

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2206 Session of 2020

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

REFERRED TO COMMITTEE ON COMMERCE, JANUARY 10, 2020

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
34 supervisory powers and for banking laws; repealing provisions

1 relating to powers and duties of the Pennsylvania Securities
2 Commission; and making editorial changes.

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

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

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

1 Public Utility Commission [and the Pennsylvania Securities
2 Commission].

3 * * *

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

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

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

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

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

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

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

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

14 The following officers shall be the heads of the
15 administrative departments following their respective titles:

16 Secretary of the Commonwealth, of the Department of State;
17 Auditor General, of the Department of the Auditor General;
18 State Treasurer, of the Treasury Department;
19 Attorney General, of the Office of Attorney General;
20 Secretary of Education, of the Department of Education;
21 Adjutant General, of the Department of Military Affairs;
22 Insurance Commissioner, of the Insurance Department;
23 Secretary of Banking and Securities, of the Department of
24 Banking and Securities;
25 Secretary of Agriculture, of the Department of Agriculture;
26 Secretary of Transportation, of the Department of
27 Transportation;
28 Secretary of Health, of the Department of Health;
29 Secretary of Drug and Alcohol Programs, of the
30 Department of Drug and Alcohol Programs;

1 Secretary of Labor and Industry, of the Department of Labor
2 and Industry;

3 Secretary of Aging, of the Department of Aging;

4 Secretary of Public Welfare, of the Department of Public
5 Welfare;

6 Secretary of Revenue, of the Department of Revenue;

7 Secretary of Community and Economic Development, of the
8 Department of Community and Economic Development;

9 Secretary of Environmental Protection, of the Department of
10 Environmental Protection;

11 Secretary of Conservation and Natural Resources, of the
12 Department of Conservation and Natural Resources;

13 Secretary of General Services, of the Department of General
14 Services;

15 Secretary of Corrections, of the Department of Corrections.

16 Section 207.1. Gubernatorial Appointments.--* * *

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

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

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

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

21 * * *

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

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

29 (1) Consumer discount companies:

30 (i) Initial license..... \$500.00

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

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

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

- (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

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

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

[ARTICLE XXVIII-B

POWERS AND DUTIES OF THE PENNSYLVANIA

SECURITIES COMMISSION

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

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