

## No. 2003-47

## AN ACT

## HB 172

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," providing for local tax withholding of Commonwealth employees; further providing for fees chargeable by the Department of Agriculture, the Department of Health, the Insurance Department, the Department of Labor and Industry and the Pennsylvania Securities Commission, for the Corporation Bureau Restricted Account and for collective bargaining in education; providing for newborn child testing at federally certified laboratories; requiring the Department of General Services to establish energy profiles for certain State buildings; further providing for coal fuel in State heating systems; repealing an expiration provision relating to collective bargaining by certain public employers; making repeals relating to fees; and making a repeal relating to the Corporation Bureau Restricted Account.

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 a section to read:

**Section 224. Local Tax Withholding of Commonwealth Employes.—***(a) Notwithstanding the provisions of the act of December 31, 1965 (P.L.1257, No.511), known as "The Local Tax Enabling Act," the Commonwealth shall deduct, at the time of payment of a salary, wage, commission or other compensation, the tax imposed by ordinance or resolution on the earned income due to its employes and shall, on or before April 30 of the current year, July 31 of the current year, October 31 of the current year and January 31 of the succeeding year, file a return and pay to the officer of the relevant taxing jurisdiction the amount of taxes deducted during the preceding three-month periods ending March 31 of the current year, June 30 of the current year, September 30 of the current year and December 31 of the current year, respectively. The rate of withholding shall be as follows:*

*(1) For employes residing in a taxing jurisdiction that imposes a resident tax rate, the amount deducted shall be based on the ordinance or*

*resolution of the taxing jurisdiction fixing the resident tax rate where the employe resides, and the Commonwealth shall remit the amount of taxes deducted to that taxing jurisdiction.*

*(2) For employes residing in a taxing jurisdiction that does not impose a resident tax rate, or where the residence tax rate imposed is less than the nonresident tax rate imposed by the taxing jurisdiction where the office, factory, workshop, branch, warehouse or other place of business is located, the amount deducted shall be based on the ordinance or resolution of the taxing jurisdiction fixing the nonresident tax rate where the office, factory, workshop, branch, warehouse or other place of business is located, and the Commonwealth shall remit the amount of taxes deducted to that taxing jurisdiction.*

*(3) For employes residing or working in a city of the first class, the amount deducted shall be based on the ordinance imposed by the city under the authority of the act of August 5, 1932 (Sp.Sess., P.L.45, No.45), referred to as the Sterling Act, and the Commonwealth shall remit the amount of taxes deducted to the city of the first class.*

*(b) Such return, unless otherwise agreed upon between the taxing officer and the Commonwealth, shall show the name and social security number of each such employe, the earned income of such employe during such preceding three-month period, the tax deducted therefrom, the political subdivisions imposing the tax upon such employe, the total earned income of all such employes during such preceding three-month period and the total tax deducted therefrom and paid with the return.*

Section 2. Section 602-A of the act is amended by adding a clause to read:

Section 602-A. Department of Agriculture.—The Department of Agriculture is authorized to charge fees for the following purposes and in the following amounts:

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**(16) Eating and drinking places:**

**(i) New establishments**

**(A) New establishments that are owner operated  
with a seating capacity of less than 50 . . . . . 103.00**

**(B) All other new establishments . . . . . 241.00**

**(ii) Renewal or change of ownership . . . . . 82.00**

**(iii) Duplicate license for each additional business  
location . . . . . 14.00**

**(iv) Temporary license . . . . . 14.00**

Section 3. Section 607-A(1) of the act is repealed.

Section 4. Section 609-A(3) of the act, added July 1, 1981 (P.L.143, No.48), is amended and the section is amended by adding a clause to read:

Section 609-A. Department of Health.—The Department of Health is authorized to charge fees for the following purposes and in the following amounts:

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**[(3) Miniature certificate of birth . . . . . 5.00]**

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**(6) Vital statistics:**

**(i) Certified copy of a birth record . . . . . 10.00**

**(ii) Certified copy of a death record . . . . . 9.00**

Section 5. Section 612-A(1), (3), (4), (5) and (6) of the act, amended July 1, 1990 (P.L.277, No.67), are amended and the section is amended by adding paragraphs to read:

Section 612-A. Insurance Department.—The Insurance Department is authorized to charge fees for the following purposes and in the following amounts:

**(1) Insurance companies, associations or exchanges:**

**(i) Valuation of life insurance policies based on a per thousand [dollar value of such insurance . . . . . \$0.01 with a minimum charge of \$10.00]**

**dollar value of such insurance . . . . . \$0.015 with a minimum charge of \$15.00**

**(ii) Filing copy of charter or amendment of a domestic, foreign or alien [company, association or exchange . . . . . 150.00]  
company, association or exchange . . . . . 300.00**

**(iii) Filing annual statement or other statement of a domestic, foreign or alien company, association or [exchange . . . . . 125.00]  
exchange. . . . . 750.00**

**(iv) License fee for a domestic, foreign or alien company, association or [exchange or any duplicate license . . . . . 40.00]  
exchange or any duplicate license. . . . . 100.00**

**[(v) License for a rating organization . . . . . 25.00]**

**(v) License for a rating organization . . . . . 50.00**

**(vi) Examination of a domestic, foreign and alien company . . . . . Expense of examination**

**(vii) Filing and review of merger agreements of domestic, foreign and [alien companies . . . . . 280.00]  
alien companies . . . . . 400.00**

**(viii) Filing and review of conversion plan from**

mutual company to stock [ <b>company</b> . . . . .	1,200.00]
<b>company</b> . . . . .	2,500.00
(ix) Filing and review of conversion plan from stock company to mutual [ <b>company</b> . . . . .	1,200.00]
<b>company</b> . . . . .	2,500.00
(x) Filing and review of proposed exchange [of <b>shares of stock</b> . . . . .	300.00]
<b>of shares of stock</b> . . . . .	600.00
(xi) Filing and review of material in connection with a proposed acquisition or offer to acquire capital stock of a domestic insurance [ <b>company</b> <b>or insurance holding company</b> . . . . .	1,200.00]
<b>company or insurance holding company</b> . . . . .	2,500.00
(xii) Filing and review of registration statement by an insurance member of [ <b>an insurance holding</b> <b>company</b> . . . . .	200.00]
<b>an insurance holding company</b> . . . . .	400.00
(xiii) For each amendment to such [ <b>registration</b> <b>statement</b> . . . . .	80.00]
<b>registration statement</b> . . . . .	200.00
(xiv) Issuance of a certificate of [ <b>compliance,</b> <b>deposit or surety</b> . . . . .	10.00]
<b>compliance, deposit or surety</b> . . . . .	20.00
(xv) Any other certificate issued by the [ <b>department</b> . . . . .	10.00]
<b>department</b> . . . . .	20.00
(xvi) Filing and review of qualifications of an insurer to issue variable [ <b>annuities</b> . . . . .	210.00]
<b>annuities</b> . . . . .	400.00
(xvii) Certification of each copy of any [ <b>paper filed</b> <b>with department</b> . . . . .	10.00
	plus .10
	per page]
<b>paper filed with department</b> . . . . .	20.00
	plus .20
	per page
(xviii) Copy of any paper filed with department on a per/page basis . . . . .	.25
(xix) Copy of annual statement [ <b>pages</b> . . . . .	1.00]
<b>pages</b> . . . . .	2.00
(xx) Domestic company license [ <b>application</b> . . . . .	1,200.00]
<b>application</b> . . . . .	2,500.00
(xxi) Foreign/alien license [ <b>application</b> . . . . .	1,200.00]
<b>application</b> . . . . .	2,500.00
(xxii) Qualification of insurer to issue [ <b>variable life</b>	

contracts .....	210.00]
<i>variable life contracts</i> .....	400.00
(xxiii) Return of increase or decrease or [stated capital .....	80.00]
<i>stated capital</i> .....	200.00
(xxiv) Reinsurance and assumption [agreement ..	150.00]
<i>agreement</i> .....	300.00
(xxv) Request to pay extraordinary [dividends ..	65.00]
<i>dividends</i> .....	200.00
(xxvi) Surplus line binding authority [agreement ..	65.00]
<i>agreement</i> .....	200.00
(xxvii) Duplicate of agency or broker [record ....	10.00]
<i>record</i> .....	20.00

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(3) Fraternal benefit societies:

(i) Filing copy of charter of a domestic, foreign or alien society, in addition to any fee for filing such charter [with the Department of State .....	35.00]
<i>with the Department of State</i> .....	70.00
(ii) The filing of an annual or other [statement ..	125.00]
<i>statement</i> .....	750.00
(iii) License to society or certified copy [or duplicate thereof .....	40.00]
<i>or duplicate thereof</i> .....	80.00
(iv) Each listing for written examination of an applicant for license as an agent .....	10.00
(v) Each applicant for such licenses for which an examination is not required. ....	5.00
(vi) Agent's license for each domestic or foreign society, for life or accident and health lines, or any combination thereof, regardless of the number of powers, excepting variable annuities, for which licensed .....	10.00
(vii) Copy of any paper filed in the department ... department, per page .....	10.00
.....	.25
(viii) Any certificate required .....	10.00
(ix) Making examinations .....	Expense of examination
(x) Filing and reviewing agreements of merger of domestic, foreign and alien [societies .....	200.00]
<i>societies</i> .....	400.00
(xi) Filing and review of a plan of conversion from a fraternal benefit society to a mutual company and for filing each amendment to [registration	

<b>statement</b> .....	<b>200.00]</b>
<b>registration statement</b> .....	<b>400.00</b>
(xii) For issuing a certificate of compliance, deposit or surety or any other certificate required to be issued [by the department .....	<b>10.00]</b>
<b>by the department</b> .....	<b>20.00</b>
(xiii) Filing and review of qualification of a society to issue variable [annuities .....	<b>210.00]</b>
<b>annuities</b> .....	<b>400.00</b>
(xiv) Certificate of an agent's license or for duplicate or replacement licenses .....	10.00
(xv) Any other certificate issued by the division of agents .....	10.00
(xvi) Each renewal of license as an individual agent .....	10.00
(xvii) Each additional variable annuity power in such license .....	5.00
(4) License and annual renewal for manager or exclusive general agent for domestic [insurance company .....	<b>200.00]</b>
<b>insurance company</b> .....	<b>400.00</b>
(5) Motor vehicle physical damage appraiser:	
[(i) <b>Initial license</b> .....	<b>20.00]</b>
(i) <b>Initial license</b> .....	<b>55.00</b>
[(ii) <b>Annual renewal</b> .....	<b>10.00]</b>
(ii) <b>Annual renewal</b> .....	<b>55.00</b>
(6) Professional bondsman license:	
(i) Initial license .....	100.00
[(ii) <b>Annual renewal</b> .....	<b>50.00]</b>
(ii) <b>Annual renewal</b> .....	<b>100.00</b>
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(9) <b>Annual company appointment fee as defined and regulated by section 671-A act of May 17, 1921 (P.L.789, No.285), known as "The Insurance Department Act of 1921"</b> .....	<b>15.00</b>
(10) <b>Insurance producer license fees:</b>	
(i) <b>Amended license</b> .....	<b>25.00</b>
(ii) <b>Certified license history</b> .....	<b>25.00</b>
(iii) <b>Duplicate license</b> .....	<b>25.00</b>

Section 6. Section 613-A(1) and (2) of the act, amended July 7, 1989 (P.L.241, No.42), is amended to read:

Section 613-A. Department of Labor and Industry.—The Department of Labor and Industry is authorized to charge fees for the following purposes and in the following amounts:

- (1) Fees for unfired pressure vessels and boilers:
  - (i) Certificate of operations:

[(A) Unfired pressure vessels .....	<b>\$30.00]</b>
(A) <i>Unfired pressure vessels</i> .....	<b>\$44.00</b>
[(B) Boilers .....	<b>15.00]</b>
(B) <i>Boilers</i> .....	<b>22.00</b>
(ii) For the internal inspection of power boilers, high pressure, high temperature water boilers and miniature boilers, the fees shall be as follows:	
(A) Boilers of 50 square feet of [heating surface or less .....	<b>15.00]</b>
<i>heating surface or less</i> .....	<b>22.00</b>
(B) Boilers over 50 square feet of heating surface and less than 4,000 [square feet of heating surface .....	<b>25.00]</b>
<i>square feet of heating surface</i> .....	<b>36.00</b>
(C) Boilers over 4,000 square feet of heating surface or more and less than 10,000 square feet of [heating surface .....	<b>35.00]</b>
<i>heating surface</i> .....	<b>51.00</b>
(D) Boilers over 10,000 square feet [of heating surface or more .....	<b>40.00]</b>
<i>of heating surface or more</i> .....	<b>58.00</b>
[(E) Miniature boilers .....	<b>10.00]</b>
(E) <i>Miniature boilers</i> .....	<b>15.00</b>
(iii) For the external inspection of power boilers, high pressure and high temperature water boilers, the fees shall be as follows:	
(A) Boilers of 50 square feet of [heating surface or less .....	<b>10.00]</b>
<i>heating surface or less</i> .....	<b>15.00</b>
(B) Boilers over 50 square feet of [heating surface .....	<b>15.00]</b>
<i>heating surface</i> .....	<b>22.00</b>
(C) Not more than \$50 plus the annual certificate fee shall be collected for any and all inspection above of any boiler in any one year.	
(iv) For the internal or external inspection of low pressure boilers, the fees shall be as follows:	
(A) Heating boilers without a [manhole .....	<b>12.50]</b>
<i>manhole</i> .....	<b>18.00</b>
[(B) Heating boilers with a manhole .....	<b>15.00]</b>
(B) <i>Heating boilers with a manhole</i> .....	<b>22.00</b>
[(C) Hot water supply boilers .....	<b>10.00]</b>
(C) <i>Hot water supply boilers</i> .....	<b>15.00</b>

- (D) Not more than \$50 plus the annual certificate fee shall be collected for any and all inspections as above of any low pressure boiler in any required inspection period.
- (v) For the internal or external inspection of pressure vessels, the fees shall be as follows:
  - (A) Each pressure vessel subject to inspection having a cross sectional [area of 50 square feet or less ..... 10.00]  
*area of 50 square feet or less ..... 15.00*
  - (B) Each additional 100 square feet of [area in excess of 50 square feet ..... 10.00]  
*area in excess of 50 square feet ..... 15.00*
  - (C) Not more than \$75 shall be paid for each inspection on any one vessel.
  - (D) A group of pressure vessels, such as the rolls of a paper machine for dryer operating as a single machine or unit, shall be considered one pressure vessel. Not more than \$75 plus annual certificate fee shall be collected for any and all inspections as above of any pressure vessel in any required inspection period, except in such cases where the vessel is moved.
- (vi) Approval of plans:
  - (A) Complete mechanical room drawings - boilers and other [vessels ..... 50.00]  
*vessels ..... 73.00*
  - [(B) High pressure boilers ..... 20.00]
  - (B) *High pressure boilers ..... 29.00*
  - [(C) Low pressure boilers ..... 20.00]
  - (C) *Low pressure boilers ..... 29.00*
- (vii) Boiler inspectors:
  - [(A) Inspector's examination fee ..... 30.00]
  - (A) *Inspector's examination fee ..... 44.00*
  - (B) Certificate of competency and [commission fee ..... 15.00]  
*commission fee ..... 22.00*
  - (C) New credential card fee (annual [renewal] . 10.00]  
*renewal) ..... 15.00*
- [(viii) Hydrostatic test (witnessed) ..... 15.00]
- (viii) *Hydrostatic test (witnessed) ..... 22.00*
- [(ix) Onsite consultation fee (per hour) ..... 20.00]
- (ix) *Onsite consultation fee (per hour) ..... 29.00*



[(x) Inspection of repair fee .....	10.00]
(x) <i>Inspection of repair fee</i> .....	15.00
(xi) ASME shop survey fee [Full day .....	500.00]
<i>Full day</i> .....	726.00
[Half day .....	250.00]
<i>Half day</i> .....	363.00
(xii) Copy of department boiler [regulations ....	5.00]
<i>regulations</i> .....	7.00
(xiii) Acceptance of boilers and pressure vessels not	
originally destined for [use within the	
Commonwealth .....	500.00]
<i>use within the Commonwealth</i> .....	726.00
(2) Fees for elevators:	
[(i) Inspector's examination fee .....	50.00]
(i) <i>Inspector's examination fee</i> .....	73.00
(ii) Commission fee and initial [credential card ..	35.00]
<i>credential card</i> .....	51.00
[(iii) Renewal credential card fee .....	20.00]
(iii) <i>Renewal credential card fee</i> .....	29.00
(iv) Plans approval application:	
(A) Passenger, freight and combination passen-	
ger/freight elevators except hydraulic eleva-	
tors:	
[(1) 1-7 floors .....	250.00]
(1) <i>1-7 floors</i> .....	363.00
[(2) 8-20 floors .....	300.00]
(2) <i>8-20 floors</i> .....	436.00
[(3) More than 20 floors .....	350.00]
(3) <i>More than 20 floors</i> .....	508.00
(B) Hydraulic passenger, freight and combina-	
tion passenger/freight elevators and other	
lifting [devices .....	200.00]
<i>devices</i> .....	290.00
[(C) Ski lifts .....	350.00]
(C) <i>Ski lifts</i> .....	508.00
[(D) Escalators .....	200.00]
(D) <i>Escalators</i> .....	290.00
[(v) Major repairs .....	100.00]
(v) <i>Major repairs</i> .....	145.00
[(vi) Certificate renewals .....	25.00]
(vi) <i>Certificate renewals</i> .....	36.00
(vii) Elevator inspections:	
(A) Passenger, freight and combination passen-	
ger/freight elevators except hydraulic	
elevators:	

[(1) 1-7 floors .....	65.00]
(1) 1-7 floors .....	94.00
[(2) 8-20 floors .....	80.00]
(2) 8-20 floors .....	116.00
[(3) More than 20 floors .....	100.00]
(3) More than 20 floors .....	145.00
(B) Hydraulic passenger, freight and combina-	
tion passenger/freight elevators and other	
[ <b>lifting devices</b> .....	50.00]
<i>lifting devices</i> .....	73.00
[(C) Ski lifts .....	100.00]
(C) <i>Ski lifts</i> .....	145.00
[(D) Escalators .....	65.00]
(D) <i>Escalators</i> .....	94.00
[(viii) Special approval .....	350.00]
(viii) <i>Special approval</i> .....	508.00
(ix) Reinspection following failed initial [ <b>accep-</b>	
<b>tance inspection</b> .....	100.00]
<i>acceptance inspection</i> .....	145.00
(x) Reinspection following failure to correct	
violations [ <b>within allotted time period</b> .....	50.00]
<i>within allotted time period</i> .....	73.00
(xi) Copy of Department Elevator [ <b>Regulations</b> ..	5.00]
<i>Regulations</i> .....	7.00
(xii) Duplicate certificate of [ <b>operation</b> .....	10.00]
<i>operation</i> .....	15.00

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Section 7. Sections 615-A and 618-A of the act are amended by adding paragraphs to read:

Section 615-A. Pennsylvania Securities Commission.—The Pennsylvania Securities Commission is authorized to charge fees for the following purposes and in the following amounts:

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**(12) Filing fees for sales of securities:**

- (i) *Exemption filings under section 203(i) of the act of December 5, 1972 (P.L.1280, No.284), known as the "Pennsylvania Securities Act of 1972," except as provided in section 205(b)(v) of the "Pennsylvania Securities Act of 1972" . . . .* 100.00
- (ii) *Registration statement filings under section 205 of the "Pennsylvania Securities Act of 1972," except as provided in section 205(b)(v) of the "Pennsylvania Securities Act of 1972" . . . .* 500.00
- (iii) *Registration statement filings under section 206 of the "Pennsylvania Securities Act of*

1972," except as provided in section 205(b)(v) of the "Pennsylvania Securities Act of 1972" . . . . 350.00

Plus 1/20 of 1% of the maximum aggregate offering price at which such securities are to be offered in this State during the effective period of the registration, up to a maximum filing fee of \$2,150.

(iv) In the case of registration statement filings under section 205 or 206 of the "Pennsylvania Securities Act of 1972" or exemption filings under section 203(i) of the "Pennsylvania Securities Act of 1972" by an open-end or closed-end investment company, face amount certificate company or unit investment trust, as such persons are classified in the "Investment Company Act of 1940" (54 Stat. 847, 15 U.S.C. § 80a-51 et seq.). Based upon the maximum aggregate offering price at which such securities are to be offered in this State during the effective period of the registration, exemption or renewal of the exemption, the fee for:

- (A) \$4,000,000 or less is 1/20 of 1% with a minimum fee of \$350;
- (B) more than \$4,000,000 but less than \$100,000,000 is the maximum fee payable under clause (A) plus \$500;
- (C) \$100,000,000 or more is the maximum fee payable under clause (A) plus the additional amount due under clause (B) plus \$500; except that, in the case of a registration statement in which the issuer, pursuant to its articles of incorporation or other governing instruments, is restricted to holding exclusively debt securities of other persons having fixed final maturity dates occurring within 200 days from the initial effective date of the registration statement for the issuer's securities filed under the "Securities Act of 1933" (48 Stat. 74, 15 U.S.C. § 77a et seq.), the maximum fee payable under the above schedule shall not exceed \$1,250. If an open-end or closed-end investment company, face

*amount certificate company or unit investment trust, as such persons are classified in the "Investment Company Act of 1940," which has an effective registration under section 205 or 206 of the "Pennsylvania Securities Act of 1972" elects to convert to an exemption under section 203(i) of the "Pennsylvania Securities Act of 1972" without extending the effective period of the exemption under section 203(i) of the "Pennsylvania Securities Act of 1972" beyond the date upon which the registration under section 205 or 206 of the "Pennsylvania Securities Act of 1972" would have otherwise terminated, there shall be no additional filing fee required.*

- (v) *Exemption filings under section 203(o)(ii) of the "Pennsylvania Securities Act of 1972" shall be* ..... 250.00
- (vi) *When a registration statement is withdrawn before the effective date of a pre-effective stop order is entered under section 208 of the "Pennsylvania Securities Act of 1972," the amount that the commission shall retain from the filing fee shall be:*
  - (A) *Under section 205* ..... 250.00
  - (B) *Under section 206* ..... 175.00
- (vii) *Filing an application for exemption from registration under section 202(g) of the "Pennsylvania Securities Act of 1972"* ..... 25.00
- (viii) *Filing an application for exemption from registration for an offering of securities to be sold under section 203(d) of the "Pennsylvania Securities Act of 1972":*
  - (A) *Where the maximum aggregate offering price at which such securities are offered in this State is less than \$100,000* ..... 25.00
  - (B) *Where the maximum aggregate offering price at which such securities are offered in this State is \$100,000 or more but less than \$1,000,000* ..... 100.00
  - (C) *Where the maximum aggregate offering price at which such securities are being offered in this State is \$1,000,000 or more* .. 400.00

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|---|---|
| (ix) Filing an application for exemption from registration under section 203(n) of the "Pennsylvania Securities Act of 1972" . . . . .  | 25.00   |
| (x) Filing an application for exemption from registration under section 203(p) of the "Pennsylvania Securities Act of 1972" . . . . .   | 100.00  |
| (xi) The fee for filing with the commission any amendment to a registration under section 205 or 206 of the "Pennsylvania Securities Act of 1972" unless a fee is otherwise required for such filing under this section . . . . .   | 10.00   |
| (xii) Registration statement filings under section 205 of the "Pennsylvania Securities Act of 1972," except as provided in section 205(b)(iv) of the "Pennsylvania Securities Act of 1972," based upon the maximum aggregate offering price at which such securities are to be offered in this State during the effective period of the registration statement:   |   |
| (A) less than \$10,000,000 . . . . .  | 750.00  |
| (B) \$10,000,000 or more . . . . .  | 1,000.00  |
| (xiii) Registration statement filings under section 206 of the "Pennsylvania Securities Act of 1972," except as provided in section 205(b)(iv) of the "Pennsylvania Securities Act of 1972" . . . . .   | 500.00  |
|   | Plus 1/20 of 1%<br>of the maximum aggregate offering price at which such securities are to be offered in this State during the effective period of the registration, up to a maximum filing fee of \$3,000. |
| (xiv) In the case of registration statement filings under section 205 or 206 of the "Pennsylvania Securities Act of 1972" or notice filings under section 211 of the "Pennsylvania Securities Act of 1972" by an open-end or closed-end investment company, face amount certificate company or unit investment trust as such persons are classified in the "Investment Company Act of 1940." Based upon the maximum aggregate offering price at which |   |

*such securities are to be offered in this State during the effective period of the registration or notice filing, the fee for:*

- (A) *\$4,000,000 or less, 1/20 of 1% with a minimum fee of \$350;*
  - (B) *more than \$4,000,000 but less than \$100,000,000, \$3,000;*
  - (C) *\$100,000,000 or more, \$3,500; or*
  - (D) *for an indefinite amount of securities to be offered in this State during the effective period of the registration or notice filing. The amount specified in clause (C) plus a \$500 assessment specified in section 602.1(a)(5) of the "Pennsylvania Securities Act of 1972."*
- (xv) *Exemption filings under section 203(o) of the "Pennsylvania Securities Act of 1972" shall be* **350.00**
- (xvi) *When a registration statement or notice filing made under section 211(a) of the "Pennsylvania Securities Act of 1972" is withdrawn before the effective date or a pre-effective stop order is entered under section 208 of the "Pennsylvania Securities Act of 1972," the amount that the commission shall retain from the filing fee and, if applicable, an assessment imposed under section 602.1(a)(5) of the "Pennsylvania Securities Act of 1972" shall be:*
- (A) *Under section 205 of the "Pennsylvania Securities Act of 1972" or a notice filing under section 211(a) of the "Pennsylvania Securities Act of 1972" . . . . .* **400.00**
  - (B) *Under section 206 of the "Pennsylvania Securities Act of 1972" . . . . .* **250.00**
- (xvii) *Filing a notice on a notice on SEC Form D under section 211(b) of the "Pennsylvania Securities Act of 1972" . . . . .* **525.00**
- (xviii) *Filing an application for exemption from registration under section 203(d) or (s) of the "Pennsylvania Securities Act of 1972":*
- (A) *Where the maximum aggregate offering price at which such securities are offered in this State is less than \$1,000,000 . . . . .* **150.00**
  - (B) *Where the maximum aggregate offering price at which such securities are offered in*

- this State is \$1,000,000 or more . . . . . 400.00*
- (xix) Filing an application for exemption from registration under section 203(t) of the "Pennsylvania Securities Act of 1972" . . . . . 500.00*
- (xx) Filing an application for exemption from registration under section 203(p) of the "Pennsylvania Securities Act of 1972" . . . . . 100.00*
- (13) There shall be no refund of any filing fee specified in paragraph (12)(xvii) through (xx).*

*(14) Every applicant for an initial or renewal license under section 301 of the "Pennsylvania Securities Act of 1972" shall pay a filing fee of \$350 in the case of a broker-dealer, \$80 in the case of an agent, \$275 in the case of an investment adviser and \$80 in the case of an investment adviser representative. The term of an agent's or associated person's registration hereunder shall be concurrent with that of his employer, if a broker-dealer or an investment adviser. When an agent changes employers, an \$80 fee shall be paid. When an investment adviser representative changes employers, an \$80 fee shall be paid. When an application is denied or withdrawn or a registration revoked, the filing fee shall be retained. A federally covered adviser shall pay an annual notice filing fee of \$350.*

*(15) The fee for the commission's acting as an escrow holder for securities under section 207 of the "Pennsylvania Securities Act of 1972" is \$100.*

*(16) The commission may fix by regulation a reasonable charge for any publication issued under its authority.*

*(17) The commission may fix by regulation reasonable charges for the cost of administering examinations required for registration under section 301 of the "Pennsylvania Securities Act of 1972."*

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

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*(2) Corporation Bureau.—The fees of the Corporation Bureau of the department, including fees for the public acts and transactions of the Secretary of the Commonwealth administered through the bureau, shall be as follows:*

- (i) Domestic corporations:*
  - (A) Articles of incorporation, letters patent or like instrument incorporating a corporation or association . . . . . \$125.00*
  - (B) Articles of agreement or like instrument of merger, consolidation or division . . . . . 70.00*
  - (C) Additional fee for each association which is*

<i>a party to a merger or consolidation . . . . .</i>	<b>40.00</b>
(D) <i>Additional fee for each new corporation     resulting from a division . . . . .</i>	<b>125.00</b>
(E) <i>Articles of conversion or like instrument . .</i>	<b>70.00</b>
(F) <i>Each ancillary transaction . . . . .</i>	<b>70.00</b>
(ii) <i>Foreign corporations:</i>	
(A) <i>Certificates of authority or like qualifica-     tion to do business . . . . .</i>	<b>250.00</b>
(B) <i>Amended certificate of authority or like     change in qualification to do business . . . . .</i>	<b>250.00</b>
(C) <i>Domestication . . . . .</i>	<b>125.00</b>
(D) <i>Statement of merger or consolidation or     like instrument reporting occurrence of     merger or consolidation not affected by a     filing in the department . . . . .</i>	<b>70.00</b>
(E) <i>Additional fee for each qualified foreign     corporation which is named in a statement of     merger or consolidation or like instrument. .</i>	<b>40.00</b>
(F) <i>Each ancillary transaction . . . . .</i>	<b>70.00</b>
(iii) <i>Partnerships and limited liability companies:</i>	
(A) <i>Certificate of limited partnership or     certificate of organization of a limited     liability company or like instrument forming     a limited partnership or organizing a limited     liability company . . . . .</i>	<b>125.00</b>
(B) <i>Certificate of merger or consolidation . . . . .</i>	<b>70.00</b>
(C) <i>Additional fee for each association which is     a party to the merger or consolidation . . . . .</i>	<b>40.00</b>
(D) <i>Application for registration of foreign     limited partnership or limited liability     company . . . . .</i>	<b>250.00</b>
(E) <i>Certificate of amendment of registration of     foreign limited partnership or limited liability     company . . . . .</i>	<b>250.00</b>
(F) <i>Statement of registration of registered     limited liability partnership or statement of     election as an electing partnership . . . . .</i>	<b>125.00</b>
(G) <i>Domestication of foreign limited liability     company . . . . .</i>	<b>125.00</b>
(H) <i>Additional fee for each new entity resulting     from a division . . . . .</i>	<b>125.00</b>
(I) <i>Each ancillary transaction . . . . .</i>	<b>70.00</b>
(iv) <i>Business trusts:</i>	
(A) <i>Deed of trust or other initial instrument for</i>	



<i>a business trust</i> .....	<b>125.00</b>
(B) <i>Each ancillary transaction</i> .....	<b>70.00</b>
(v) <i>Fictitious names:</i>	
(A) <i>Registration</i> .....	<b>70.00</b>
(B) <i>Each ancillary transaction</i> .....	<b>70.00</b>
(vi) <i>Service of process:</i>	
(A) <i>Each defendant named or served</i> .....	<b>70.00</b>
(vii) <i>Trademarks, emblems, union labels, description of bottles and like matters:</i>	
(A) <i>Trademark registration</i> .....	<b>50.00</b>
(B) <i>Each ancillary trademark transaction</i> ....	<b>50.00</b>
(C) <i>Any other registration under this paragraph</i>	<b>70.00</b>
(D) <i>Any other ancillary transaction under this paragraph</i> .....	<b>70.00</b>
(viii) <i>Uniform Commercial Code:</i>	
<i>As provided in 13 Pa.C.S. § 9525 (relating to fees).</i>	
(ix) <i>Copy fees (including copies furnished by filing officers under the Uniform Commercial Code):</i>	
(A) <i>Each page of photocopy furnished</i> .....	<b>3.00</b>
(x) <i>Certification fees:</i>	
(A) <i>For certifying copies of any document or paper on file, the fee specified in paragraph (ix), if the department furnished the copy, plus</i> .....	<b>40.00</b>
(B) <i>For certifying a duplicate copy of a document pursuant to 15 Pa.C.S. § 136(b)(2) (relating to immediate certified copy) or, if that certification cannot be made at the time of original examination, for the original examination and rejection by the bureau of a document submitted under that procedure, plus an additional fee for each reexamination or certification, as the case may be, by the bureau of a previously rejected document submitted under that procedure</i> .....	<b>70.00</b>
(C) <i>For issuing any other certificate of the Secretary of the Commonwealth or the Department of State (other than an engrossed certificate)</i> .....	<b>40.00</b>
(xi) <i>Report of record search (other than search under paragraph (viii)):</i>	
(A) <i>For preparing and providing a written or photocopy, or both, report of a record search,</i>	

*the fee specified in paragraph (ix), if any, plus* ..... 15.00

(xii) *Reservation and registration of names:*

    (A) *Reservation of association name* ..... 70.00

    (B) *Registration of foreign or other corporation name* ..... 70.00

(xiii) *Change of registered office by agent:*

    (A) *Each statement of change of registered office by agent* ..... 5.00

(xiv) *Contingent domestication:*

    (A) *Statement of contingent domestication* ... 125.00

    (B) *Each year, or portion thereof, during which a contingent domestication or temporary domiciliary status is in effect* ..... 1,500.00

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

**Section 814. Corporation Bureau Restricted Account.**—*The restricted account, the Corporation Bureau Restricted Account, established under 15 Pa.C.S. § 155(a) (relating to disposition of funds), is continued. This account shall receive 30% of the amount received by the department under Subchapter C of Chapter 1 of 15 Pa.C.S. (relating to Corporation Bureau and UCC fees) except for the fees collected under 13 Pa.C.S. § 9525(a)(1)(ii) (relating to fees). This account shall receive 5% of the amount received by the department under section 9525(a)(1)(ii). The balance of the amount received by the department under Subchapter C of Chapter 1 of 15 Pa.C.S. shall be deposited in the General Fund. Funds in the Corporation Bureau Restricted Account shall be used solely for the operation of the Corporation Bureau in the Department of State and for its modernization as may be required for improved operations of the bureau unless a surplus arises after two consecutive years, at which time the Secretary of State shall transfer any amount in excess of the bureau’s budget into the General Fund. The Secretary of State shall transfer \$5,000,000 from the account to the General Fund in fiscal year 2003-2004.*

Section 9. Section 1321(a) of the act, amended November 26, 1997 (P.L.530, No.57), is amended to read:

**Section 1321. Collective Bargaining.**—(a) School administrators employed by a city of the first class shall, through labor organizations or other representatives designated by fifty per centum (50%) or more of such school administrators, have the right to bargain collectively with their public employers concerning the terms and conditions of their employment, including compensation, hours, working conditions and other benefits, and shall have the right to an adjustment or settlement of their grievances or disputes in accordance with the terms of this section. *The Pennsylvania Labor Relations Board shall resolve disputes as to the items under this subsection in the same manner as it resolves disputes under the act of*

*July 23, 1970 (P.L.563, No.195), known as the "Public Employee Relations Act."*

**\* \* \***

Section 10. Section 2101 of the act is amended to read:

Section 2101. Powers and Duties in General.—(a) The Department of Health shall, subject to any inconsistent provisions in this act contained, continue to exercise the powers and perform the duties by law vested in and imposed upon the said department, the former bureaus thereof, the Commissioner of Health, and the Secretary of Health.

*(b) The Department of Health shall permit any laboratory certified pursuant to the Clinical Laboratory Improvement Act of 1967 (Public Law 90-174, 81 Stat. 533) that is licensed to perform screening testing of newborn infants in any state and uses normal pediatric reference ranges to conduct the analysis required by section 4(a) of the act of September 9, 1965 (P.L.497, No.251), known as the "Newborn Child Testing Act," as an alternative to the testing laboratory designated by the Department of Health in accordance with section 5 of the "Newborn Child Testing Act." The testing performed by such laboratory must include testing for the newborn diseases as established by law or regulation and shall provide test results and reports consistent with policies, procedures, law and regulations. A testing laboratory designated by the Department of Health or permitted as an alternative under this subsection shall not use or provide blood samples for scientific research without the informed written consent of the parent or guardian of the child.*

Section 11. The act is amended by adding a section to read:

**Section 2402.2. Energy Profiles for State Buildings.**—(a) *The Department of General Services shall establish an energy profile for each State building.*

*(b) The energy profile established in subsection (a) shall include, but not be limited to, the following information for the State building:*

- (1) The source of electric generation, including the type of generation.*
- (2) The source of heating fuel, including the type of fuel.*
- (3) The size of the building as measured in square feet.*
- (4) The total expenditures per month for electricity and heating fuel.*
- (5) The total amount of British thermal units per month.*
- (6) The total amount of BTU's per month per square foot.*
- (7) The total expenditures per month per square foot.*

*Information shall be reported for the current month and the preceding six months and shall clearly indicate the additional utility costs or the cost savings from the immediate past month to the current month as well as any cumulative costs or cost savings.*

*(c) The Department of General Services shall post the energy profile for a State building in a location accessible to the general public during normal business hours.*

*(d) On or before March 1, 2005, the Department of General Services shall submit a report to the General Assembly on the type, total cost and amount and average cost of energy used in State buildings utilizing the information set forth in subsection (b) for the calendar year 2004.*

*(e) This section shall expire March 31, 2005.*

*(f) As used in this section, the following words and phrases shall have the meanings given to them in this subsection:*

*“Energy profile” means a document, as described in subsection (b), showing the types and rates of energy consumed and the amount of dollars expended for energy consumption in a State building.*

*“State building” means a structure occupied by an executive agency as defined in 62 Pa.C.S. § 103 (relating to definitions).*

Section 12. Section 2420 of the act, added April 9, 1990 (P.L.115, No.28), is amended to read:

Section 2420. State Heating Systems to be Fueled by Coal.—(a) The following words and phrases when used in this article shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

“Coal.” Coal produced from mines in Pennsylvania or any mixture or synthetic derived, in whole or in part, from coal produced from mines in Pennsylvania.

“Mixture derived, in whole or in part, from coal.” Includes, but is not limited to, both the intermittent and the simultaneous burning of natural gas with coal or a coal derivative if the intermittent or simultaneous burning of natural gas would:

(1) lower the cost of using coal or a coal derivative produced from mines in Pennsylvania; or

(2) enable coal or a coal derivative produced from mines in Pennsylvania to be burned in compliance with present and reasonably anticipated environmental laws and regulations.

(b) Any heating system or heating unit installed in a facility owned by the State on or after the effective date of this section shall be fueled by coal.

*(b.1) Any State facility or agency which seeks to perform a study or take any action which may result in the conversion of its coal-fired heating system to use a fuel other than coal shall publish its intention in the Pennsylvania Bulletin and shall report its intention to do so to the Department of General Services within 90 days prior to beginning the study.*

*(b.2) Any report, finding or recommendations to the State facility or agency as a result of the study shall be reported immediately to the Secretary of General Services and the Appropriations Committee of the Senate and the Appropriations Committee of the House of Representatives.*

(c) Any heating system or heating unit shall be exempt from the requirement of subsection (b) if the Secretary of General Services determines that:

(1) using coal as the fuel for that heating system or heating unit would violate existing or reasonably anticipated environmental laws or regulations;

(2) using coal as the fuel for that heating system or heating unit would not be cost effective when compared to using other forms of energy;

(3) using electricity generated primarily from the combustion of coal would be more cost effective when compared to using coal as the fuel for that heating system or heating unit;

(4) the principal fuel for that heating system or heating unit would be natural gas from wells located in Pennsylvania or wood from forests located in Pennsylvania, if such fuel were at least as cost effective as using coal as the fuel; or

(5) that heating system or heating unit was in or beyond the design stage prior to the effective date of this act.

(d) In determining cost-effectiveness under clauses (2), (3) and (4) of subsection (c), the Secretary of General Services shall perform a life cycle cost analysis.

(e) The Secretary of General Services shall report to the Appropriations Committees of the House of Representatives and the Senate the basis for any determination that a heating system or heating unit shall be exempt from the requirement of subsection (b).

Section 13. (a) The following acts and parts of acts are repealed:

Section 806.1 of the act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953.

Section 602 of the act of December 5, 1972 (P.L.1280, No.284), known as the Pennsylvania Securities Act of 1972.

Section 8 of the act of July 11, 1996 (P.L.619, No.105), entitled "An act 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,' transferring the Scotland School for Veterans' Children from the Department of Education to the Department of Military and Veterans Affairs; providing for a Pennsylvania Historical and Museum Commission volunteer program; further providing for the Aviation Restricted Account; specifically authorizing collective bargaining between school administrators in school districts of the first class and their public employers; providing for arbitration in order to settle disputes; requiring compliance with collective bargaining agreements and findings of arbitrators; providing for pay to certain inspectors, for contribution to Korea/Vietnam Memorial National Education Center and for an exclusion from sales and use tax; making repeals; and making editorial changes."

15 Pa.C.S. §§ 153(a) and 155(a).

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

Section 14. This act shall take effect as follows:

(1) The amendment of section 2420 of the act shall take effect in 60 days.

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

APPROVED—The 23rd day of December, A.D. 2003.

EDWARD G. RENDELL