

**ADMINISTRATIVE CODE OF 1929 - COVID-19 EMERGENCY TESTING PLAN,
REPORTING AND WATER AND SEWER AUTHORITIES IN CITIES OF THE
SECOND CLASS**

Act of Jul. 23, 2020, P.L. 677, No. 70

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No. 2020-70

HB 2455

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," providing for COVID-19 emergency testing plan and reporting and for water and sewer authorities in cities of the second class.

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

Section 1. The act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, is amended by adding articles to read:

**ARTICLE XXI-D
COVID-19 EMERGENCY
TESTING PLAN AND REPORTING**

Section 2101-D. 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:

"COVID-19." The novel coronavirus as defined in the Governor's Proclamation of Disaster Emergency issued on March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020).

"State laboratory." A State Public Health Laboratory as authorized under section 8(d) of the act of April 27, 1905 (P.L.312, No.218), entitled "An act creating a Department of Health, and defining its powers and duties."

Section 2102-D. COVID-19 testing plan and reporting.

(a) Submission of plan.--The Governor shall submit the plan for COVID-19 testing, including any amendments to the plan, that was submitted to the United States Secretary of Health and Human Services pursuant to the Paycheck Protection Program

and Health Care Enhancement Act (Public Law 116-139, 134 Stat. 620) to all of the following:

- (1) The President pro tempore of the Senate.
- (2) The Speaker of the House of Representatives.
- (3) The Majority Leader of the Senate.
- (4) The Minority Leader of the Senate.
- (5) The Majority Leader of the House of Representatives.
- (6) The Minority Leader of the House of Representatives.
- (7) The majority and minority chairperson of the Appropriations Committee of the Senate.
- (8) The majority and minority chairperson of the Health and Human Services Committee of the Senate.
- (9) The majority and minority chairperson of the Appropriations Committee of the House of Representatives.
- (10) The majority and minority chairperson of the Health Committee of the House of Representatives.
- (11) The majority and minority chairperson of the Human Services Committee of the House of Representatives.

(b) Testing report required.--Beginning 14 days after the effective date of this section, and every 14 days thereafter, the Department of Health shall submit a report regarding the department's testing of COVID-19 to the President pro tempore of the Senate, the Majority Leader and Minority Leader of the Senate, the chairperson and minority chairperson of the Appropriations Committee of the Senate, the Speaker of the House of Representatives, the Majority Leader and Minority Leader of the House of Representatives and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives.

(c) Testing report contents.--The report shall contain a summary of the following information:

- (1) The technology and supplies procured or acquired by the Commonwealth related to COVID-19 testing.
- (2) The administrative and operating costs of a State laboratory related to COVID-19 testing.
- (3) The number and type of completed tests by a State laboratory. This information shall include diagnostic tests and serology tests.
- (4) The number of positive and negative COVID-19 test results from the completed testing under paragraph (3).
- (5) A description of State laboratory COVID-19 testing limitations, including limitations relating to acquiring reagents or other components of the testing process.
- (6) Demographic test result data, including age, sex, race and ethnicity, as provided under subsection (d).

(d) Reporting requirements.--A health care provider ordering COVID-19 testing shall report, as prescribed by the Department of Health, a patient's self-reported demographic data including age, sex, race and ethnicity.

(e) Expiration.--This section shall expire December 31, 2021.

ARTICLE XXVIII-G WATER AND SEWER AUTHORITIES IN CITIES OF THE SECOND CLASS

Section 2801-G. 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:

"Authority." A water and sewer authority of a city.

"City." A city of the second class located in a county of the second class.

"City park." A city-owned park that consists of at least 50 contiguous acres.

"Commission." The Pennsylvania Public Utility Commission.

"Cooperation agreement." The cooperation agreement entered into between the city and the authority on October 3, 2019.

"System." The following, owned or operated by the authority and used in the rendering of water service and sewer service by the authority:

(1) Plants, warehouses, equipment, structures, facilities, lands, easements, rights of way, public water lines and public sewer lines.

(2) Patents, copyrights and contracts with municipalities or authorities outside the boundaries of the city.

(3) Water treatment plants, pumping facilities, reservoirs, storage tanks, distribution mains, public service lines and appurtenances, public sewers, inlets, sewer grates, manholes, diversion structures, pumping stations, force mains, public subsurface storm water conveyance lines and related facilities conveying storm water.

(4) Patents and copyrights obtained by the city, assigned to the authority or retained directly by the authority and related to the design, operation, maintenance, replacement or abandonment of water, sewer or storm water systems.

(5) Tangible public property, fixed or moveable.

(6) Capital additions constructed or acquired relating to water service and sewer service.

(7) Franchises used or useful to the authority in the rendering of water, sewer and storm water service by the authority and other agreements between the city and authority.

Section 2802-G. Cooperation agreement.

The cooperation agreement shall have the force and effect of law until January 1, 2025, or an earlier termination date to which the city and authority mutually agree. The cooperation agreement shall govern:

(1) Changes in the city and authority's rights and obligations resulting from the enactment of the act of December 21, 2017 (P.L.1208, No.65), entitled "An act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, in rates and distribution systems, further providing for rates to be just and reasonable; and providing for water and sewer authorities in cities of the second class," including rates paid by the city to the authority for public utility service.

(2) The division of services related to the system.

(3) Payments by the city and authority to the other based on actual, verifiable, direct expenses and in accordance with customary utility practices under 66 Pa.C.S. Pt. I (relating to Public Utility Code).

(4) Payments by the authority to the city that shall be subordinate to each debt obligation of the authority.

(5) Cooperation by the city and authority in their respective capital projects which may impact each other.

(6) Responsibilities of the authority with respect to city parks and other city properties.

(7) Ownership of the system.

(8) Roles and responsibilities of the city and authority with respect to the system.

Section 2803-G. Effect of cooperation agreement.

A cooperation agreement entered into between the city and authority on or before January 1, 2020, shall:

(1) Notwithstanding 66 Pa.C.S. Pt. I (relating to Public Utility Code), supersede, during the term of the cooperation agreement, any provision of 66 Pa.C.S. Pt. I, a commission regulation, policy statement, order and regulatory proceeding as they pertain to issues covered by the cooperation agreement, including the authority's rates, terms and conditions of service rendered to the city and the respective rights and duties between the authority and the city.

(2) Remain subject to the home rule charter of a city.
Section 2. This act shall take effect immediately.

APPROVED--The 23rd day of July, A.D. 2020.

TOM WOLF