

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2010 Session of 2021

INTRODUCED BY RYAN, GAYDOS, GLEIM, GROVE, JAMES, KAUFFMAN, STAMBAUGH, SAYLOR, LAWRENCE AND GILLEN, OCTOBER 26, 2021

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 27, 2022

AN ACT

1 Amending Title 20 (Decedents, Estates and Fiduciaries) of the
2 Pennsylvania Consolidated Statutes, providing for training of
3 public pension fund and State fund fiduciaries.

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

6 Section 1. Title 20 of the Pennsylvania Consolidated
7 Statutes is amended by adding a chapter to read:

8 CHAPTER 74

9 TRAINING OF PUBLIC PENSION FUND

10 AND STATE FUND FIDUCIARIES

11 Sec.

12 7401. Definitions.

13 7402. Training requirements.

14 7403. Content of training.

15 7404. Designee compensation.

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16 7405. Legal fees.

17 § 7401. Definitions.

18 The following words and phrases when used in this chapter

1 shall have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 "Commonwealth agency." A department, board, commission,
4 agency, authority or other instrumentality of the Commonwealth.

5 "Designee." An individual appointed by, and authorized by
6 law to act in the stead of, a trustee, board member or other
7 appointed or elected official that stands in a fiduciary
8 relationship to the members and beneficiaries of a State fund or
9 a fund of a public pension system.

10 "Public pension system." The Public School Employees'
11 Retirement System, the State Employees' Retirement System, the
12 Pennsylvania Municipal Retirement System and any pension plan
13 maintained by a municipality or a county for its employees.

14 "State fund." A fund or account in the State Treasury or
15 under the care, custody or control of a Commonwealth agency.
16 § 7402. Training requirements.

17 (a) Training.--A trustee, board member or other appointed or
18 elected official who stands in a fiduciary relationship to the
19 members and beneficiaries of a State fund or a fund of a public
20 pension system, or a designee thereof, shall complete training
21 in fiduciary law, as provided in subsection (b).

22 (b) Requirements.--

23 (1) An individual appointed or elected to a position
24 described in subsection (a) after the effective date of this
25 section shall complete:

26 (i) Two hours of training in fiduciary law within
27 one year of the date of appointment to the position.

28 (ii) One hour of training in fiduciary law annually,
29 each year thereafter.

30 (2) An individual who holds a position described in

1 subsection (a) on the effective date of this paragraph is
2 exempt from the two-hour initial training requirement under
3 paragraph (1)(i). The individual shall complete one hour of
4 training in fiduciary law annually.

5 (c) Public School Employees' Retirement Board members.--
6 Training completed in accordance with this section by an
7 individual who is a member of the Public School Employees'
8 Retirement Board, or a designee of a board member, may be
9 applied toward the individual's board training requirement under
10 24 Pa.C.S. § 8501(f) (relating to Public School Employees'
11 Retirement Board) or Audit or Compliance Committee training
12 requirement under 24 Pa.C.S. § 8501(g), as applicable.

13 (d) State Employees' Retirement Board members.--Training
14 completed under this section by an individual who is a member of
15 the State Employees' Retirement Board, or a designee of a board
16 member, may be applied toward the individual's board training
17 requirement under 71 Pa.C.S. § 5901(f) (relating to the State
18 Employees' Retirement Board) or Audit Risk and Compliance
19 Committee training requirement under 71 Pa.C.S. § 5901(g), as
20 applicable.

21 § 7403. Content of training.

22 (a) Initial training.--Initial training under section
23 7402(b)(1)(i) (relating to training requirements) shall, at a
24 minimum, cover the following concepts:

25 (1) The definition of fiduciary.

26 (2) Conflicts of interest.

27 (3) The prudent expert standard.

28 (4) Self-dealing.

29 (b) Annual training.--Annual training under section 7402(b)
30 (1)(ii) shall, at a minimum, cover updates and case studies

1 related to the topics listed in subsection (a).

2 § 7404. Designee compensation. <--

3 The board or other governing body of a Commonwealth agency or
4 a public pension system may compensate a designee of a member,
5 trustee or other official of the board or governing body in an
6 amount no greater than \$5,000 annually.

7 § 7405. Legal fees.

8 (a) Payment permitted.--Except as provided in subsection
9 (b), an individual who is a trustee, board member or other
10 appointed or elected official of a Commonwealth agency or a
11 public pension system that stands in a fiduciary relationship to
12 the members and beneficiaries of a State fund or a fund of a
13 public pension system, or a designee thereof, is entitled to
14 have expenses reasonably incurred by the individual in defending
15 a threatened, pending or completed legal action against the
16 individual in the individual's capacity as a trustee, board
17 member or other appointed or elected official of the
18 Commonwealth agency or public pension system paid by the
19 Commonwealth agency or public pension system, as applicable,
20 during the individual's tenure and, after the individual's
21 tenure, continuing through the period of time established in any
22 applicable statute of limitations.

23 (b) Payment prohibited.--Payment of expenses to an
24 individual under subsection (a) shall be prohibited if a court
25 of competent jurisdiction finds that the conduct of the
26 individual as alleged or proved in the legal action constituted
27 a criminal offense, willful misconduct or self-dealing.

28 Section 2. This act shall take effect December 31, 2021, or
29 immediately, whichever is later.