

AMENDMENTS TO HOUSE BILL NO. 1461

Sponsor: SENATOR BROWNE

Printer's No. 2064

1 Amend Bill, page 1, lines 1 through 22, by striking out all
2 of said lines and inserting

3 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
4 "An act providing for and reorganizing the conduct of the
5 executive and administrative work of the Commonwealth by the
6 Executive Department thereof and the administrative
7 departments, boards, commissions, and officers thereof,
8 including the boards of trustees of State Normal Schools, or
9 Teachers Colleges; abolishing, creating, reorganizing or
10 authorizing the reorganization of certain administrative
11 departments, boards, and commissions; defining the powers and
12 duties of the Governor and other executive and administrative
13 officers, and of the several administrative departments,
14 boards, commissions, and officers; fixing the salaries of the
15 Governor, Lieutenant Governor, and certain other executive
16 and administrative officers; providing for the appointment of
17 certain administrative officers, and of all deputies and
18 other assistants and employes in certain departments, boards,
19 and commissions; providing for judicial administration; and
20 prescribing the manner in which the number and compensation
21 of the deputies and all other assistants and employes of
22 certain departments, boards and commissions shall be
23 determined,"

24 in administrative organization,
25 repealing provisions relating to employees with
26 access to Federal tax information and providing for
27 criminal history background checks of employees and
28 contractors with access to Federal tax information;
29 in organization of independent administrative boards and
30 commissions,
31 providing for Center for Rural Pennsylvania;
32 in Office of State Inspector General,
33 further providing for powers, purpose and duties and
34 for criminal charges;
35 in Commonwealth budget procedures,
36 further providing for submission of budget to General
37 Assembly;
38 in Commonwealth agency fees,

1 further providing for Department of State;
2 in Independent Fiscal Office,
3 further providing for revenue estimates;
4 providing for Joint Underwriting Association
5 accountability;
6 in powers and duties of the Department of Labor and
7 Industry, its departmental administrative and advisory boards
8 and departmental administrative officers,
9 providing for Bureau of Occupational and Industrial
10 Safety;
11 providing for legislative agencies and the continuation
12 of Pennsylvania Commission on Sentencing; and
13 making editorial changes and related repeals.

14 Amend Bill, page 1, lines 25 through 27; page 2, lines 1
15 through 30; page 3, lines 1 through 9; by striking out all of
16 said lines on said pages and inserting

17 Section 1. The General Assembly finds and declares as
18 follows:

19 (1) The intent of this act is to provide for the
20 administration of the 2019-2020 Commonwealth budget.

21 (2) The Constitution of Pennsylvania confers numerous
22 express duties upon the General Assembly, including the
23 passage of a balanced budget for the Commonwealth.

24 (3) Section 24 of Article III of the Constitution of
25 Pennsylvania requires the General Assembly to adopt all
26 appropriations for the operation of government in the
27 Commonwealth, regardless of their source. The Supreme Court
28 has repeatedly affirmed that, "It is fundamental within
29 Pennsylvania's tripartite system that the General Assembly
30 enacts the legislation establishing those programs which the
31 State provides for its citizens and appropriates the funds
32 necessary for their operation."

33 (4) Pursuant to section 13 of Article VIII of the
34 Constitution of Pennsylvania, the General Assembly is
35 explicitly required to adopt a balanced Commonwealth budget.
36 Given the unpredictability and potential insufficiency of
37 revenue collections, various changes in State law relating to
38 the 2019-2020 budget implementation and the administration of
39 State Government which impact revenue may be required to
40 discharge this constitutional obligation.

41 (5) Section 11 of Article III of the Constitution of
42 Pennsylvania requires the adoption of a general appropriation
43 act that embraces "nothing but appropriations." While actual
44 items of appropriation can be contained in a General
45 Appropriations Act, the achievement and implementation of a
46 comprehensive budget involves administrative action related
47 to appropriations. Ultimately, the budget has to be balanced
48 under section 13 of Article VIII of the Constitution of

1 Pennsylvania. This may necessitate administrative changes and
2 the enactment of statutes to achieve full compliance with
3 these constitutional provisions.

4 (6) Among the many administrative challenges faced by
5 the Commonwealth is use of financial resources in a fiscally
6 responsible manner, the timely submission of financial data
7 related to the annual budget process by the Independent
8 Fiscal Office, the extension of audit authority to ensure
9 that public funds are used for their intended purposes and
10 other related changes necessary to accomplish the goal set
11 forth in paragraph (7).

12 (7) For the reasons set forth in paragraphs (1) through
13 (6), it is the intent of the General Assembly through this
14 act to provide for the administrative implementation of the
15 2019-2020 Commonwealth budget.

16 (8) Every provision of this act relates to the
17 administrative implementation of the operating budget of the
18 Commonwealth for this fiscal year, addressing in various ways
19 the administrative operations and potential liabilities of
20 the Commonwealth. To that end, this act is intended to
21 implement the 2019-2020 Commonwealth budget without
22 specifically appropriating public money from the General
23 Fund. This act provides administrative accountability for
24 spending and makes other changes necessary to impact the
25 availability of revenue in order to meet the requirements of
26 section 13 of Article VIII of the Constitution of
27 Pennsylvania and to implement the act of June , 2019 (P.L. ,
28 No.1A), known as the General Appropriation Act of 2019.
29 Section 2. Section 225 of the act of April 9, 1929 (P.L.177,
30 No.175), known as The Administrative Code of 1929, is repealed:

31 [Section 225. Employees with Access to Federal Tax
32 Information.--(a) As required under any Federal law, regulation
33 or published guidance from the Internal Revenue Service, an
34 employe or prospective employe whose duties and responsibilities
35 require or will require access to Federal tax information shall
36 submit all of the following to the employe's or prospective
37 employe's employer:

38 (1) A report of Federal criminal history record information.

39 (2) A report of criminal history record information from the
40 Pennsylvania State Police as provided under 18 Pa.C.S. Ch. 91
41 (relating to criminal history record information) or a statement
42 from the Pennsylvania State Police that the Pennsylvania State
43 Police central repository contains no information relating to
44 the individual. The criminal history record information shall be
45 limited to that which is disseminated under 18 Pa.C.S. § 9121(b)
46 (2) (relating to general regulations).

47 (3) Validation of the employe's or prospective employe's
48 eligibility to legally work in the United States.

49 (b) For the purpose of complying with subsection (a)(1), an
50 employe or prospective employe shall provide fingerprints to the
51 Pennsylvania State Police, its agent or an agent approved for

1 fingerprinting by the Federal Government. The fingerprints may
2 be used by the Pennsylvania State Police to conduct a criminal
3 background check and shall be forwarded to the Federal Bureau of
4 Investigation for a national criminal background check.

5 (c) (1) Except as provided under paragraph (2), information
6 relating to an employee or prospective employee submitted to or
7 obtained by an employer or prospective employer under this
8 section shall be interpreted and used only to determine the
9 employee's or prospective employee's character, fitness and
10 suitability to access Federal tax information.

11 (2) An employer may utilize information obtained under this
12 section for employment decisions, including hiring of an
13 applicant, promotion of a current employee or disciplinary action
14 against an employee regarding a position that requires access to
15 Federal tax information.

16 (3) An employer may receive and retain information
17 consistent with this section that is otherwise protected under
18 18 Pa.C.S. Ch. 91, subject to any requirements related to
19 redaction as specified in 18 Pa.C.S. § 9121(b)(2).

20 (d) An individual who has been cleared to access Federal tax
21 information under this section shall reapply for clearance under
22 subsections (a) and (b) within ten years of the issuance of the
23 prior clearance unless the employer participates in a program
24 exempting employees from clearance.

25 (e) A Commonwealth agency receiving Federal tax information
26 that transfers the Federal tax information to any other entity
27 except as it involves a Federal or State court or the Board of
28 Finance and Revenue as part of a legal proceeding before the
29 same may audit that entity to determine compliance with this
30 section.

31 (f) The Department of Revenue shall publish guidelines to
32 implement this section.

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

36 "Employer." Any Commonwealth agency, office, department,
37 authority, board, multistate agency or commission of the
38 executive branch, an independent agency or State-affiliated
39 entity, political subdivision or a contractor thereof, receiving
40 Federal tax information, even though the Federal tax information
41 may be forwarded to another Commonwealth agency, political
42 subdivision or contractor, from any of the following:

43 (1) The Internal Revenue Service.

44 (2) The Social Security Administration.

45 (3) Under section 6103 of the Internal Revenue Code of 1986
46 (Public Law 99-514, 26 U.S.C. § 6103).

47 (4) By exchange agreement approved by the Internal Revenue
48 Service.

49 (5) Any other secondary source.

50 "Federal tax information." Includes any "return" or "return
51 information" as defined in section 6103 of the Internal Revenue

Code of 1986.]

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

Section 226. Criminal History Background Checks of Employees and Contractors with Access to Federal Tax Information.--(a) An agency shall require any current or prospective employe or contractor whose duties and responsibilities require, or will require, access to Federal tax information to submit to a criminal history background check to be conducted by the Pennsylvania State Police. A current or prospective employe or contractor shall submit fingerprints and other identifying information to the Pennsylvania State Police. An individual who refuses to comply with this subsection will not be considered suitable to access Federal tax information for purposes of subsection (c).

(b) When a criminal history background check is requested under subsection (a), the Pennsylvania State Police, or its designee, shall do all of the following:

(1) Provide the agency with a report of the individual's criminal history record information as defined by 18 Pa.C.S. § 9102 (relating to definitions) or a statement that the Pennsylvania State Police central repository contains no information relating to the individual. The criminal history record information shall be limited to that which is disseminated under 18 Pa.C.S. § 9121(b)(2) (relating to general regulations).

(2) Submit the individual's fingerprints to the Federal Bureau of Investigation for a national criminal history records check.

(3) Provide the agency with the national criminal history record information of the individual. The information provided under this subsection may not be limited by 18 Pa.C.S. § 9121(b)(2).

(c) Information relating to a current or prospective employe or contractor submitted to or obtained by an agency under this section shall be interpreted and used only to determine the individual's character, fitness and suitability to access Federal tax information. If an agency determines an individual is not suitable to access Federal tax information, the agency shall take appropriate action, including:

(1) declining to hire or utilize the services of the individual;

(2) transferring the individual to a position that does not require access to Federal tax information; or

(3) terminating the individual's employment.

(d) An agency may receive and retain information consistent with this section that is otherwise protected under 18 Pa.C.S. Ch. 91 (relating to criminal history record information), subject to any requirements related to redaction as specified in 18 Pa.C.S. § 9121(b)(2) with respect to information described in subsection (b)(1). All information received and retained by an agency in accordance with this section shall be marked as

1 confidential and shall be excluded from any requirement of
2 public disclosure as a public record.

3 (e) An individual who has been determined suitable to access
4 Federal tax information under this section shall resubmit to a
5 criminal history background check under subsections (a) and (b)
6 within ten years of the individual's last check under this
7 section, unless the agency participates in a program exempting
8 employees from clearance.

9 (f) An agency receiving Federal tax information that
10 transfers the Federal tax information to any other entity except
11 as it involves a Federal or State court or the Board of Finance
12 and Revenue as part of a legal proceeding before the same may
13 audit that entity to determine compliance with this section.

14 (g) The Department of Revenue may publish guidelines to
15 implement this section.

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

19 "Agency." A Commonwealth agency, office, department,
20 authority, board or commission of the executive branch or a
21 political subdivision receiving Federal tax information, even
22 though the Federal tax information may be forwarded to the
23 agency from or through any of the following:

24 (1) The Internal Revenue Service.

25 (2) The Social Security Administration.

26 (3) A permitted disclosure under section 6103 of the
27 Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. §
28 6103).

29 (4) By exchange agreement approved by the Internal Revenue
30 Service.

31 (5) Any other secondary source.

32 "Contractor." An individual who is not an employe of an
33 agency and performs work functions for an agency under the terms
34 of a written agreement, regardless of whether the written
35 agreement is directly with the agency or a third party.

36 "Federal tax information." Includes any "return" or "return
37 information" as defined in section 6103 of the Internal Revenue
38 Code of 1986.

39 Section 311. Center for Rural Pennsylvania.--The board of
40 directors under section 302(a) of the act of June 30, 1987
41 (P.L.163, No.16), known as the "Rural Pennsylvania
42 Revitalization Act," shall include two additional members, one
43 of whom shall be a representative from the Northern Pennsylvania
44 Regional College and one of whom shall be a representative from
45 the Pennsylvania College of Technology.

46 Section 4. Sections 503-A(c)(1), 506-A and 613 of the act
47 are amended to read:

48 Section 503-A. Powers, purpose and duties.

49 * * *

50 (c) Duties.--The State Inspector General shall:

51 (1) Inspect, evaluate, investigate and review the

activities, records and individuals with contracts, procurements, grants, agreements and other financial arrangements undertaken by an executive agency for the purposes of identifying fraud, waste, misconduct or abuse. This paragraph shall include all contracts entered into by the Pennsylvania Statewide Radio Network after June 30, 1996.

* * *

Section 506-A. Criminal charges.

Notwithstanding any other provision of law, the State Inspector General shall have the power to investigate and may file criminal charges for a violation of any of the following:

(1) Section 481 of the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code.

(2) Section 1408 of the Human Services Code.

[(3) 18 Pa.C.S. § 7313 (relating to buying or exchanging Federal food order coupons, stamps, authorization cards or access devices).]

(4) 18 Pa.C.S. § 7314 (relating to fraudulent traffic in food orders).]

(3) The following provisions of 18 Pa.C.S. (relating to crimes and offenses) which are substantially related to the administration of benefits by the Department of Human Services:

(i) Section 3921 (relating to theft by unlawful taking or disposition).

(ii) Section 3922 (relating to theft by deception).

(iii) Section 4101 (relating to forgery).

(iv) Section 4104 (relating to tampering with records or identification).

(v) Section 4106 (relating to access device fraud).

(vi) Section 4107 (relating to deceptive or fraudulent business practices).

(vii) Section 4120 (relating to identity theft).

(viii) Section 4914 (relating to false identification to law enforcement authorities).

(ix) Section 7313 (relating to buying or exchanging Federal Supplemental Nutrition Assistance Program (SNAP) benefit coupons, stamps, authorization cards or access devices.)

(x) Section 7314 (relating to fraudulent traffic in Supplemental Nutrition Assistance Program (SNAP) benefits).

Section 613. Submission of Budget to General Assembly.--(a) As soon as possible after the organization of the General Assembly, but not later than the first full week in February of each year, except in the case where a Governor has been elected for his first term of office and then no later than the first full week in March, the Governor shall submit to the General Assembly copies of original agency budget requests and all subsequent revised agency budget requests and a State budget and program and financial plan embracing:

1 (1) A balanced operating budget for the ensuing fiscal year
2 setting forth in detail:

3 (i) The amounts recommended by him to be appropriated to the
4 General Assembly, the Judicial Department, the Governor, and the
5 several administrative departments, boards, and commissions of
6 the State Government, and to institutions within the State, and
7 for all public purposes, classified by department or agency and
8 by program.

9 (ii) The estimated revenues or receipts from any and all
10 sources, and an estimated amount to be raised by taxation or
11 otherwise, including proposals for new revenues and receipts.

12 (2) A capital budget for the ensuing fiscal year setting
13 forth capital projects to be financed from the proceeds of
14 obligations of the Commonwealth or of its agencies or
15 authorities or from operating funds.

16 (3) A program and financial plan for not less than the prior
17 fiscal year, the current fiscal year, this budget year and the
18 four succeeding fiscal years, which plan shall include for each
19 such fiscal year:

20 (i) Actual or estimated operating expenditures classified by
21 department or agency and by program, in reasonable detail, and
22 actual or estimated revenue by major categories from existing
23 and additional sources.

24 (ii) Clearly stated purposes of each program in terms of
25 desired accomplishments.

26 (iii) Measures used to determine to what extent such program
27 has achieved its stated purposes.

28 (iv) Actual or estimated levels of accomplishment for each
29 program and actual or estimated levels of program activities and
30 their associated costs.

31 (v) Clearly stated purposes for each recommended new or
32 revised program, measures to be used to determine whether each
33 new or revised program has achieved its purpose, estimated
34 levels of additional or new accomplishment of each new or
35 revised program, estimated levels of additional activities for
36 each such program, and their associated costs.

37 (vi) When the Secretary of the Budget identifies a new or
38 expanded program by criteria used in the budget instructions,
39 the new or expanded program shall be displayed and justified as
40 a separate item in the Governor's budget request. A new program
41 shall not be considered to be enacted by the General Assembly in
42 its first year unless it is specifically referred to or
43 displayed as a line item in an appropriation bill.

44 (4) The budget shall list as a single, separate line item
45 for each administrative department, board, and commission the
46 amount which the Governor recommends to be appropriated for the
47 ensuing fiscal year for public relations. For the purposes of
48 this clause, "public relations" shall include the preparation,
49 presentation and distribution of advertising, publications,
50 radio tapes, television films and tapes, and media releases. The
51 separate line item shall include all compensation, including

1 fringe benefits; all travel, meal, lodging, and similar
2 expenses; the cost of purchasing new equipment and supplies; the
3 cost of leasing offices and equipment; the cost of purchasing
4 material, including newspapers, magazines, movies, films and
5 tapes; the cost of using wire service equipment; and all other
6 similar public relations expenditures.

7 (5) For a request for an additional appropriation from State
8 funds for a fiscal year prior to the fiscal year which is the
9 subject of the submission under this subsection, a written
10 statement detailing the amounts requested and the need for the
11 additional appropriation.

12 (b) For a request for an additional appropriation from State
13 funds made after the submissions under subsection (a) by the
14 Governor to the General Assembly for a fiscal year prior to the
15 next succeeding fiscal year, the request shall include a written
16 statement detailing the amounts requested and the need for the
17 additional appropriation.

18 (c) Written statements under subsections (a) (5) and (b)
19 shall be submitted to the Chairman and Minority Chairman of the
20 Appropriations Committee of the Senate and the Chairman and
21 Minority Chairman of the Appropriations Committee of the House
22 of Representatives no later than October 31 and May 31 of each
23 year.

24 Section 5. Section 618-A of the act is amended by adding a
25 paragraph to read:

26 Section 618-A. Department of State.--The Department of State
27 is authorized to charge fees for the following purposes and in
28 the following amounts:

29 * * *

30 (3) State Board of Vehicle Manufacturers, Dealers and
31 Salespersons.--In addition to the limitations under section
32 327(c) of the act of December 22, 1983 (P.L.306, No.84), known
33 as the "Board of Vehicles Act," the maximum documentary fee
34 limitation imposed under section 327(c) as adjusted under
35 section 327(d) shall include an additional amount equal to the
36 product of section 327(c) (1) or section 327(c) (2) multiplied by
37 a factor of 1.7 to establish a maximum documentary fee that
38 equals all costs associated with the requirements under section
39 327.

40 Section 6. Section 605-B(e) of the act is amended and the
41 section is amended by adding subsections to read:
42 Section 605-B. Revenue estimates.

43 (a.1) Initial revenue estimate.--By May 20 of each year, the
44 office shall submit to the General Assembly an initial revenue
45 estimate for the next fiscal year.

46 (b.1) Official revenue estimate.--The following apply:

47 (1) By June 20 of each year, the office shall submit an
48 official revenue estimate for the next fiscal year.

49 (2) A revenue estimate submitted under this section
50 shall be considered by the Governor and the General Assembly
51 as the amount of revenue which may be considered for the

1 general appropriation act for the ensuing fiscal year unless
2 the Governor or the General Assembly determines that revenues
3 are greater than or less than the estimate provided under
4 this section. The office may amend the revenue estimate under
5 this section if changes in law affecting revenues and
6 receipts are enacted or proposed to be enacted with the
7 annual State budget or unless significant changes in economic
8 assumptions occur prior to June 30. The office shall submit
9 the amended revenue estimate to the General Assembly within
10 10 days of the change.

11 (3) The office shall publish the methodology used to
12 develop revenue estimates.

13 * * *

14 (d.1) Required information.--

15 (1) A revenue estimate submitted by the office under
16 subsection (b) shall include:

17 (i) Projected revenue collections by specific tax or
18 revenue source, including Federal funds, the General
19 Fund, the State Lottery Fund and the Motor License Fund.

20 (ii) All data, assumptions and econometric models
21 used to develop a revenue estimate.

22 (iii) Any projected revenue surplus or deficit for
23 the current fiscal year.

24 (2) A revenue estimate shall be based on existing law
25 and tax policy and existing or emerging State or national
26 economic trends.

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

38 * * *

39 Section 7. The act is amended by adding an article to read:

40 ARTICLE XV-B

41 JOINT UNDERWRITING ASSOCIATION ACCOUNTABILITY

42 Section 1501-B. Definitions.

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

46 "Joint underwriting association." The Pennsylvania
47 Professional Liability Joint Underwriting Association
48 established under section 731 of the act of March 20, 2002
49 (P.L.154, No.13), known as the Medical Care Availability and
50 Reduction of Error (Mcare) Act.

51 Section 1502-B. Appropriations.

1 Notwithstanding any provision of law to the contrary, the
2 operations of the joint underwriting association shall be funded
3 through appropriations determined by the General Assembly.

4 Section 1503-B. Reports and hearings.

5 (a) Budget estimates.--The joint underwriting association
6 shall submit written estimates to the Secretary of the Budget as
7 required of administrative departments, boards and commissions
8 under section 615. Estimates shall be submitted from time to
9 time as requested by the Governor, but in no event less than
10 once every fiscal year.

11 (b) Testimony.--The following shall apply:

12 (1) Within 30 days after the submission of an estimate
13 under subsection (a), an agent of the joint underwriting
14 association shall appear at a public hearing of the Banking
15 and Insurance Committee of the Senate and the Insurance
16 Committee of the House of Representatives to testify about
17 the estimate.

18 (2) The joint underwriting association shall annually
19 appear before the Appropriations Committee of the Senate and
20 the Appropriations Committee of the House of Representatives
21 to testify as to the fiscal status of the joint underwriting
22 association and to make requests for appropriations.

23 Section 1504-B. Board meetings.

24 The board of directors of the joint underwriting association
25 shall hold quarterly public meetings, subject to the
26 requirements of 65 Pa.C.S. Ch. 7 (relating to open meetings), to
27 discuss the actuarial and fiscal status of the joint
28 underwriting association.

29 Section 1505-B. Construction.

30 The joint underwriting association shall be considered a
31 Commonwealth agency for purposes of:

32 (1) the act of October 15, 1980 (P.L.950, No.164), known
33 as the Commonwealth Attorneys Act;

34 (2) the act of February 14, 2008 (P.L.6, No.3), known as
35 the Right-to-Know Law;

36 (3) the act of June 30, 2011 (P.L.81, No.18), known as
37 the Pennsylvania Web Accountability and Transparency
38 (PennWATCH) Act; and

39 (4) 62 Pa.C.S. Pt. I (relating to Commonwealth
40 Procurement Code).

41 Section 1506-B. Requirements.

42 The joint underwriting association shall:

43 (1) transmit to the Auditor General, the State
44 Treasurer, the Secretary of the Budget and the Legislative
45 Data Processing Center a list of all employees of the joint
46 underwriting association required under section 614;

47 (2) conduct the association's operations in facilities
48 owned by the Commonwealth; and

49 (3) coordinate with the Department of Revenue to ensure
50 that any employee of the joint underwriting association with
51 access to Federal tax information has met all of the

1 requirements of the Department of Revenue to gain access to
2 that information.

3 Section 8. The act is amended by adding a section to read:

4 Section 2219. Bureau of Occupational and Industrial
5 Safety.--(a) Money collected by the Department of Labor and
6 Industry under section 613-A(a) for the 2019-2020 fiscal year
7 and each fiscal year thereafter shall be distributed as follows:

8 (1) the amount of \$10,000,000 shall augment an appropriation
9 made to the Bureau of Occupational and Industrial Safety in a
10 general appropriations act; and

11 (2) any amount in excess of the amount under paragraph (1)
12 shall be deposited in the General Fund.

13 Section 9. The act is amended by adding an article to read:

14 ARTICLE XXVIII-F

15 LEGISLATIVE AGENCIES

16 (a) Pennsylvania Commission on Sentencing
17 Section 2801-F. Definitions.

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

21 "Board." The Pennsylvania Board of Probation and Parole.

22 "Commission." The Pennsylvania Commission on Sentencing
23 continued in section 2802-F.

24 "Department." The Department of Corrections of the
25 Commonwealth.

26 Section 2802-F. Commission.

27 (a) Continuation.--The commission is continued as an agency
28 of the General Assembly and shall consist of 11 individuals
29 selected as provided under this subarticle.

30 (b) Seal.--The commission shall have a seal engraved with the
31 commission's name and such other inscription as may be specified
32 by regulation of the commission.

33 Section 2803-F. Composition of commission.

34 (a) Members.--The Pennsylvania Commission on Sentencing shall
35 consist of the following:

36 (1) One individual selected by the Speaker of the House
37 of Representatives, who shall be a district attorney.

38 (2) One individual selected by the President pro tempore
39 of the Senate, who shall be a defense attorney.

40 (3) Two judges of courts of record selected by the Chief
41 Justice of Pennsylvania.

42 (3.1) Two judges of courts of record, one of whom shall
43 be selected by the President Judge of the Commonwealth Court
44 and one of whom shall be selected by the President Judge of
45 the Superior Court.

46 (4) One individual selected by the Chief Justice of
47 Pennsylvania, who shall be a professor of law knowledgeable
48 in criminal sentencing.

49 (5) One individual, who may be a member of the House of
50 Representatives, selected by the Majority Leader of the House
51 of Representatives.

1 (6) One individual, who may be a member of the House of
2 Representatives, selected by the Minority Leader of the House
3 of Representatives.

4 (7) One member of the Senate selected by the President
5 pro tempore of the Senate.

6 (8) One member of the Senate selected by the Minority
7 Leader of the Senate.

8 (b) Ex officio members.--The Secretary of Corrections and the
9 chairman of the board, during their tenure in their respective
10 positions, shall serve as ex officio nonvoting members of the
11 commission.

12 (c) Terms of office.--The members of the commission shall
13 serve for terms of two years and until a successor has been
14 selected and qualified. A vacancy on the commission shall be
15 filled for the balance of the term.

16 (d) Chairman and executive director.--The commission shall
17 select a chairman from its members and an executive director.
18 The chairman shall:

19 (1) Preside at meetings of the commission.

20 (2) Direct the preparation of requests for appropriations
21 for the commission and the use of funds made available to the
22 commission.

23 (e) Meetings and quorum.--

24 (1) The commission shall meet at least four times a year
25 and not less than semiannually to establish the commission's
26 general policies and rules.

27 (2) The commission shall be deemed an "agency" within the
28 meaning of and shall be subject to the provisions of 65
29 Pa.C.S. Ch. 7 (relating to open meetings).

30 (3) Seven commissioners shall constitute a quorum for the
31 purpose of adopting proposed initial and subsequent
32 guidelines. A majority of commissioners shall constitute a
33 quorum for all other purposes.

34 (4) Minutes of meetings shall be kept by the executive
35 director and filed at the executive office of the commission.

36 (f) Records of action.--Except as otherwise provided by law,
37 the commission shall maintain and make available for public
38 inspection a record of the final vote of each member on any
39 action taken by the commission.

40 (g) Expenses.--Each commissioner shall be entitled to
41 reimbursement for each commissioner's accountable expenses
42 incurred while engaged in the business of the commission.

43 (h) Competency to testify.--In a judicial, administrative or
44 similar proceeding, a commissioner or commission staff shall not
45 be competent to testify and may not be required to produce
46 records or other discovery as to any statement, conduct,
47 decision or deliberation occurring during the course of official
48 business, to the same extent as a legislator or legislative
49 staff of this Commonwealth acting in a legislative capacity.
50 Section 2804-F. Powers and duties of commission.

51 (a) Powers and duties.--The commission, in accordance with

1 the rules and regulations of the commission, shall have the
2 power to:

3 (1) Establish general policies and promulgate such rules
4 and regulations for the commission as are necessary to
5 administer this subarticle, 42 Pa.C.S. Ch. 21, Subch. F
6 (relating to Pennsylvania Commission on Sentencing) and 42
7 Pa.C.S. Ch. 97 (relating to sentencing).

8 (2) Utilize, with the commission's consent, the services,
9 equipment, personnel, information and facilities of Federal,
10 State, local and private agencies and instrumentalities with
11 or without reimbursement.

12 (3) Enter into and perform such contracts, leases,
13 cooperative agreements and other transactions as may be
14 necessary in the conduct of the functions of the commission,
15 with any public agency or with any person, firm, association,
16 corporation, educational institution or nonprofit
17 organization.

18 (4) Request such information, data and reports from any
19 officer or agency of the Commonwealth as the commission may
20 from time to time require and as may be produced consistent
21 with any other Federal or State law.

22 (5) Arrange with the head of any government unit for the
23 performance by the government unit of any function of the
24 commission, with or without reimbursement.

25 (6) Issue invitations requesting the attendance and
26 testimony of witnesses and the production of any evidence that
27 relates directly to a matter with respect to which the
28 commission or any member thereof is empowered to make a
29 determination under this subchapter.

30 (7) Establish a research and development program within
31 the commission for the purpose of:

32 (i) Serving as a clearinghouse and information center
33 for the collection, preparation and dissemination of
34 information on Commonwealth sentencing, resentencing and
35 parole practices.

36 (ii) Assisting and serving in a consulting capacity to
37 the board, State courts, departments and agencies in the
38 development, maintenance and coordination of sound
39 sentencing, resentencing and parole practices.

40 (8) Collect systematically the data obtained from
41 studies, research and the empirical experience of public and
42 private agencies concerning the sentencing processes.

43 (9) Publish data concerning the sentencing and parole
44 processes.

45 (10) Collect systematically and disseminate information
46 concerning parole dispositions and sentences actually imposed,
47 including initial sentences and any subsequent modification of
48 sentences or resentences following revocation or remand, and
49 parole and reparole decisions by the board and any other
50 paroling authority.

51 (11) Collect systematically and disseminate information

1 regarding effectiveness of parole dispositions and sentences
2 imposed.

3 (12) Make recommendations to the General Assembly
4 concerning modification or enactment of sentencing, parole and
5 correctional statutes which the commission finds to be
6 necessary and advisable to carry out an effective, humane and
7 rational sentencing, resentencing and parole policy.

8 (13) Establish a plan and timetable to collect and
9 disseminate information relating to incapacitation,
10 recidivism, deterrence and overall effectiveness of sentences
11 and parole dispositions imposed.

12 (14) Establish a program to systematically monitor
13 compliance with the guidelines, with the risk assessment
14 instrument, with recommitment ranges and with mandatory
15 sentencing laws to document eligibility for and releases in
16 accordance with a county reentry plan, to document eligibility
17 for and imposition of recidivism risk reduction incentive
18 minimum sentences and to document all parole and reparole
19 decisions by the board and any other paroling authority by:

20 (i) Promulgating forms which document the application
21 of sentencing, resentencing and parole guidelines,
22 mandatory sentencing laws, risk assessment instrument,
23 releases in accordance with a county reentry plan,
24 recommitment ranges and recidivism risk reduction
25 incentive minimum sentences and collecting information on
26 all parole and reparole decisions by the board and any
27 other paroling authority.

28 (ii) Requiring the timely completion and electronic
29 submission of such forms to the commission.

30 (15) Prior to adoption of changes to guidelines for
31 sentencing, resentencing and parole, risk assessment
32 instrument and recommitment ranges following revocation, use a
33 correctional population simulation model to determine:

34 (i) Resources that are required under current
35 guidelines, risk assessment instrument and ranges.

36 (ii) Resources that would be required to carry out any
37 proposed changes to the guidelines, risk assessment
38 instrument and ranges.

39 (b) Annual reports.--The commission shall report annually to
40 the General Assembly, the Administrative Office of Pennsylvania
41 Courts and the Governor on the activities of the commission.

42 (c) Additional powers and duties.--The commission shall have
43 such other powers and duties and shall perform such other
44 functions as may be necessary to carry out the purposes of this
45 subarticle or as may be provided under any other provision of
46 State law and may delegate to any commissioner or designated
47 person such powers as may be appropriate other than the power to
48 establish general policies, guidelines, rules and factors under
49 subsection (a) (1).

50 (b) (Reserved)

51 Section 10. The following apply:

1 (1) Not later than one year after the effective date of
2 this section, the State Inspector General shall submit a
3 report on the implementation of the amendment to section 503-
4 A(c)(1) of the act, including any finding relating to the
5 Pennsylvania Statewide Radio Network, to the General
6 Assembly.

7 (2) The terms of the members of the Pennsylvania
8 Commission on Sentencing who are members on the effective
9 date of this section shall expire on October 1, 2019, or
10 immediately, whichever is later.

11 Section 11. Repeals are as follows:

12 (1) The General Assembly declares that the repeal under
13 paragraph (2) is necessary to effectuate the amendment or
14 addition of section 605-B(a.1), (b.1), (d.1) and (e).

15 (2) Section 1704-E of the act of April 9, 1929 (P.L.343,
16 No.176), known as The Fiscal Code, is repealed.

17 (3) The General Assembly declares that the repeal under
18 paragraph (4) is necessary to effectuate the addition of
19 section 2219 of the act.

20 (4) Section 1727-E(b) of the act of April 9, 1929
21 (P.L.343, No.176), known as The Fiscal Code, is repealed.

22 (5) The General Assembly declares that the repeal under
23 paragraph (6) is necessary to effectuate the addition of
24 sections 2802-F, 2803-F and 2804-F of the act.

25 (6) The provisions of 42 Pa.C.S. §§ 2151.2, 2152 and
26 2153 are repealed.

27 Section 12. The addition of sections 2802-F, 2803-F and
28 2804-F of the act are a continuation of 42 Pa.C.S. §§ 2151.2,
29 2152 and 2153. The following apply:

30 (1) Except as otherwise provided in sections 2802-F,
31 2803-F and 2804-F of the act, all activities initiated under
32 42 Pa.C.S. §§ 2151.2, 2152 and 2153 shall continue and remain
33 in full force and effect and may be completed under sections
34 2802-F, 2803-F and 2804-F of the act. Orders, regulations,
35 rules and decisions which were made under 42 Pa.C.S. §§
36 2151.2, 2152 and 2153 and which are in effect on the
37 effective date of this act shall remain in full force and
38 effect until revoked, vacated or modified under sections
39 2802-F, 2803-F and 2804-F of the act. Contracts, obligations
40 and collective bargaining agreements entered into under 42
41 Pa.C.S. §§ 2151.2, 2152 and 2153 are not affected nor
42 impaired by the repeal of 42 Pa.C.S. §§ 2151.2, 2152 and
43 2153.

44 (2) Except as set forth in paragraph (3), any difference
45 in language between sections 2802-F, 2803-F and 2804-F of the
46 act and 42 Pa.C.S. §§ 2151.2, 2152 and 2153 is not intended
47 to change or affect the legislative intent, judicial
48 construction or administration and implementation of 42
49 Pa.C.S. §§ 2151.2, 2152 and 2153.

50 (3) Paragraph (2) does not apply to the addition of
51 section 2803-F(a), (b) and (h) of the act.

1 Section 13. This act shall take effect as follows:

2 (1) The following provisions of this act shall take
3 effect immediately:

4 (i) This section.

5 (ii) The addition of sections 311 and 605-B(a.1),
6 (b.1), (d.1) and (e), Article XV-B and section 2219 of
7 the act.

8 (iii) Section 10(2) of this act.

9 (iv) Except as provided in paragraph (2)(ii),
10 section 11 of this act.

11 (2) The following provisions of this act shall take
12 effect October 1, 2019, or immediately, whichever is later:

13 (i) The addition of Article XXVIII-F of the act.

14 (ii) Sections 11(5) and (6) and 12.

15 (3) The addition of section 618-A(3) shall take effect
16 January 1, 2020.

17 (4) The remainder of this act shall take effect in 60
18 days.