THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 573   Session of 2023

INTRODUCED BY BENHAM, MADDEN, SANCHEZ, HILL-EVANS, D. WILLIAMS, KINKEAD, DEASY, N. NELSON, KINSEY, PISCIOTTANO, GREEN, WEBSTER AND TAKAC, MARCH 20, 2023

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, OCTOBER 18, 2023

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2   "An act providing for and reorganizing the conduct of the
3   executive and administrative work of the Commonwealth by the
4   Executive Department thereof and the administrative
5   departments, boards, commissions, and officers thereof,
6   including the boards of trustees of State Normal Schools, or
7   Teachers Colleges; abolishing, creating, reorganizing or
8   authorizing the reorganization of certain administrative
9   departments, boards, and commissions; defining the powers and
10   duties of the Governor and other executive and administrative
11   officers, and of the several administrative departments,
12   boards, commissions, and officers; fixing the salaries of the
13   Governor, Lieutenant Governor, and certain other executive
14   and administrative officers; providing for the appointment of
15   certain administrative officers, and of all deputies and
16   other assistants and employes in certain departments, boards,
17   and commissions; providing for judicial administration; and
18   prescribing the manner in which the number and compensation
19   of the deputies and all other assistants and employes of
20   certain departments, boards and commissions shall be
21   determined," in powers and duties in general, further
22   providing for departmental reports̶.; IN COVID-19 RECORD   <--
23   RETENTION, FURTHER PROVIDING FOR RETENTION OF RECORDS RELATED
24   TO COVID-19; AND MAKING AN EDITORIAL CHANGE.

25   The General Assembly of the Commonwealth of Pennsylvania

26 hereby enacts as follows:

27   Section 1. Section 504 of the act of April 9, 1929 (P.L.177,

28 No.175), known as The Administrative Code of 1929, is amended to

1 read:

2   Section 504. Departmental Reports.--(a) The head of each

3 **[administrative department and each independent administrative** **<--**

4 **board and commission shall, not later than October first of each**

5 **even-numbered year, report in writing to the Governor concerning**

6 **the condition, management, and financial transactions, of the**

7 **department, board, or commission; such reports shall, except**

8 **where impracticable, be for the two-year period ending May**

9 **thirty-first of the year in which they are made. Each**

10 **departmental administrative board and commission, and each**

11 **advisory board and commission, shall, not later than September**

12 **first of each even-numbered year, report in writing to the head**

13 **of the department of which such board or commission is a part.**

14 **All such reports shall be attached as exhibits to the report**

15 **made by the head of the department to the Governor.**

16 **Except as otherwise in this act specifically provided, the**

17 **reports required by this section shall be in lieu of all other**

18 **reports heretofore required by law to be made by the several**

19 **administrative departments, boards, and commissions, either to**

20 **the Governor or to the General Assembly.]** ADMINISTRATIVE   **<--**

21 DEPARTMENT, EXCLUDING THE OFFICE OF ATTORNEY GENERAL, DEPARTMENT

22 OF THE AUDITOR GENERAL AND TREASURY DEPARTMENT, SHALL ANNUALLY

23 REPORT IN WRITING TO THE GOVERNOR CONCERNING THE CONDITION,

24 MANAGEMENT AND FINANCIAL TRANSACTIONS OF THE ADMINISTRATIVE

25 DEPARTMENT.

26 (b) Reports required under subsection (a) shall:

27 (1) contain a thorough assessment of the weaknesses and

28 risks within each administrative department ~~and each independent~~ **<--**

29 ~~administrative board and commission~~ that could negatively affect

30 the ability of the ADMINISTRATIVE department ~~or board or~~   **<--**

1 ~~commission~~ to respond to a future emergency in this

2 Commonwealth; ~~and~~   <--

3   (1.1) CONTAIN A REVIEW OF THE DEPARTMENT, BOARD OR   <--

4 COMMISSION'S INFORMATION TECHNOLOGY EXPOSURE TO APPLICATIONS AND

5 SERVICES WHICH ARE OWNED, IN WHOLE OR IN PART, BY FOREIGN

6 COMPANIES THAT HAVE CLOSE RELATIONSHIPS TO FOREIGN COUNTRIES.

7 THE OFFICE OF ADMINISTRATION SHALL ADOPT A MANAGEMENT DIRECTIVE

8 TO ASSIST DEPARTMENTS, BOARDS AND COMMISSIONS IN CARRYING OUT

9 THE REVIEW UNDER THIS PARAGRAPH. NOTWITHSTANDING ANY OTHER

10 PROVISION OF LAW, THE DEPARTMENT, BOARD OR COMMISSION MAY REDACT

11 INFORMATION DEVELOPED DURING THE REVIEW WHICH WOULD BE EXEMPT

12 FROM DISCLOSURE UNDER THE ACT OF FEBRUARY 14, 2008 (P.L.6,

13 NO.3), KNOWN AS THE RIGHT-TO-KNOW LAW; AND

14   (2) detail the actions necessary to address or otherwise

15 resolve the weaknesses and risks within each administrative

16 department ~~and each independent administrative board and~~   <--

17 ~~commission.~~

18   (C) A REPORT REQUIRED UNDER SUBSECTION (A), AS WELL AS ALL <--

19 DOCUMENTS, MATERIALS, INFORMATION AND COPIES THEREOF IN THE

20 POSSESSION OR CONTROL OF EACH DEPARTMENT, OFFICE, BOARD,

21 COMMISSION AND COUNCIL THAT ARE INCLUDED IN A REPORT REQUIRED

22 UNDER SUBSECTION (A) SHALL BE PRIVILEGED AND GIVEN CONFIDENTIAL

23 TREATMENT AND SHALL NOT BE:

24   (1) SUBJECT TO DISCOVERY OR ADMISSIBLE AS EVIDENCE IN ANY

25 CIVIL ACTION.

26   (2) CONSIDERED A PUBLIC RECORD UNDER THE ACT OF FEBRUARY 14,

27 2008 (P.L.6, NO.3), KNOWN AS THE "RIGHT-TO-KNOW LAW."

28   (3) MADE PUBLIC BY THE ADMINISTRATIVE DEPARTMENT, EXCEPT AS

29 APPROVED BY THE GOVERNOR IN WRITING.

30   SECTION 2. ARTICLE XXI-E HEADING AND SECTION 2102-E OF THE

1 ACT ARE AMENDED TO READ:

2   ARTICLE XXI-E

3   [COVID-19] DISASTER EMERGENCY RECORD RETENTION

4 SECTION 2102-E. RETENTION OF RECORDS RELATED TO [COVID-19]

5   DISASTER EMERGENCY.

6   AN EXECUTIVE AGENCY SHALL PRESERVE ALL RECORDS IN POSSESSION

7 OF THE AGENCY RELATING TO THE ORDER AND THE EXECUTIVE AGENCY'S

8 RESPONSE TO A DISASTER EMERGENCY THAT IS SUBJECT TO A DISASTER

9 EMERGENCY DECLARATION IN ACCORDANCE WITH THE EXECUTIVE AGENCY'S

10 EXISTING RECORD RETENTION POLICY.

11   Section 2 3. This act shall take effect in 60 days.   **<--**