

No. 1994-52

## AN ACT

HB 1780

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; 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," clarifying terms of office under the Pennsylvania Intergovernmental Cooperation Authority; providing for appropriations for the expenses of the Department of Banking and for the disbursement of funds from the Keystone Recreation, Park and Conservation Fund and for a review process for applications to the Department of Environmental Resources; imposing restrictions on the utilization of PennSERVE moneys for certain compensation; further providing for the space on tax forms for contributions to the United States Olympic Committee, Pennsylvania Division and for the powers and duties of the Department of Community Affairs; and making repeals.

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

Section 1. The act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, is amended by adding sections to read:

**Section 308. Terms of Office Under Pennsylvania Intergovernmental Cooperation Authority.**—*A member of the board of the Pennsylvania Intergovernmental Cooperation Authority shall serve at the pleasure of his or her appointing authority for a term extending not more than sixty (60) days beyond the current term of office of the appointing authorities from the House of Representatives or until his or her successor is appointed, whichever shall first occur. The Executive Director shall serve at the pleasure of the board for a term ending sixty (60) days beyond the current term of office of the appointing authorities from the House of Representatives or until his or her successor is retained pursuant to section 202(g) of the act of June 5, 1991 (P.L.9, No.6), known as the "Pennsylvania Intergovernmental Cooperation Authority Act for Cities of the First Class," whichever shall first occur. A person named to fill a vacancy occurring prior to the expiration of a term shall serve the unexpired term.*

**Section 1605. Appropriations for Expenses of Department of Banking; Receipts.**—(a) All moneys collected or received by the Department of Banking arising from fees, assessments, charges and penalties, from the sale by the Department of General Services of unserviceable property originally paid for out of the Banking Department Fund and from similar sources shall be deposited in the Banking Department Fund to be used by the Department of Banking to pay its expenses, including the following:

(1) Salaries of the secretary, the deputies, the examiners, the other employes of the Department of Banking and attorneys.

(2) Rental and other expenses for offices, rooms, garage space and other accommodations outside of the Capitol Buildings either in or outside of the capital city occupied by the Department of Banking.

(3) Premiums for workers' compensation insurance covering the officers and employes of the Department of Banking.

(4) Premiums for surety bonds for such officers or employes of the Department of Banking as may be required by law to furnish such bonds.

(5) Purchase and operating costs of motor vehicles required by the Department of Banking for full-time use, including premiums for liability insurance covering such motor vehicles and the Department of Banking officers and employes operating them; also the amount payable to the Department of General Services for the use of automobiles supplied by it for temporary use by the Department of Banking.

(6) Furniture, stationery, materials, supplies and all other overhead expenses of the Department of Banking.

All such purchases and leases shall be made and all such contracts of insurance and surety bonds shall be placed through the Department of General Services as agent.

(b) For the fiscal year beginning July 1, 1995, and each fiscal year thereafter, the General Assembly shall appropriate such funds as it determines to be necessary from the Banking Department Fund for use by the Department of Banking or other departments.

(c) Moneys in the Banking Department Fund appropriated to the Department of Banking shall be paid out upon warrant of the State Treasurer drawn after requested by the Secretary of Banking.

**Section 1931-A. Environmental Resources Review Procedures.**—

(a) Except as provided in subsection (b), the department shall perform in the manner provided by law or regulation an administrative completeness review of every permit application within twenty (20) days of the receipt of the permit application and notify the applicant on or before the expiration of the twenty-day time period that the permit application is either complete or incomplete. If the department determines that the permit application is incomplete, it shall notify the applicant which forms, items or information are necessary to make the permit application complete. Any permit application resubmitted to the department following a determination that a

*permit application is incomplete shall be subject to the same requirements for review and notification as the original permit application.*

*(b) This section shall not apply to any permit application under or relating to:*

*(1) Any statute which requires a longer period of time for an administrative completeness review.*

*(2) Hazardous waste governed under any of the following statutes: Hazardous and Solid Waste Amendments of 1984 (Public Law 98-3221, 98 Stat. 3221).*

*Act of January 8, 1960 (1959 P.L.2119, No.787), known as the Air Pollution Control Act.*

*Act of July 20, 1974 (P.L.572, No.198), known as the Pennsylvania Solid Waste - Resource Recovery Development Act.*

*Act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act.*

*Act of October 18, 1988 (P.L.756, No.108), known as the Hazardous Sites Cleanup Act.*

*(3) Municipal waste governed under any of the following statutes:*

*Act of June 22, 1937 (P.L.1987, No.394), known as The Clean Streams Law.*

*Act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act.*

*Act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act.*

*(4) Infectious and chemotherapeutic waste governed under any of the following statutes:*

*Act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act.*

*Act of July 13, 1988 (P.L.525, No.93), referred to as the Infectious and Chemotherapeutic Waste Law.*

*(5) Residual waste governed under any of the following statutes:*

*Act of June 22, 1937 (P.L.1987, No.394), known as The Clean Streams Law.*

*Act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act.*

*Act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act.*

*(6) Air quality under the following statutes:*

*Clean Air Act (Public Law 95-95, 42 U.S.C. § 7401 et seq.).*

*Act of January 8, 1960 (1959 P.L.2119, No.787), known as the Air Pollution Control Act.*

*(c) The department may exempt specific permit applications from the provisions of this section under procedures to be established by regulation of the department.*

*(d) Failure of the department to notify an applicant that a permit application is either complete or incomplete within the time period required by this section shall result in the administrative completeness review being deemed complete and the permit application being deemed complete.*

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

*“Administrative completeness review.” A review by the Department of Environmental Resources to determine whether all forms and information, including, without limitation, appropriate signatures, filing fees, notary seals and maps, necessary as a prerequisite under the applicable statute to enable the Department of Environmental Resources to determine whether the applicant or the conduct of the applicant is in compliance with the law.*

*“Department.” The Department of Environmental Resources of the Commonwealth.*

*“Permit application.” An application filed with the Department of Environmental Resources pursuant to law for a permit, including, without limitation, a permit modification, a permit amendment, an application for repermitting or a license.*

Section 2. Section 2203-B of the act is amended by adding a subsection to read:

Section 2203-B. Responsibilities of Office.—\* \* \*

*(e) The expenditure of money by PennSERVE for the compensation of participants, other than PennSERVE employes, in a community service program or in any other program established by a community-based agency or by the Commonwealth or a political subdivision is prohibited.*

Section 3. Section 2204-B(2)(iii) of the act is repealed.

Section 4. Section 2505 of the act, added July 1, 1990 (P.L.277, No.67), is amended to read:

Section 2505. Waiver of Realty Transfer Tax[.—]; *Allocation.—(a) The Department of Revenue may, in the case of a transfer of real property from the Commonwealth to a nonprofit organization where that organization will utilize the property for a drug or alcohol abuse rehabilitation program, waive the [collective] collection of the realty transfer tax imposed under Article XI-C of the act of March 4, 1971 (P.L.6, No.2), known as the “Tax Reform Code of 1971.”*

*(b) Notwithstanding the limitation contained in section 7 of the act of July 2, 1993 (P.L.359, No.50), known as the “Keystone Recreation, Park and Conservation Fund Act,” moneys in the Keystone Recreation, Park and Conservation Fund designated for the State System of Higher Education shall be made available quarterly during the fiscal year beginning July 1, 1994.*

Section 5. Section 2506 of the act, added December 18, 1992 (P.L.1638, No.180), is amended to read:

Section 2506. Space on Form for Contributions.—(a) The Department of Revenue shall provide a space on the face of the individual income tax return form whereby an individual may voluntarily designate a contribution of any amount desired to the United States Olympic Committee, Pennsylvania Division.

(b) The amount so designated by an individual on the income tax return form shall be deducted from the tax refund to which such individual is entitled and shall not constitute a charge against the income tax revenues due the Commonwealth.

(c) The Department of Revenue shall determine annually the total amount designated pursuant to this section, less reasonable administrative costs, and shall report such amount to the State Treasurer, who shall transfer such amount from the General Fund to the United States Olympic Committee, Pennsylvania Division.

**[(d) This section shall expire December 31, 1995.]**

Section 6. Section 2501-C of the act is amended by adding a subsection to read:

Section 2501-C. Powers and Duties in General.—The Department of Community Affairs shall have the power, and its duties shall be:

\* \* \*

*(n) To make direct grants or provide other forms of technical assistance to various public safety, recreation, senior citizen or other community service organizations.*

Section 7. (a) The following acts or parts of acts are repealed:

Section 203 of the act of May 15, 1933 (P.L.565, No.111), known as the Department of Banking Code.

(b) The following acts or parts of acts are repealed to the extent specified:

Section 202(b) of the act of June 5, 1991 (P.L.9, No.6), known as the Pennsylvania Intergovernmental Cooperation Authority Act for Cities of the First Class, insofar as it is inconsistent with the provisions of section 308 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

Section 8. This act shall take effect as follows:

(1) The addition or repeal of sections 203 of the Department of Banking Code and 1605 of the act shall take effect July 1, 1995.

(2) The addition of section 1931-A of the act shall take effect in 60 days.

(3) The amendment of section 2505 of the act shall take effect July 1, 1994.

(4) The remainder of this act shall take effect immediately.

APPROVED—The 22nd day of June, A.D. 1994.

ROBERT P. CASEY