

## No. 2019-15

## AN ACT

HB 1461

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,"

in administrative organization,

repealing provisions relating to employees with access to Federal tax information and providing for criminal history background checks of employees and contractors with access to Federal tax information;

in organization of independent administrative boards and commissions,

providing for Center for Rural Pennsylvania;

in Office of State Inspector General,

further providing for powers, purpose and duties and for criminal charges;

in Commonwealth budget procedures,

further providing for submission of budget to General Assembly;

in Commonwealth agency fees,

further providing for Department of State;

in Independent Fiscal Office,

further providing for revenue estimates;

providing for Joint Underwriting Association accountability;

in powers and duties of the Department of Labor and Industry, its departmental administrative and advisory boards and departmental administrative officers,

providing for Bureau of Occupational and Industrial Safety;

providing for legislative agencies and the continuation of Pennsylvania Commission on Sentencing; and

making editorial changes and related repeals.

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

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

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

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

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

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

(5) Section 11 of Article III of the Constitution of Pennsylvania requires the adoption of a general appropriation act that embraces "nothing but appropriations." While actual items of appropriation can be contained in a General Appropriations Act, the achievement and implementation of a comprehensive budget involves administrative action related to appropriations. Ultimately, the budget has to be balanced under section 13 of Article VIII of the Constitution of Pennsylvania. This may necessitate administrative changes and the enactment of statutes to achieve full compliance with these constitutional provisions.

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

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

(8) Every provision of this act relates to the administrative implementation of the operating budget of the Commonwealth for this fiscal year, addressing in various ways the administrative operations and potential liabilities of the Commonwealth. To that end, this act is intended to implement the 2019-2020 Commonwealth budget without specifically appropriating public money from the General Fund. This act provides administrative accountability for spending and makes other changes necessary to impact the availability of revenue in order to meet the requirements of section 13 of Article VIII of the Constitution of Pennsylvania and to implement the act of June 28, 2019 (P.L.839, No.1A), known as the General Appropriation Act of 2019.

Section 2. Section 225 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, is repealed:

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

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

(2) A report of criminal history record information from the Pennsylvania State Police as provided under 18 Pa.C.S. Ch. 91 (relating to criminal history record information) or a statement from the Pennsylvania State Police 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).

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

(b) For the purpose of complying with subsection (a)(1), an employe or prospective employe shall provide fingerprints to the Pennsylvania State Police, its agent or an agent approved for fingerprinting by the Federal Government. The fingerprints may be used by the Pennsylvania State Police to conduct a criminal background check and shall be forwarded to the Federal Bureau of Investigation for a national criminal background check.

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

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

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

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

(e) A Commonwealth agency receiving Federal tax information that transfers the Federal tax information to any other entity except as it involves a Federal or State court or the Board of Finance and Revenue

as part of a legal proceeding before the same may audit that entity to determine compliance with this section.

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

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

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

- (1) The Internal Revenue Service.
- (2) The Social Security Administration.
- (3) Under section 6103 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 6103).
- (4) By exchange agreement approved by the Internal Revenue Service.
- (5) Any other secondary source.

**"Federal tax information."** Includes any "return" or "return 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 Employes 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 confidential and shall be excluded from any requirement of public disclosure as a public record.*

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

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

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

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

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

*(1) The Internal Revenue Service.*

*(2) The Social Security Administration.*

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

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

*(5) Any other secondary source.*

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

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

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

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

Section 503-A. Powers, purpose and duties.

\* \* \*

(c) Duties.—The State Inspector General shall:

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

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

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

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

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

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

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

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

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

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

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

(4) The budget shall list as a single, separate line item for each administrative department, board, and commission the amount which the Governor recommends to be appropriated for the ensuing fiscal year for public relations. For the purposes of this clause, "public relations" shall include the preparation, presentation and distribution of advertising, publications, radio tapes, television films and tapes, and media releases. The separate line item shall include all compensation, including fringe benefits; all travel, meal, lodging, and similar expenses; the cost of purchasing new equipment and supplies; the cost of leasing offices and equipment; the cost of purchasing material, including newspapers, magazines, movies, films and tapes; the cost of using wire service equipment; and all other similar public relations expenditures.

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

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

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

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

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

\* \* \*

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

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

Section 605-B. Revenue estimates.

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

***(b.1) Official revenue estimate.—The following apply:***

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



*(2) A revenue estimate submitted under this section shall be considered by the Governor and the General Assembly as the amount of revenue which may be considered for the general appropriation act for the ensuing fiscal year unless the Governor or the General Assembly determines that revenues are greater than or less than the estimate provided under this section. The office may amend the revenue estimate under this section if changes in law affecting revenues and receipts are enacted or proposed to be enacted with the annual State budget or unless significant changes in economic assumptions occur prior to June 30. The office shall submit the amended revenue estimate to the General Assembly within 10 days of the change.*

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

**\* \* \***

*(d.1) Required information.—*

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

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

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

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

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

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

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

**ARTICLE XV-B  
JOINT UNDERWRITING ASSOCIATION ACCOUNTABILITY**

**Section 1501-B. 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:*

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

**Section 1502-B. Appropriations.**

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

**Section 1503-B. Reports and hearings.**

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

*(b) Testimony.—The following shall apply:*

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

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

**Section 1504-B. Board meetings.**

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

**Section 1505-B. Construction.**

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

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

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

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

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

**Section 1506-B. Requirements.**

*The joint underwriting association shall:*

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

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

*(3) coordinate with the Department of Revenue to ensure that any employee of the joint underwriting association with access to Federal tax information has met all of the requirements of the Department of Revenue to gain access to that information.*

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

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

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

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

**(b) (Reserved).**

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

**ARTICLE XXVIII-F  
LEGISLATIVE AGENCIES**

**(a) Pennsylvania Commission on Sentencing**

**Section 2801-F. 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:**

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

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

**"Department." The Department of Corrections of the Commonwealth.**

**Section 2802-F. Commission.**

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

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

**Section 2803-F. Composition of commission.**

**(a) Members.—The Pennsylvania Commission on Sentencing shall consist of the following:**

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

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

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

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

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

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

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

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

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

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

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

(d) *Chairman and executive director.—The commission shall select a chairman from its members and an executive director. The chairman shall:*

(1) *Preside at meetings of the commission.*

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

(e) *Meetings and quorum.—*

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

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

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

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

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

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

(h) *Competency to testify.—In a judicial, administrative or similar proceeding, a commissioner or commission staff shall not be competent to testify and may not be required to produce records or other discovery as to any statement, conduct, decision or deliberation occurring during the course of official business, to the same extent as a legislator or legislative staff of this Commonwealth acting in a legislative capacity.*

*Section 2804-F. Powers and duties of commission.*

(a) *Powers and duties.—The commission, in accordance with the rules and regulations of the commission, shall have the power to:*

(1) *Establish general policies and promulgate such rules and regulations for the commission as are necessary to administer this*

*subarticle, 42 Pa.C.S. Ch. 21, Subch. F (relating to Pennsylvania Commission on Sentencing) and 42 Pa.C.S. Ch. 97 (relating to sentencing).*

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

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

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

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

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

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

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

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

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

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

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

*(11) Collect systematically and disseminate information regarding effectiveness of parole dispositions and sentences imposed.*

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

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

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

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

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

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

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

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

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

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

*(b) (Reserved)*

Section 10. The following apply:

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

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

Section 11. Repeals are as follows:

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

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

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

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

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

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

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

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

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

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

Section 13. This act shall take effect as follows:

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

(i) This section.

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

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

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

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

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

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

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

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

APPROVED—The 28th day of June, A.D. 2019

TOM WOLF