



**BILL ANALYSIS -- ADMINISTRATIVE CODE
Act 70/HB 336
June 25, 2021**

Prepared by the staff of the House Appropriations Committee

Outdated Department References

Various sections insert cleanup language to reflect the 2012 consolidation of the Pennsylvania Securities Commission with Department of Banking into Department of Banking and Securities. It also deletes references to the Department of Public Welfare and replaces it with Department of Human Services. (This is the underlying bill.)

Pennsylvania Commission on Crime and Delinquency

Section 310(b) establishes the Judicial Computer System Financial Audit Committee within PCCD. The duties of the committee include:

- Review the policy goals, purpose and programs of the system;
- Assess the annual financial needs and revenue streams that support the system;
- Evaluate the annual revenues and expenditures within the system;
- Submit legislative recommendations related to the reallocation of undedicated surpluses;
- By January 31, 2022, submit a report of its findings to the chair and minority chair of the Appropriations Committee of the House and Senate and the chair and minority chair of the Judiciary Committee of the House and Senate.

Committee Voting Membership consists of the following members:

- President pro tempore of the Senate or a designee
- Majority Leader of the Senate or a designee
- Minority Leader of the Senate or a designee
- Speaker of the House or a designee
- Majority Leader of the House or a designee
- Minority Leader of the House or a designee
- Commissioned judge or justice of the Commonwealth, appointed by the Chief Justice of Pennsylvania

Committee Non-Voting Membership consists of the following members:

- Court Administrator of Pennsylvania
- Executive director of the commission
- Secretary of Corrections or a designee
- Pennsylvania State Police Commissioner or a designee
- President of the County Commissioners Association of Pennsylvania or a designee
- President of the Pennsylvania State Association of Prothonotaries and Clerks of Courts or a designee

The committee expires on June 30, 2023.

Pennsylvania Emergency Management Agency

Section 501-B transfers the powers and duties of the Department of Community Affairs and the Department of Community and Economic Development under the Flood Plain Management Act to the Pennsylvania Emergency Management Agency. It also corrects references to the Department of Environmental Protection regarding permitting.

Department of Banking and Securities

Section 603-A establishes fees for Takeover Disclosure Law.

Requesting Officer Definition for IFO analysis

Section 602-B inserts a new definition of “requesting officer” who can request fiscal and actuarial analysis from the Independent Fiscal Office. These requesting officers are members of the General Assembly:

- President pro tempore of the Senate and Speaker of the House of Representatives
- Majority Leader and Minority Leader of both the Senate and the House of Representatives
- The chairperson and minority chairperson of the Appropriations Committees of both the Senate and the House of Representatives
- The chairperson and minority chairperson of the relevant standing committees in both the Senate and the House of Representatives

Revenue Estimates

Section 605-B requires that upon request from a requesting officer, the IFO must prepare a revenue estimate of any proposed change in law, including increases to regulatory fees, with an expected fiscal impact in excess of \$50 million in any fiscal year. These revenue estimates must be prepared with consideration for dynamic scoring.

Actuarial Notes

Section 615-B applies the newly established definition of requesting officer to the IFO’s existing obligations to provide actuarial notes on legislation affecting the pension systems and to prepare other studies dealing with pension and retirement issues.

Water System Audits

Section 706 allows the Auditor General to conduct audits of certain municipal water and wastewater authorities any time an increase in water or wastewater rates is proposed. These audits may review financial and governance practices, billing systems, acquisitions of other systems, management practices, and compliance with state and federal laws.

Constitutional Amendment Publications

Section 801(b) adds additional powers and duties regarding publication of constitutional amendments by the Department of State. No later than 14 days prior to the publication of a constitutional amendment, the Secretary of the Commonwealth is required to notify the following individuals of the date on which the publication will be completed:

- Each member of the General Assembly
- The Secretary of the Senate (who must have the notice read into the journal of the Senate)
- The Chief Clerk of the House of Representatives (who must read the notice into the journal of the House of Representatives)
- The Parliamentarian of the Senate
- The Parliamentarian of the House of Representatives
- The Legislative Reference Bureau, which shall publish the notice in the Pennsylvania Bulletin

Failure to comply with the notification provision does not impact the effectiveness of the proposed constitutional amendment.

Lobbyist Equity Reporting

Section 816 requires lobbyists and lobbying firms to file equity reports annually with the Department of State. The reports will disclose each equity a lobbying firm or lobbyist holds in an entity they represent and lobby for.



Duty of Attorney General to defend against certain claims

Section 926 establishes that the Attorney General must defend all claims against any commonwealth entity upon a written request from that commonwealth entity and if any damages related to the claim would be paid or reimbursed under the commonwealth's self-insurance programs or third-party insurance contracts managed by the Department of General Services.

Oil and Gas Liquid Waste Permits

Section 1939-A provides that the Department of Environmental Protection shall submit a general permit for transfer, storage or processing of oil and gas liquid waste, to the Legislative Reference Bureau by July 1, 2022 for final publication in the Pennsylvania Bulletin. The general permit shall be consistent with section 102 of the Solid Waste Management Act.

Project 70

Section 1903-B gives Project 70 powers and duties to the Department of Conservation and Natural Resources (DCNR). These responsibilities were initially vested in the Department of Commerce in the Project 70 Land Acquisition and Borrowing Act of 1964.

DCNR will have the ability to acquire land for State parks, reservoirs, and other conservation, recreation, and historical preservation purposes, and to work with political subdivisions to acquire land for the same purposes.

Abrogation of Department of Labor and Industry Overtime Regulations

Section 2215.1 abrogates regulations promulgated by the Department of Labor and Industry at 34 Pa. Code §§231.82, 231.83 and 231.84. These regulations provide for the definitions of executive, administrative and professional capacity, which have bearing on overtime pay eligibility under the Minimum Wage Act of 1968.

Department of Human Services

Section 2337 instructs DHS to request guidance from the US Department of Agriculture on the Commonwealth's ability to request a waiver to continue Supplemental Nutrition Assistance Program (SNAP) emergency allotment benefits in the absence of a disaster declaration.

Department of Drug and Alcohol Programs

Section 2302-A requires drug and alcohol treatment providers to substantially align service delivery conditions with the American Society of Addiction Medicine (ASAM) criteria by July 1, 2021, unless DDAP grants an application for extension until December 31, 2021. DDAP is to develop the application in consultation with the Department of Human Services and impacted providers have until July 9, 2021 to submit an application.

Department of Conservation and Natural Resources Powers

Section 2401.2 cleans up references to the Department of Conservation and Natural Resources.

Department of Revenue Powers

Section 2502 repeals the Department of Revenue's power to collect motor license fees for titling and operating vehicles and tractors. This is obsolete since the Department of Transportation collects motor license fees.

United States Semiquincentennial

Article XXVIII-I creates the Pennsylvania Commission for the United States Semiquincentennial. The commission shall plan and coordinate the commemoration of the 250th anniversary of United States in 2026. The Commission will consist of the following members:

- Two members of the Senate
 - One appointed by the Majority Leader of the Senate
 - One appointed by the Minority Leader of the Senate



- Two members of the House
 - One appointed by the Speaker of the House
 - One appointed by the Minority Leader
- Twenty members must be private citizens (one of whom shall be designated by the Governor as the chairperson of the commission)
 - Four appointed by the Governor
 - Four appointed but the Majority Leader of the Senate
 - Four appointed by the Minority Leader of the Senate
 - Four appointed by the Speaker of the House
 - Four appointed by the Minority Leader of the House
- The following individuals will be ex officio nonvoting members of the commission
 - The Secretary of Community and Economic Development
 - The Attorney General
 - The Auditor General
 - The State Treasurer
 - The Chair of the PA Historical and Museum Commission
 - The Secretary of Transportation
 - The Secretary of Education
 - The Secretary of Conservation and Natural Resources
 - The Adjutant General
 - The Chair of the Commonwealth of PA Council on the Arts
 - The Director of PA Emergency Management Agency
 - The Commissioner of PA State Police
 - The Executive Director of the Commonwealth of PA Council on the Art (new)
 - The Executive Director of the PA Historical and Museum Commission (new)
- A member shall be appointed for the duration of the commission

Meetings shall be held at times and locations determined by the chairperson. The commission shall publish an annual report on the commission's publicly accessible website. Not later than three years after the effective date of this section, the commission shall submit a comprehensive report to the Governor and General Assembly. The commission may accept gifts or donations on behalf or for the benefit of the Commonwealth to be guided by the State Ethics Commission. The members shall receive no compensation, but shall receive reimbursement for reasonable travel expenses. The chairperson of the commission may hire an executive director. The commission will be terminated December 31, 2027.

Repeals:

The bill makes several repeals to effectuate the language and remove outdated language.

Effective Dates:

The amendment of section 801 (Constitutional Amendment Publications) shall apply to elections occurring after the effective date.

The addition of the article creating the Pennsylvania Commission for the United States Semiquincentennial is a continuation of the Pennsylvania Commission for the United States Semiquincentennial Act of June 12, 2018 (which is repealed).

All matters initiated by the Department of Community Affairs or the Department of Community and Economic Development under the Flood Plain Management Act shall continue and remain in full force and effect and may be completed by the Pennsylvania Emergency Management Agency.

The sections relating to revenue estimates, water system audits, abrogation of overtime regulations and the article creating the PA Commission for the U.S. Semiquincentennial take effect immediately.

The remainder of the act shall take effect in 60 days.

