

No. 1996-58

AN ACT

SB 1353

To enhance community and economic development in this Commonwealth by restructuring certain administrative functions and entities; changing the name of the Department of Commerce to the Department of Community and Economic Development; transferring functions of the Department of Community Affairs into the Department of Community and Economic Development and other agencies; providing for a Deputy Secretary for Community Affairs and Development in the Department of Community and Economic Development; establishing the Center for Local Government Services and the Local Government Advisory Committee; establishing the Small Business Advocacy Council; conferring powers and duties on the Legislative Reference Bureau; and making repeals.

TABLE OF CONTENTS

Chapter 1. Preliminary Provisions

- Section 101. Short title.
- Section 102. Declaration of purpose.
- Section 103. Definitions.
- Section 104. Name change.

Chapter 3. Transfers of Functions

- Section 301. To Department of Community and Economic Development.
- Section 302. To Department of Community and Economic Development.
- Section 303. To Pennsylvania Emergency Management Agency.
- Section 304. To Department of Transportation.
- Section 305. Subjects of transfer.
- Section 306. Regulations.

Chapter 5. Local Government Advisory Committee

- Section 501. Committee established.
- Section 502. Powers and duties.
- Section 503. Committee membership.
- Section 504. Terms of members.
- Section 505. Quorum and meetings.
- Section 506. Compensation and expenses.

Chapter 7. Small Business Advocacy Council

- Section 701. Legislative intent.
- Section 702. Definitions.
- Section 703. Small Business Advocacy Council.
- Section 704. Regulatory review.

Chapter 9. Restructuring of Certain Administrative Entities

Section 901. Board of Property.

Section 902. Land Office.

Chapter 11. Restructuring of Certain Memberships and Participation

Section 1101. Appointment to board of directors of Pennsylvania Economic Development Financing Authority.

Section 1102. Appointment to board of The Pennsylvania Industrial Development Authority.

Section 1103. Membership on Pennsylvania Housing Finance Agency.

Section 1104. Membership on the Board of Property.

Section 1105. Membership on the State Transportation Advisory Committee.

Section 1106. Membership on the State Planning Board.

Section 1107. Membership on the Community Service Advisory Board.

Section 1108. Membership on the State Agricultural Land Preservation Board.

Section 1109. Membership on the Pennsylvania Infrastructure Investment Authority.

Section 1110. Membership on the Pennsylvania Minority Business Development Authority.

Chapter 21. Miscellaneous Provisions

Section 2101. Recodification of regulations.

Section 2102. Administrative expenses.

Section 2103. Repeals and references.

Section 2104. Implementation.

Section 2105. Performance audit.

Section 2106. Existing office supplies and materials.

Section 2107. Effective date.

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

**CHAPTER 1
PRELIMINARY PROVISIONS**

Section 101. Short title.

This act shall be known and may be cited as the Community and Economic Development Enhancement Act.

Section 102. Declaration of purpose.

It is the purpose of this act to more effectively address the problems of Pennsylvania's communities by recognizing that community development and economic development are inextricably linked, by expanding and providing for the more efficient delivery of local services, by effecting the maximum feasible coordination of community and economic development resources to

restore and maintain the vigor of our communities, by advancing the economic well-being of communities through the maximization of community and economic development resources, by promoting housing and community revitalization in conjunction with economic development activities, by providing greater opportunity for local jurisdictions to be fully represented in State government and by providing a one-stop agency to carry out the community and economic development programs which are of vital importance to all areas of this Commonwealth.

Section 103. Definitions.

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

“Administrative entities,” “entity” or “entities.” A general reference to one or more departments, divisions, boards, agencies, commissions or organizations involved in the performance of the executive or administrative work of the Commonwealth.

“Center.” The Center for Local Government Services.

“Committee.” The Local Government Advisory Committee.

“Department.” The Department of Community and Economic Development of the Commonwealth.

“Secretary.” The Secretary of Community and Economic Development of the Commonwealth.

“Subjects of transfer.” Powers, duties, personnel, appropriations, allocations, documents, files, records, contracts, agreements, equipment, materials, orders, rights and obligations utilized or accruing in connection with functions transferred from one entity to another under this act.

Section 104. Name change.

To reflect the enhancement and consolidation of community and economic development functions, the Department of Commerce shall hereafter be known as the Department of Community and Economic Development.

CHAPTER 3 TRANSFERS OF FUNCTIONS

Section 301. To Department of Community and Economic Development.

(a) Transfers.—The following functions of the Department of Community Affairs are transferred to the Department of Community and Economic Development:

(1) The provision of technical assistance to political subdivisions with regard to land use and zoning matters conducted pursuant to the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, and related laws.

(2) The promotion and facilitation of joint initiatives by political subdivisions.

(3) The provision, monitoring and coordination of municipal training designed to meet the comprehensive educational needs of local government.

(4) Administration of the act of July 12, 1972 (P.L.781, No.185), known as the Local Government Unit Debt Act.

(5) The approval required under section 634 and the receipt of reports of amounts of taxes collected under section 2501 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949.

(6) The HOME program under the act of December 18, 1992 (P.L.1376, No.172), known as the Pennsylvania Affordable Housing Act.

(7) The Community Development Block Grant Program under:

The act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921.

The act of October 11, 1984 (P.L.906, No.179), known as the Community Development Block Grant Entitlement Program for Nonurban Counties and Certain Other Municipalities.

(8) Enterprise zones under:

The act of July 2, 1984 (P.L.520, No.105), known as the Business Infrastructure Development Act.

The act of July 9, 1986 (P.L.1216, No.108), known as the Enterprise Zone Municipal Tax Exemption Reimbursement Act.

(9) Housing, community assistance and other functions under:

Section 404.2 of The Insurance Company Law of 1921.

Article XVI-B of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code.

The act of May 28, 1937 (P.L.955, No.265), known as the Housing Authorities Law.

The act of May 24, 1945 (P.L.991, No.385), known as the Urban Redevelopment Law.

The act of May 20, 1949 (P.L.1608, No.485), known as the State Planning Code.

The act of May 20, 1949 (P.L.1633, No.493), known as the Housing and Redevelopment Assistance Law.

The act of December 3, 1959 (P.L.1688, No.621), known as the Housing Finance Agency Law.

The act of January 26, 1968 (P.L.48, No.9), entitled "An act authorizing grants by the Commonwealth of Pennsylvania to duly constituted community action agencies providing conditions and making an appropriation."

The act of July 20, 1968 (P.L.456, No.214), known as the Community Development Research and Training Act.

The act of July 31, 1968 (P.L.736, No.232), known as the Manpower Employment Assistance and Training Act.

Article V-A of the Pennsylvania Municipalities Planning Code.

Article XIX-A of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

The Business Infrastructure Development Act.

The act of December 20, 1985 (P.L.483, No.113), known as the Tax-Exempt Bond Allocation Act.

The act of June 27, 1986 (P.L.267, No.70), known as the Pennsylvania Convention Center Authority Act.

The act of July 9, 1986 (P.L.1223, No.110), known as the Financially Disadvantaged Municipalities Matching Assistance Act.

The act of July 10, 1986 (P.L.1263, No.116), known as the Community Services Act.

The act of July 10, 1987 (P.L.246, No.47), known as the Municipalities Financial Recovery Act.

The act of July 11, 1990 (P.L.421, No.102), known as the Neighborhood Housing Services Act.

The act of December 19, 1990 (P.L.1358, No.210), known as the Local Government Capital Project Loan Fund Act.

The act of June 26, 1992 (P.L.325, No.65), known as the Rural Leadership Training Act.

The act of December 27, 1994 (P.L.1375, No.162), known as the Third Class County Convention Center Authority Act.

Section 305(a) of the act of May 19, 1995 (P.L.4, No.2), known as the Land Recycling and Environmental Remediation Standards Act.

66 Pa.C.S. § 3105 (relating to reports to Department of Community Affairs).

(10) The weatherization functions of the Department of Community Affairs under the act of July 10, 1986 (P.L.1398, No.122), known as the Energy Conservation and Assistance Act.

(11) The Downtown Pennsylvania Program.

(12) State planning assistance grants as the General Assembly may from time to time appropriate.

(13) Building energy conservation under the act of December 15, 1980 (P.L.1203, No.222), known as the Building Energy Conservation Act.

(14) Industrialized and mobile housing under:

The act of May 11, 1972 (P.L.286, No.70), known as the Industrialized Housing Act.

The act of November 17, 1982 (P.L.676, No.192), known as the Manufactured Housing Construction and Safety Standards Authorization Act.

(15) Floodplain management under the act of October 4, 1978 (P.L.851, No.166), known as the Flood Plain Management Act.

(16) All other powers and duties delegated to the Department of Community Affairs not otherwise expressly transferred elsewhere by this act and currently performed by the Department of Community Affairs under:

The Insurance Company Law of 1921.

The act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, as amended by the acts of February 1, 1966 (1965 P.L.1849, No.582) and December 18, 1968 (P.L.1232, No.390), and other such related laws.

The act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code.

Sections 235, 1003, 1701, 1701.1 and 1701a of the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code.

Sections 206, 904, 3202 and 3203¹ of the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code.

The act of June 24, 1937 (P.L.2017, No.396), known as the County Institution District Law.

The act of May 2, 1945 (P.L.382, No.164), known as the Municipality Authorities Act of 1945.

The act of May 25, 1945 (P.L.1050, No.394), known as the Local Tax Collection Law.

Section 2 of the act of May 2, 1949 (P.L.819, No.215), entitled, as amended, "An act requiring the secretary or clerk of every political subdivision to file in the Department of Community Affairs a copy of every tax-levying ordinance or resolution of such political subdivision."

Sections 2, 3, 4 and 5 of the act of May 2, 1949 (P.L.873, No.237), entitled, as amended, "An act requiring that the results of all local option referenda in political subdivisions be certified to the Department of Community Affairs by county boards of elections; and requiring secretaries of political subdivisions to make certain reports to said department and to the county commissioners of the county in which the political subdivision is located."

The act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code.

Sections 1720, 1721, 1781, 1782.1, 1782.3, 1783 and 1785 of the act of August 9, 1955 (P.L.323, No.130), known as The County Code.

The act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act.

The act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code.

The act of March 16, 1972 (P.L.108, No.39), known as the Environmental Improvement Compact.

The act of April 13, 1972 (P.L.184, No.62), known as the Home Rule Charter and Optional Plans Law.

The act of December 18, 1984 (P.L.1005, No.205), known as the Municipal Pension Plan Funding Standard and Recovery Act.

¹"240, 513, 547, 902 and 902.2" in enrolled bill.

42 Pa.C.S. § 2705(a) (relating to responsibility for reports to executive agencies).

45 Pa.C.S. § 722(b) (relating to deposit of documents required).

53 Pa.C.S. § 737 (relating to consolidation or merger agreement).

66 Pa.C.S. § 3105 (relating to reports to Department of Community Affairs).

All other acts or parts of acts, reorganization plans and executive orders that imposed powers and duties upon the Department of Community Affairs and the Secretary of Community Affairs.

(b) Functions to be consolidated.—The functions transferred to the department shall be consolidated within the department into a bureau, division, section or other organizational entity devoted to community and economic development. The Governor shall appoint a Deputy Secretary for Community Affairs and Development. The deputy secretary shall have the powers and perform the functions and duties transferred to the department in subsection (a) as well as other such functions and duties authorized by the Governor.

(c) Center for Local Government Services established.—A Center for Local Government Services shall be established and maintained in the department to serve as the link between the Commonwealth and local governments. The center shall be a provider of services to local governments, shall serve as the point of contact for local governments on issues and problems of local concern, shall be responsible for coordinating State program resources in response to local issues and problems and shall establish a systematic process for addressing local issues and problems involving the resources of more than a single agency. In carrying out its responsibilities, the center shall use and have access to the information, services, functions and other resources transferred under subsection (a). The center shall, when authorized by the Governor, use and have access to any other information, services, functions and other resources in the possession of executive agencies under the Governor's jurisdiction deemed necessary to the fulfillment of its responsibilities. The center shall provide to local governments, at no cost, information on purchase contracts for materials, supplies and equipment entered into by the Department of General Services in which local governments may participate pursuant to the provisions of section 2403(h) of The Administrative Code of 1929. The Deputy Secretary for Community Affairs and Development shall be responsible for the administration of the center and shall report in writing to the Governor and Lieutenant Governor on the activities of the center. The center shall have permanent staff both in its headquarters as well as in the regional offices of the Governor and shall additionally make a toll-free telephone number available to local governments to assist the center in accommodating requests for assistance. Funding for the center shall be provided by the department.

(d) Department staff.—The department shall maintain staff within the center and regional offices with expertise in matters relating to local governments and community development.

(e) Fees for services provided.—In order to maintain an affordable cost for local governments, any contract for services to local governments entered into by the department shall be evaluated annually. This evaluation shall serve in part to help ensure that fees reflect an average of costs historically charged to local governments for similar services.

(f) Priority of employment.—Positions created from establishment of the center shall be offered to personnel employed by the Department of Community Affairs with expertise in planning and organizing the effective provision of technical, consultive, training, information and financial assistance to local governments in this Commonwealth.

(g) Toll-free telephone report.—The Legislative Budget and Finance Committee shall review the activities relating to the toll-free telephone number program established by the Center for Local Government Services and issue a report to the General Assembly not later than one year from its initiation date.

Section 302. To Department of Community and Economic Development.

The functions of the Department of Community Affairs provided for in the following statutes, or selected portions of statutes, are transferred to the Department of Community and Economic Development:

The power to receive deeds or other legal instruments under section 1906-A(8) of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

The act of November 26, 1978 (P.L.1415, No.333), known as the Schuylkill Scenic River Act.

The act of March 24, 1980 (P.L.50, No.18), known as the Stony Creek Wild and Scenic River Act.

The act of April 5, 1982 (P.L.222, No.71), known as the Lehigh Scenic River Act.

The act of April 29, 1982 (P.L.351, No.97), known as the French Creek Scenic Rivers Act.

The act of December 17, 1982 (P.L.1402, No.324), known as the Lick Run Wild and Scenic River Act.

Section 303. To Pennsylvania Emergency Management Agency.

The following function of the Department of Community Affairs is transferred to the Pennsylvania Emergency Management Agency:

The 911 program under the act of July 9, 1990 (P.L.340, No.78), known as the Public Safety Emergency Telephone Act.

Section 304. To Department of Transportation.

The following function of the Department of Community Affairs is transferred to the Department of Transportation:

The establishment of the Pennsylvania Coordinate System under section 1210 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

Section 305. Subjects of transfer.

(a) General rule.—The subjects of transfer from the Department of Community Affairs under this chapter are transferred to the Department of Community and Economic Development, the Pennsylvania Historical and Museum Commission, the Pennsylvania Emergency Management Agency and the Department of Transportation, respectively, with the same force and effect as if those subjects of transfer had originally belonged to or had been incurred or entered into by those entities.

(b) Employees.—The transfers made under this chapter shall not affect the civil service status of affected employees of the Department of Community Affairs.

Section 306. Regulations.

(a) Authorization.—The Department of Community and Economic Development, the Department of Transportation, the Pennsylvania Historical and Museum Commission and the Pennsylvania Emergency Management Agency shall have the power and duty to promulgate regulations to administer the respective functions transferred to each under this chapter.

(b) Continuation.—The regulations of the Department of Community Affairs for the administration of the functions transferred under this chapter shall remain in effect until such time as new regulations are promulgated under subsection (a). However, the eligibility requirements for funding within any program subject to review under this section shall not be changed, amended or altered in any way.

CHAPTER 5

LOCAL GOVERNMENT ADVISORY COMMITTEE

Section 501. Committee established.

There is hereby established within the Office of the Governor a Local Government Advisory Committee. The committee shall have the same status as that granted to other advisory boards under the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

Section 502. Powers and duties.

The Local Government Advisory Committee shall serve as an advocate and representative of local government before both the Governor and the Center for Local Government Services in the Department of Community and Economic Development. It shall, among other things, make recommendations to the Governor and the center with regard to both the needs of local governments and the best manner in which the center can service those needs. The committee shall provide advice to the center with regard to the promulgation of forms and regulations in connection with performance of the functions transferred to the department under this act.

Section 503. Committee membership.

The Local Government Advisory Committee shall consist of the Lieutenant Governor, who shall be the chairperson thereof, and fourteen additional members. Five members of the committee shall be elected officials of local government appointed by the Governor, representing, one each, the Pennsylvania State Association of Boroughs, the Pennsylvania State Association of Township Supervisors, the County Commissioners Association of Pennsylvania, the Pennsylvania League of Cities and Municipalities and the Pennsylvania State Association of Township Commissioners. Each of these associations shall submit a list of three nominees to the Governor. The Governor shall select one member from each list within 30 days of the receipt of such list, or else may request one or more associations to submit, within 30 days, one substitute list. If an association fails to submit a substitute list as requested by the Governor, the Governor may appoint any member of that association at his or her discretion. Four members of the committee shall be appointed by the Governor, and shall be representative of persons or entities having an interest in the local affairs of the Commonwealth, who may include, but are not necessarily limited to, nonprofit organizations supporting local government and members of the general public. One member of the committee shall be a representative of the Pennsylvania Municipal Authorities Association, appointed by the Governor. The four remaining members shall be appointed, one each, by the President pro tempore of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives and the Minority Leader of the House of Representatives.

Section 504. Terms of members.

The terms of office for appointed committee members shall be two years and until their successors shall have been appointed and qualified, but no committee member shall serve more than six months beyond the expiration of his or her term unless reappointed. In no event shall a committee member serve more than two terms. Terms of office of members shall expire on the third Tuesday of January of each odd-numbered year. In the case of a vacancy in a position filled by appointment of the Governor, the Governor shall make an appointment for the unexpired portion of the term. In the case of a vacancy in a position filled by appointment of a legislative leader, that legislative leader shall make an appointment for the unexpired portion of the term.

Section 505. Quorum and meetings.

The Local Government Advisory Committee shall meet at least twice per year, as well as at the call of the Governor or Lieutenant Governor. A majority of the members of the committee shall constitute a quorum.

Section 506. Compensation and expenses.

(a) Compensation.—The members of the committee shall serve without compensation. However, members other than the Lieutenant Governor shall

be entitled to receive traveling and other reasonable expenses incurred in the discharge of their official duties.

(b) Expenses.—The expenses of the committee, provided for in this section, shall be borne by the Executive Office of the Governor.

CHAPTER 7 SMALL BUSINESS ADVOCACY COUNCIL

Section 701. Legislative intent.

The General Assembly finds and declares as follows:

(1) There are in excess of 250,000 small businesses throughout this Commonwealth which are potentially affected by the laws, regulations, policies and programs put forth by the Commonwealth.

(2) The intent of this chapter is to ensure that the impact on small business of certain Commonwealth policies and programs, laws and regulations receive due consideration and to ensure that the small business community and its experts have the opportunity to provide comment to the Department of Community and Economic Development regarding these matters.

Section 702. Definitions.

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

“Council.” The Small Business Advocacy Council established under this chapter.

“Small business.” A person, sole proprietorship, partnership, corporation, association or other business entity which employs fewer than 25 employees.

Section 703. Small Business Advocacy Council.

(a) Establishment.—The Small Business Advocacy Council shall be established in order to assist with developing policies and regulations that might affect small business in this Commonwealth. The council shall also provide advice relating to the nature of small business practices and problems in this Commonwealth and provide a review of existing policies and regulations which are relevant to small business.

(b) Representative membership.—This council shall consist of 13 members. Members shall have a background in small business practices and problems. They shall represent present owners and operators of small businesses in this Commonwealth, members of the academic community who have expertise regarding small business practices and problems and professionals who specialize in representing businesses with 25 or fewer employees.

(c) Appointments.—Five of the council members shall be appointed by the Governor. Two members shall be appointed by each of the following:

- (1) The President pro tempore of the Senate.
- (2) The Minority Leader of the Senate.
- (3) The Speaker of the House of Representatives.

(4) The Minority Leader of the House of Representatives.

(d) Term.—Each member of this council shall serve for two years.

(e) Organization.—

(1) The council shall elect a chairperson by majority vote.

(2) The council may adopt bylaws or procedural guidelines it deems necessary to accomplish its purposes.

(3) Recommendations, positions and other actions of the council shall require approval by a majority of its members.

(f) Administrative assistance.—The department shall provide appropriate administrative and technical support needed by the council in order to accomplish its purposes. The department shall publish notices of meeting dates, times, locations and a list of topics to be discussed no less than 14 days before the meeting, in accordance with the notice requirements set forth in the act of July 3, 1986 (P.L.388, No.84), known as the Sunshine Act.

(g) Mailing list.—The department shall maintain a mailing list of persons who have requested specific notification of meetings and activities of the council. The department shall name a deputy secretary to attend council meetings and serve as the public's liaison to seek and obtain information relating to the council's work.

(h) Access to documents.—The council may request and shall be provided with any and all policies, procedures and drafts of proposed regulations, final regulations and policy papers of any department regulating or undertaking the regulation of small business in this Commonwealth which the council deems necessary to carry out its purpose.

(i) Expenses.—Members of the council shall be reimbursed for their travel, room and board expenses incurred when attending council meetings. Section 704. Regulatory review.

(a) Duty of a department to notify.—Not less than 120 days before beginning to develop policies or regulations which might affect small businesses of this Commonwealth, a department or agency shall notify the council and provide it with the opportunity to review the proposal and provide that department with advice.

(b) Conference.—Upon the council's request, representatives of a department shall meet with the council to confer on that department's regulatory proposals and policy initiatives which might affect small businesses of this Commonwealth.

(c) Written comments.—Written comments regarding the council's position on the proposed regulations shall be published in the Pennsylvania Bulletin. These comments shall contain an impact statement and any other information the committee deems important for the public to make an informed opinion on the proposals.

(d) Exceptions.—While a department is required to advise the council as soon as possible of promulgation of regulations, the requirements of subsections (a) and (b) shall not apply to the promulgation of the following regulations relating to small businesses:

- (1) Regulations required by court order to be adopted.
- (2) Regulations necessitated by a Federal or State declaration of emergency.
- (3) Interim regulations which are authorized by statute.

CHAPTER 9

RESTRUCTURING OF CERTAIN ADMINISTRATIVE ENTITIES

Section 901. Board of Property.

The Board of Property as provided for in section 202 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, is hereby placed and made a departmental administrative board in the Department of Community and Economic Development.

Section 902. Land Office.

The Land Office as provided for in section 1203 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, shall hereafter be an administrative entity located in the Pennsylvania Historical and Museum Commission.

CHAPTER 11

RESTRUCTURING OF CERTAIN MEMBERSHIPS AND PARTICIPATION

Section 1101. Appointment to board of directors of Pennsylvania Economic Development Financing Authority.

In place of the membership of the Secretary of Community Affairs on the board of directors of the Pennsylvania Economic Development Financing Authority under section 6.1(b)(4) of the act of August 23, 1967 (P.L.251, No.102), known as the Economic Development Financing Law, the Governor shall make an additional appointment under section 6.1(b)(1) of the Economic Development Financing Law.

Section 1102. Appointment to board of The Pennsylvania Industrial Development Authority.

In place of the membership of the Secretary of Community Affairs on the board of The Pennsylvania Industrial Development Authority under section 4 of the act of May 17, 1956 (1955 P.L.1609, No.537), known as the Pennsylvania Industrial Development Authority Act, the Governor shall make an additional appointment under section 4 of the Pennsylvania Industrial Development Authority Act.

Section 1103. Membership on Pennsylvania Housing Finance Agency.

(a) Secretary of Public Welfare.—In place of the membership of the Secretary of Community Affairs on the Pennsylvania Housing Finance Agency under section 202 of the act of December 3, 1959 (P.L.1688, No.621), known as the Housing Finance Agency Law, the Secretary of Public Welfare shall serve on that agency.

(b) Chairperson.—The Secretary of Community and Economic Development shall continue to be a member of the Pennsylvania Housing

Finance Agency, and on and after the effective date of this act, the Secretary of Banking shall serve as chairperson of that agency.

Section 1104. Membership on the Board of Property.

In place of the membership of the Secretary of Community Affairs on the Board of Property under section 406 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, the Secretary of Community and Economic Development shall serve on that board. The General Counsel shall be a member of the Board of Property in place of the Attorney General, and on and after the effective date of this act, the Secretary of the Commonwealth shall be the chairperson of the Board of Property.

Section 1105. Membership on the State Transportation Advisory Committee.

In place of the membership of the Secretary of Community Affairs on the State Transportation Advisory Committee under section 2001.4 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, the Governor shall make an additional appointment under section 2001.4.

Section 1106. Membership on the State Planning Board.

In place of the membership of the Secretary of Community Affairs as an ex officio member of the State Planning Board as provided in section 451(b) of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, the Governor shall make an additional appointment.

Section 1107. Membership on the Community Service Advisory Board.

In place of the membership of the Secretary of Community Affairs on the Community Service Advisory Board as provided in section 2207-B(b) of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, the Secretary of Community and Economic Development shall serve on that board.

Section 1108. Membership on the State Agricultural Land Preservation Board.

In place of the membership of the Secretary of Community Affairs on the State Agricultural Land Preservation Board under section 14.1 of the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law, the Governor shall make an additional appointment under section 14.1(a)(1)(ii) of the Agricultural Area Security Law.

Section 1109. Membership on the Pennsylvania Infrastructure Investment Authority.

In place of the membership of the Secretary of Community Affairs on the Pennsylvania Infrastructure Investment Authority under section 4 of the act of March 1, 1988 (P.L.82, No.16), known as the Pennsylvania Infrastructure Investment Authority Act, the Governor shall make an additional appointment.

Section 1110. Membership on the Pennsylvania Minority Business Development Authority.

In place of the membership of the Secretary of Community Affairs on the Pennsylvania Minority Business Development Authority under section 4 of the act of July 22, 1974 (P.L.598, No.206), known as the Pennsylvania

Minority Business Development Authority Act, the Governor shall make an additional appointment.

CHAPTER 21 MISCELLANEOUS PROVISIONS

Section 2101. Recodification of regulations.

The Legislative Reference Bureau has the power and duty to recodify regulations to effectuate the provisions of section 306.

Section 2102. Administrative expenses.

For each federally funded program administered by the department, the maximum amount of the actual allocation for administrative expenses provided by Federal law shall be used to support administrative activities to ensure that programs are effectively and adequately managed.

Section 2103. Repeals and references.

(a) Absolute repeal.—The act of December 16, 1992 (P.L.1209, No.156), known as the Heritage Affairs Act, is repealed.

(b) Inconsistent repeals.—All other acts and parts of acts are repealed insofar as they are inconsistent with this act.

(c) References.—

(1) In accordance with subsection (b), all references to the Department of Community Affairs, which shall cease to exist pursuant to this act, and to the Secretary of Community Affairs in affected acts and portions of acts shall now be deemed to refer to the Department of Community and Economic Development and Secretary of Community and Economic Development, respectively, unless otherwise provided by this act.

(2) All references to the Department of Commerce and the Secretary of Commerce in affected acts and portions of acts shall now be deemed to be references to the Department of Community and Economic Development and the Secretary of Community and Economic Development, respectively, unless otherwise provided by this act.

Section 2104. Implementation.

Implementation of the provisions of this act shall begin immediately and shall be fully completed on or before July 1, 1996.

Section 2105. Performance audit.

The House of Representatives shall direct the Legislative Budget and Finance Committee to conduct a performance audit every two years on the Department of Community and Economic Development. The final audit shall be concluded four years from the effective date of this act. The audit shall specifically include a comprehensive program evaluation of all community development programs administered by the department in conjunction with the provisions of this act. In addition, the audit shall evaluate the delivery costs of the local government service provided by the department.

Section 2106. Existing office supplies and materials.

The Department of Community and Economic Development shall continue to use or recycle all forms, stationery, business cards and other office

supplies or materials which contain references to its predecessor department until the existing supplies and materials are depleted.

Section 2107. Effective date.

This act shall take effect immediately.

APPROVED—The 27th day of June, A.D. 1996.

THOMAS J. RIDGE