.

As used in this article, the following words and phrases shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Commission." The Pennsylvania Commission for the United States Semiquincentennial, or America250PA, established by this article.

"Secretary." The Secretary of Community and Economic Development of the Commonwealth.

Section 2803-I. Establishment.

The Pennsylvania Commission for the United States Semiquincentennial, commonly known as America250PA, is established to plan, encourage, develop and coordinate the commemoration of the 250th anniversary of the founding of the United States, Pennsylvania's integral role in that event and the impact of the people of Pennsylvania on the nation's past, present and future. Organizations or entities in this Commonwealth that engage in a related activity, program, project or event for the commemoration of the 250th anniversary of the founding of the United States shall coordinate those activities, programs, projects or events with the commission.

Section 2804-I. Composition.

The commission shall consist of the following members:

(1) Two members of the Senate, of whom:

(i) One shall be appointed by the Majority Leader of the Senate.

(ii) One shall be appointed by the Minority Leader of the Senate.

(2) Two members of the House of Representatives, of whom:

(i) One shall be appointed by the Speaker of the House of Representatives.

(ii) One shall be appointed by the Minority Leader of the House of Representatives.

(3) Twenty members who must be private citizens, of whom:

(i) Four shall be appointed by the Governor.

(ii) Four shall be appointed by the Majority Leader of the Senate.

(iii) Four shall be appointed by the Minority Leader of the Senate.

(iv) Four shall be appointed by the Speaker of the House of Representatives.

(v) Four shall be appointed by the Minority Leader of the House of Representatives.

(vi) One of whom shall be designated by the Governor as the chairperson of the commission.

(4) The following individuals shall be ex officio nonvoting members of the commission:

(i) The secretary.

(ii) The Secretary of the Commonwealth.

(iii) The Attorney General.

(iv) The Auditor General.

(v) The State Treasurer.

(vi) The Chair of the Pennsylvania Historical and Museum Commission.

(vii) The Secretary of Transportation.

(viii) The Secretary of Education.

(ix) The Secretary of Conservation and Natural Resources.

(x) The Adjutant General.



(xi) The Chair of the Commonwealth of Pennsylvania Council on the Arts.

(xii) The Director of Pennsylvania Emergency Management Agency.

(xiii) The Commissioner of Pennsylvania State Police.

(xiv) The Executive Director of the Commonwealth of Pennsylvania Council on the Arts.

(xv) The Executive Director of the Pennsylvania Historical and Museum Commission.

Section 2805-I. Term.

A member shall be appointed for the duration of the commission. A vacancy on the commission may not affect the powers of the commission and shall be filled in the same manner as the original appointment was made. In the event of a perceived conflict of interest with a commission member, the chairperson of the commission is authorized to report the perceived conflict to the appropriate appointing authority for that commission member.

Section 2806-I. Meetings.

Meetings of the commission shall be held throughout this Commonwealth at times and locations determined by the chairperson. A majority of the members of the commission shall constitute a quorum but a lesser number of members may hold hearings.

Section 2807-I. General powers and duties.

The commission shall:

(1) Plan, coordinate and implement a program commemorating the 250th anniversary of the founding of the United States in the year 2026, specifically highlighting the role of Pennsylvania and Pennsylvanians.

(2) Coordinate with all Federal, State and local agencies on infrastructural improvements and projects to welcome regional, national and international tourists.

(3) Adopt bylaws providing for, but not limited to, the following:

(i) Telephonic, video or other forms of remote meetings including electronic voting.

(ii) Establishment of committees or subcommittees.

(iii) Establishment of rules regarding governance.

(iv) Designation by a commission member of appropriate staff as the commission member's voting designee in the absence of members appointed under section 2804-I(1) and (2).

(v) Designation of an ex officio member under section 2804-I(4) of appropriate staff as the commission member's ex officio voting designee.

Section 2808-I. Requirements for plans and programs.

In preparing plans and a program, the commission:

(1) Shall give due consideration to related plans and programs developed by the Federal Government, other states and local and private groups.

(2) May designate special committees with representatives from groups described in paragraph (1) to plan, develop and coordinate specific activities.

(3) Shall, beginning within 90 days of the commission's first meeting and throughout the duration of the commission, extensively engage the public throughout this Commonwealth in developing the programs that may take place during the semiquincentennial.

(4) Shall aim to impact and showcase all counties in this Commonwealth.

(5) Shall draw attention to the achievements, struggles, honors, innovations and impacts of all people in Pennsylvania since before its founding to the present day.

(6) Shall clearly delineate the costs associated with the commission.

(7) Shall publish an annual report on the commission's publicly accessible Internet website.

Section 2809-I. Report to Governor and General Assembly.

(a) Duty to submit.--Not later than three years after the effective date of this section, the commission shall submit to the Governor and the General Assembly a comprehensive report that includes the specific recommendations of the commission for the commemoration of the 250th anniversary of the founding of the United States and related events.

(b) Required contents.--The report shall include the following:

(1) A detailed timeline of the plan of works through 2027.

(2) Recommendations of the commission for the allocation of financial and administrative responsibility among the public and private authorities and organizations recommended for participation by the commission.

(3) The projected number of jobs created through the implementation of the commission's plan and program.

(4) The projected economic impact of the implementation of the commission's plan and program.

(5) The geographic impact on all counties of this Commonwealth of the commission's plan and program.

(6) The plan for improvements, if any, to the infrastructure of the Commonwealth necessary for the successful delivery of the commission's plan and program.

(7) Outcomes against which progress and success of the commission's plan and program can be measured.

(c) Recommendations for legislation.--The report may include recommendations for legislation needed to effectuate the plan and program.

(d) Publication.--The report shall be available on the commission's publicly accessible Internet website.

Section 2810-I. Information from State agencies.

The commission may secure directly from a State agency information the commission considers necessary to carry out this article. On the request of the chairperson of the commission, the head of a State agency shall provide the information to the commission.

Section 2811-I. Gifts.

The commission may accept, use and dispose of gifts and donations of money, property or personal services on behalf of and for the benefit of this Commonwealth. Information relating to the gifts shall be enumerated and submitted to the State Ethics Commission each quarter and shall be available on the commission's publicly accessible Internet website.

Section 2812-I. Additional powers.

As determined necessary by the commission, the commission may:

(1) Procure supplies, services and property.

(2) Make contracts.

(3) Expend, in furtherance of this article, funds donated or received in pursuance of contracts entered into under this article.

(4) Take actions as are necessary to enable the commission to carry out efficiently and in the public interest the purpose of this article.

**Section 2813-I. Property.**

Property acquired by the commission that remains after the termination of the commission may be designated by an act of the General Assembly to local municipalities or State agencies.

**Section 2814-I. Administration.**

**(a) Compensation of members.--**

(1) The members of the commission shall receive no compensation for service on the commission.

(2) The members of the commission shall receive reimbursement for reasonable travel expenses.

**(b) Staff.--**

(1) The chairperson of the commission may, without regard to civil service laws or regulations, appoint and terminate an executive director and other additional personnel as are necessary to enable the commission to perform its powers and duties.

(2) The employment of an executive director shall be subject to confirmation by majority vote of the commission.

(3) An individual appointed or employed under this article is not eligible to participate in the State Employees' Retirement System solely due to the individual's appointment or employment by the commission.

**Section 2815-I. Annual report.**

Once each year during the period beginning on the effective date of this section through December 31, 2027, the commission shall submit to the Governor and the General Assembly a report of the activities of the commission, including an accounting of funds received and expended during the year included in the report, the outcomes achieved and if those achievements met the commission's plan and program. The report shall be available on the commission's publicly accessible Internet website.

**Section 2816-I. Termination of commission.**

**The commission shall terminate December 31, 2027.**

Section 16. The amendment of section 801 of the act shall apply to elections occurring after the effective date of this section.

Section 17. The addition of Article XXVIII-I of the act is a continuation of the act of June 12, 2018 (P.L.136, No.28), known as the Pennsylvania Commission for the United States Semiquincentennial Act.

Section 18. Repeals are as follows:

(1) The General Assembly declares that the repeal under paragraph (2) is necessary to effectuate the addition of section 1903-B and the amendment of section 2501-C(h) of the act.

(2) Section 306(d) of the act of June 28, 1995 (P.L.89, No.18), known as the Conservation and Natural Resources Act, is repealed insofar as it relates to the transfer of duties from the Department of Community Affairs to the Department of Conservation and Natural Resources.

(3) The General Assembly declares the repeal under paragraph (4) is necessary to effectuate the addition of Article XXVIII-I of the act.

(4) The act of June 12, 2018 (P.L.136, No.28), known as the Pennsylvania Commission for the United States Semiquincentennial Act, is repealed.

Section 18.1. All activities initiated by the Department of Community Affairs or the Department of Community and Economic Development under the act of October 4, 1978 (P.L.851, No.166), known as the Flood Plain Management Act, shall continue and remain in full force and effect and may be completed by the Pennsylvania Emergency Management Agency. Orders, regulations,

rules and decisions which were made by the Department of Community Affairs or the Department of Community and Economic Development under the Flood Plain Management Act and which are in effect on the effective date of this section shall remain in full force and effect until revoked, vacated or modified by the Pennsylvania Emergency Management Agency. Contracts, obligations and collective bargaining agreements entered into by the Department of Community Affairs or the Department of Community and Economic Development under the Flood Plain Management Act are not affected nor impaired by the replacement of the Department of Community and Economic Development with the Pennsylvania Emergency Management Agency.

Section 19. This act shall take effect as follows:

(1) The following provisions shall take effect immediately:

(i) This section and section 17.

(ii) The addition of section 706(e) of the act.

(iii) The addition of section 2215.1 of the act.

(iv) The addition of Article XXVIII-I of the act.

(2) The amendment of sections 602-B, 605-B(e) and 615-B(a), (b), (d)(3), (f), (g) and (k)(2) of the act shall take effect in 90 days.

(3) The remainder of this act shall take effect in 60 days.

APPROVED--The 9th day of July, A.D. 2021.