

# THE GOVERNOR

## Title 4—ADMINISTRATION

### PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 6]

[EXECUTIVE ORDER NO. 2005-6 AS AMENDED]

### Commission on College and Career Services

August 10, 2005

*Whereas*, the education of all children is a moral and economic development priority for the Commonwealth of Pennsylvania; and

*Whereas*, for every 100 ninth graders in Pennsylvania only 77 graduate on time, 47 enroll in college after graduation and only 28 receive degrees; and

*Whereas*, the Commonwealth is one of only six states in the nation that fails to establish uniform graduation requirements for high school students; and

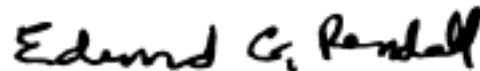
*Whereas*, the Commonwealth is 46th among the states in its percentage of residents who have more than a high school diploma; and

*Whereas*, a high school graduate earns more than three times as much as a Pennsylvanian who does not graduate high school, and a college graduate earns nearly double the amount as a high school graduate earns; and

*Whereas*, the Commonwealth desires to prepare a citizenry and workforce of world-class quality that will enable industry to grow in Pennsylvania; and

*Whereas*, the Commonwealth's enacted 2005-06 Budget takes important strides in transforming Pennsylvania's high schools by providing \$4.7 million for the Project 720 High School Reform Initiative, \$5 million for dual enrollment and \$66 million for tutoring—much of which is focused on grades 7-12; and

*Now, Therefore*, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby establish the Commission on College and Career Success as hereinafter set forth:



Governor

**Fiscal Note:** GOV 05-14. No fiscal impact; (8) recommends adoption.

#### Annex A

#### TITLE 4. ADMINISTRATION

#### PART I. GOVERNOR'S OFFICE

#### CHAPTER 6. ADDITIONAL COUNCILS AND COMMITTEES

#### Subchapter S. COMMISSION ON COLLEGE AND CAREER SERVICES

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6.261.	Purpose.
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6.263.	Composition and appointments.
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6.265.	Compensation.
6.266.	Reports.
6.267.	Executive agencies.
6.268.	Effective date.
6.269.	Termination date.

#### § 6.261. Purpose.

The purpose of the Commission on College and Career Success (Commission) is to:

(1) Undertake a comprehensive review of the Commonwealth's laws, regulations and policies to ascertain whether they set clear and consistent expectations for high school success to ensure that all students graduate ready for college and careers.

(2) Conduct qualitative and quantitative research, which includes this Commonwealth, National and international studies.

(3) Encourage and endorse strategies for school districts to increase academic achievement and graduation rates in high school.

(4) Encourage and endorse strategies for higher education to increase retention through the first 2 years of postsecondary education.

(5) Produce a final report that includes recommendations for any necessary changes to legislation, regulations and policies consistent with the mission of the Commission.

**§ 6.262. Responsibilities.**

The responsibilities of the Commission on College and Career Success are to:

(1) Define "college and career ready" in Mathematics, English and Science.

(2) Examine and make specific recommendations for better alignment of academic standards and assessments across the secondary and post-secondary educational sectors as well as industry in this Commonwealth.

(3) Encourage local school districts to adopt a core high school curriculum for all students of this Commonwealth.

(4) Present to the Governor a legislative and regulatory package that would address the needs outlined in their findings.

(5) Investigate policies and programs that ensure a higher number of prepared students enter and remain in our colleges and universities.

**§ 6.263. Composition and appointments.**

(a) The members of the Commission on College and Career Success (Commission) are appointed by the Governor unless otherwise noted and consist of a wide spectrum of stakeholders that include the following:

(1) The Governor.

(2) The Secretary of Education.

(3) Three members of the State Board of Education, one of whom serves as vice-chairperson of the Commission.

(4) Three representatives of higher education institutions of this Commonwealth, one of whom serves as co-chairperson of the Commission.

(5) Three representatives of the business community, one of whom serves as co-chairperson of the Commission.

(6) One local superintendent.

(7) One local high school teacher or principal.

(8) One member of a local board of school directors.

(9) Two members appointed by the Senate, one appointed by the Majority Leader of the Senate and one appointed by the Minority Leader of the Senate.

(10) Two members appointed by the House of Representatives, one appointed by the Majority Leader of the House of Representatives and appointed by the Minority Leader of the House of Representatives.

(b) A Commission member may designate an alternate to attend meetings.

(c) Commission work groups, appointed by the Commission chairpersons and composed of select members of the Commission and others, will conduct work as designated by the Commission with the assistance of Department of Education staff and consultants. Work groups and consultants will help

facilitate key sessions, conduct necessary research and issue a final report. The topics and tasks of workgroups will be identified by the Commission.

(d) The Department of Education will provide administrative support to the Commission.

(e) A Commission member may designate an alternate to attend Commission meetings, if required.

**§ 6.264. Terms of membership.**

(a) Members of the Commission on College and Career Success (Commission) serve at the pleasure of the Governor.

(b) If a vacancy occurs on the Commission due to resignation, disability or death of a member, the Governor or other appointing authority, as applicable, should appoint a successor as expeditiously as possible.

**§ 6.265. Compensation.**

Members of the Commission on College and Career Success receive no compensation for their services, except that members may be reimbursed for actual travel and related expenses in accordance with Commonwealth travel and subsistence policies. See Chapter 40 (relating to travel and subsistence).

**§ 6.266. Reports.**

The Commission on College and Career Success will issue a report containing a summary of its progress and recommendations for legislation, regulations and secondary and postsecondary policies in this Commonwealth. A preliminary report will be produced by May 1, 2006, and a final report will be produced by December 31, 2006.

**§ 6.267. Executive agencies.**

Agencies under the Governor's jurisdiction shall provide assistance to the Commission as requested by the chairpersons.

**§ 6.268. Effective date.**

This subchapter is effective immediately.

**§ 6.269. Termination date.**

This subchapter is in force until February 12, 2007.

[Pa.B. Doc. No. 06-1479. Filed for public inspection August 4, 2006, 9:00 a.m.]

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**PART I. GOVERNOR'S OFFICE**  
**[4 PA. CODE CH. 6]**  
**[EXECUTIVE ORDER NO. 2004-1]**  
**Governor's Invasive Species Council**

January 27, 2004

*Whereas*, nonnative invasive species are a National problem that pose significant environmental and economic threats to the Commonwealth's natural resources and resource-based industries, and may be detrimental to public health and safety; and

*Whereas*, invasive species pose a significant threat to biodiversity which is essential for the Commonwealth's economic, environmental, and social well-being; and

*Whereas*, preventing new introductions of invasive species and limiting the spread of established populations into uninfested areas is both environmentally responsible and economically beneficial; and

*Whereas*, Federal Executive Order 13112 acknowledges that nonnative invasive species fail to recognize jurisdictional boundaries, thus creating a need for enhanced coordination between local, State, regional, and Federal entities; and

*Whereas*, the National Invasive Species Act of 1996 provides Federal funding to states that voluntarily implement a federally approved aquatic invasive species management plan; and

*Whereas*, it has been determined that the Governor and the Commonwealth would benefit from the advice and counsel of an official representative body of natural resource managers, policymakers, and researchers engaged in abating the introduction and spread of nonnative invasive species in Pennsylvania.

*Now, Therefore*, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby establish the Governor's Invasive Species Council as hereinafter set forth.

*Edward G. Rendell*

*Governor*

**Fiscal Note:** GOV 04-11. (1) General Fund; (2) Implementing Year 2003-04 is \$25,000; (3) 1st Succeeding Year 2004-05 is \$75,000; 2nd Succeeding Year 2005-06 is \$75,000; 3rd Succeeding Year 2006-07 is \$75,000; 4th Succeeding Year 2007-08 is \$75,000; 5th Succeeding Year 2008-09 is \$75,000; (4) 2002-03 Program—\$N/A; 2001-02 Program—\$N/A; 2000-01 Program—\$N/A; (7) Department of Agriculture—General Government Operations; (8) recommends adoption.

#### **Annex A**

### **TITLE 4. ADMINISTRATION**

#### **PART I. GOVERNOR'S OFFICE**

#### **CHAPTER 6. ADDITIONAL COUNCILS AND COMMITTEES**

#### **Subchapter T. GOVERNOR'S INVASIVE SPECIES COUNCIL**

Sec.	
6.271.	Purpose.
6.272.	Responsibilities.
6.273.	Composition.
6.274.	Terms of membership.
6.275.	Compensation.
6.276.	Cooperation by State agencies.
6.277.	Reports.
6.278.	Effective date.
6.279.	Termination date.

#### **§ 6.271. Purpose.**

The Governor's Invasive Species Council:

- (1) Advises the Governor on and direct the development and implementation of a State invasive species management plan.
- (2) Provides guidance on prevention, control and rapid response initiatives.
- (3) Facilitates coordination among Federal, regional, State and local efforts.

#### **§ 6.272. Responsibilities.**

The Governor's Invasive Species Council (Council) shall:

- (1) Develop and implement a comprehensive invasive species management plan for this Commonwealth and revise the plan at regular 5-year intervals or as needed.
- (2) Provide guidance on prevention and control of invasive species and rapid response to new infestations.
- (3) Facilitate coordination among Federal, regional, State and local initiatives and organizations engaged in the management of invasive species.

(4) Convene at least quarterly and at the call of the chairperson of the Council.

(5) Adopt rules of procedure consistent with this subchapter.

**§ 6.273. Composition.**

(a) The Secretary of Agriculture will serve as Chairperson of the Governor's Invasive Species Council (Council). The membership will include agency heads of the Commonwealth or their designees responsible for the conservation of agricultural and natural resources and the protection of public health, each of whom shall be appointed by and serve at the pleasure of the Governor, including the following:

- (1) Secretary of Conservation and Natural Resources.
- (2) Secretary of Environmental Protection.
- (3) Secretary of Health.
- (4) Secretary of Transportation.
- (5) Executive Director of the Fish and Boat Commission.
- (6) Executive Director of the Game Commission.

(b) In addition, the Council will have up to 10 members of the public representing agriculture and natural resource organizations and educational institutions conducting invasive species research and outreach. The members of the public will be appointed by and serve at the pleasure of the Governor.

**§ 6.274. Terms of membership.**

The ten members of the public representing agriculture and natural resources organizations and educational institutions will be appointed for terms of 2 years and will continue to serve thereafter until their successors have been appointed. The Governor will fill vacancies that may occur and may remove any member from the Governor's Invasive Species Council at the discretion of the Governor.

**§ 6.275. Compensation.**

Members of the Governor's Invasive Species Council (Council) will receive no additional compensation for their service as Council members. Nongovernment members will be reimbursed for travel and related expenses in accordance with Commonwealth policy. See Chapter 40 (relating to travel and subsistence).

**§ 6.276. Cooperation by State agencies.**

Agencies under the Governor's jurisdiction shall cooperate with and provide assistance and support as needed by the Governor's Invasive Species Council to carry out its functions effectively.

**§ 6.277. Reports.**

In addition to the recommendations described in this subchapter, the Governor's Invasive Species Council (Council) shall submit to the Governor a biennial report on the Council's activities.

**§ 6.278. Effective date.**

This subchapter takes effect immediately.

**§ 6.279. Termination date.**

This subchapter will remain in effect unless revised or rescinded by the Governor.

[Pa.B. Doc. No. 06-1480. Filed for public inspection August 4, 2006, 9:00 a.m.]

## PART I. GOVERNOR'S OFFICE

## [4 PA. CODE CH. 6]

[EXECUTIVE ORDER NO. 2006-5]

**Pennsylvania Homeland Security and Emergency Preparedness Organizational Structure**

June 26, 2006

*Whereas*, in response to the September 11, 2001, terrorist attacks on the United States and its people, the President of the United States, George W. Bush, called upon all Americans to be vigilant to the threat of terrorism and to defend our nation against additional and future terrorist attacks; and

*Whereas*, natural disasters and health-related epidemics continually pose a threat to the citizens of the Commonwealth; and

*Whereas*, terrorist attacks, natural disasters, and health-related epidemics may result in mass casualties to civilian populations, disruption of critical government functions, and/or disruption or destruction of interdependent critical infrastructures that can impact the national economy and deny services upon which the welfare of citizens and vitality of the nation depend; and

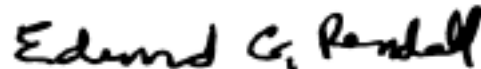
*Whereas*, the Commonwealth must take necessary steps to protect its citizens from these threats and be prepared to act if such threats occur; and

*Whereas*, preparedness involves a continuous cycle of activity to develop the elements (e.g. plans, procedures, policies, training, and equipment) necessary to maximize the capability to prevent, protect against, respond to, and recover from domestic incidents, especially major events that require coordination among an appropriate combination of federal, state, local, private sector, and non-governmental entities, in order to minimize the impact on lives, property, and the economy; and

*Whereas*, the U.S. Department of Homeland Security requires an all-hazards approach to preparedness requiring the Commonwealth to have an efficient and comprehensive approach to prepare, prevent, respond, and recover from an incident or event of national significance that necessitates uniformity between local, state, and federal entities; and

*Whereas*, it is appropriate for the Commonwealth to continually review its capacity to coordinate preparedness, prevention, and response capabilities across a multi-jurisdictional and regional spectrum and develop the necessary enhancements to address any needs.

*Now, Therefore*, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, by the virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws of the Commonwealth, do hereby establish the Homeland Security and Emergency Preparedness Organizational Structure. By doing so, I invest it with the necessary powers to perform the duties and functions set forth herein and to advise and counsel me in the development and operation of preparedness initiatives specifically with respect to the Commonwealth's overall duty to ensure public safety.



Governor

**Fiscal Note:** GOV 06-6. No fiscal impact; (8) recommends adoption.

## Annex A

## TITLE 4. ADMINISTRATION

## PART I. GOVERNOR'S OFFICE

## CHAPTER 6. ADDITIONAL COUNCILS AND COMMITTEES

## Subchapter E. HOMELAND SECURITY ORGANIZATIONAL STRUCTURE

**§ 6.41. Homeland Security and Emergency Preparedness Organizational Structure.**

The Homeland Security and Emergency Preparedness Organizational Structure consists of the Office of Homeland Security, the Governor's Homeland Security and Emergency Preparedness Executive Cabinet and the Homeland Security and Emergency Preparedness Advisory Council. Each entity is responsible for fulfilling specific activities, as outlined in this subchapter, necessary to support homeland security. The role of the Pennsylvania Emergency Management Agency (PEMA) will not change as PEMA will continue to be the lead agency responsible for this Commonwealth's role in the National Response Plan.

**§ 6.42. Goals.**

The goals of the Homeland Security and Emergency Preparedness Organizational Structure are to:

- (1) Oversee preparedness strategies and plans within this Commonwealth by ensuring that the focus of preparedness efforts remain an all-hazards approach in preparing for, preventing, and responding to incidents or events which have actual, potential, domestic or international implications.
- (2) Coordinate local, State and Federal homeland security and emergency preparedness efforts within this Commonwealth.
- (3) Enhance the integration of disciplines involved in preparedness.
- (4) Develop the necessary relationships among public and private sector entities to effectively coordinate this Commonwealth's overarching preparedness efforts.
- (5) Reduce this Commonwealth's vulnerability by identifying, preventing, countering and neutralizing domestic terrorism, natural disasters and health-related epidemics.
- (6) Create, for the purposes of prevention and response, an all-hazards information fusion capability to facilitate information collection, analysis and intelligence production and sharing functions.
- (7) Set forth necessary plans and actions to ensure the preservation of critical infrastructures including, but not limited to, the 13 critical infrastructure sectors and four key resource categories, as defined by the Federal Department of Homeland Security.
- (8) Coordinate the administration of all grants for homeland security and public safety to ensure their integration across disciplines and agencies to enhance this Commonwealth's preparedness strategy.
- (9) Build upon the existing homeland security and crisis response infrastructure by unifying and maximizing our assets and acquiring resources.
- (10) Heighten awareness, preparedness and the need for planning at all levels of government and citizenry through training, planning, exercises and outreach.

**§ 6.43. Office of Homeland Security.**

The Office of Homeland Security (Office) is managed by a Director of Homeland Security (Director), who serves as this Commonwealth's primary point-of-contact on homeland security issues and the Governor's senior advisor on homeland security issues.

(1) *Responsibilities.* The Office shall:

(i) Make recommendations to the Governor on issues that affect the security of this Commonwealth.

(ii) Review and make recommendations to the Governor regarding pending legislation and regulations that pertain to homeland security.

(iii) Submit to the Governor an annual report on homeland security activities.

(iv) Monitor government grant and private sector funding opportunities that may be used to strengthen homeland security efforts and resources.

(v) Convene the Homeland Security and Emergency Preparedness Executive Cabinet, as needed.

(vi) Convene, at least semiannually, the Homeland Security and Emergency Preparedness Advisory Council and coordinate its participation in citizen corps and related activities.

(vii) Establish, on behalf of the Governor, working groups and steering committees, as needed, to set forth the goals of the Homeland Security and Emergency Preparedness Organization.

(viii) Coordinate training, planning, exercise and outreach efforts to heighten awareness, preparedness and the need for planning at all levels of government and citizenry.

(ix) Adopt rules of procedure consistent with this subchapter.

(2) *Organizational location.* The Office will be located within the Governor's Executive Offices and the Director reports to the Governor.

(3) *Priorities.* The Office priorities will be established by the Director, based on the advice of the Governor's Homeland Security and Emergency Preparedness Executive Cabinet and the Homeland Security and Emergency Preparedness Advisory Council, within the overall strategic direction set forth by the Governor.

**§ 6.44. Governor's Homeland Security and Emergency Preparedness Executive Cabinet.**

(a) *Responsibilities.* The Governor's Homeland Security and Emergency Preparedness Executive Cabinet (Executive Cabinet) coordinates Commonwealth Homeland Security and Emergency Preparedness plans, procedures, policies, resources and capabilities necessary to fulfill the Commonwealth's responsibilities in prevention, protection, response and recovery.

(b) *Composition.* The Executive Cabinet shall be composed of the:

(1) Governor.

(2) Governor's Chief of Staff.

(3) Governor's General Counsel.

(4) Director of Homeland Security.

(5) Director of the Pennsylvania Emergency Management Agency.

(6) Adjutant General of Pennsylvania.

(7) Commissioner of the Pennsylvania State Police.

(8) Secretary of Health.

(9) Secretary of General Services.

(10) Secretary of Administration.

(11) Other agency heads, as designated by the Governor, on an as-needed basis.



**§ 6.45. Homeland Security and Emergency Preparedness Advisory Council.**

The purpose of the Homeland Security and Emergency Preparedness Advisory Council (Council) is to advise the Director of the Office of Homeland Security on matters relating to homeland security.

(1) *Composition.* The Council shall be composed of the Director of the Office of Homeland Security and representatives from public and private sector entities, as selected and appointed by the Governor, with a total appointed membership not to exceed 25. Other nonappointed members may participate, as directed by the Governor, to address needs as they may arise.

(2) *Chairperson.* The Governor will designate, to serve at the pleasure of the Governor, one person from the Council membership as chairperson of the Council.

(3) *Terms.* Membership terms on the Council are for 3 years. Each member shall serve until the expiration of the term to which the member was appointed or until death, resignation, or removal. There is no limit to the number of consecutive terms a member can serve.

(4) *Compensation.* Members of the Council serve without compensation for their services except that the Pennsylvania Emergency Management Agency may reimburse members the necessary and actual expenses incurred in attending meetings of the Council and in performance of their duties.

**§ 6.46. Relationship with other agencies.**

Agencies under the Governor's jurisdiction shall cooperate with and provide assistance to the Office of Homeland Security, the Executive Cabinet and the Council in performing their functions.

**§ 6.47. Effective date.**

This subchapter takes effect immediately.

**§ 6.48. Termination date.**

This subchapter remains in effect unless revised or rescinded by the Governor.

**§ 6.49. Rescission.**

Executive Order 2002-11, Pennsylvania Homeland Security Organizational Structure, is rescinded.

[Pa.B. Doc. No. 06-1481. Filed for public inspection August 4, 2006, 9:00 a.m.]

**PART I. GOVERNOR'S OFFICE**

**[4 PA. CODE CH. 7]**

**[EXECUTIVE ORDER 1980-18, REVISION NO. 3]**

**Code of Conduct**

April 25, 2005

By virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, hereby revise Part I, Section 1 of Executive Order 1980-18, page 1, as follows:

*Edward G. Rendell*

Governor

**Fiscal Note:** GOV 05-09. No fiscal impact; (8) recommends adoption.

## Annex A

## TITLE 4. ADMINISTRATION

## PART I. GOVERNOR'S OFFICE

## CHAPTER 7. MISCELLANEOUS PROVISIONS

**Subchapter K. CODE OF CONDUCT FOR APPOINTED OFFICIALS  
AND STATE EMPLOYEES RESTRICTED ACTIVITIES: CONFLICTS  
OF INTEREST****§ 7.151. Adverse pecuniary interest.**

An employee, appointee or official in the Executive Branch of the Commonwealth may not do the following:

(1) Engage directly or indirectly in business transactions or private arrangement for profit which accrues from or is based upon his official position or authority.

(2) Participate in the negotiation of or decision to award contracts, the settlement of claims or charges in contracts, the making of loans, the granting of subsidies, the fixing of rates, or the issuance of permits, certificates, guarantees or other things of value to, with or for an entity in which he has a financial or personal interest.

(3) Hold any pecuniary interest in, or own shares or securities issued by, an entity regulated by 45 Pa.C.S. Part II (relating to the Pennsylvania Race Horse Development and Gaming Act) (herein, a "regulated gaming entity"). This provision does not apply to interests held:

(i) In mutual funds when the value of the interest owned does not exceed one percent of the total fair market value of the regulated gaming entity.

(ii) Through defined benefit pension plans.

(iii) Through a deferred compensation plan organized and operated under section 457 of the Internal Revenue Code of 1986 (26 U.S.C.A. § 457).

(iv) In blind trusts over which the holder may not exercise any managerial control or receive income during the time period the holder is subject to these provisions.

(v) Through a tuition account plan organized and operated under section 529 of the Internal Revenue Code (26 U.S.C.A. § 529).

(vi) Through a plan described in section 401(k) of the Internal Revenue Code (26 U.S.C.A. § 401(k)).

(vii) In an employer profit-sharing plan qualified under the Internal Revenue Code.

(viii) In a regulated gaming entity prior to July 6, 2004, by individuals other than the following:

(A) Employees of the Pennsylvania State Police or the Department of Revenue whose duties include any aspect of the gaming industry.

(B) Members of the State Horse Racing Commission or the State Harness Racing Commission and their respective staff.

(C) Public officials appointed by the Governor and Commonwealth employees under the Governor's jurisdiction.

(D) Members of the board of the Public School Employees Retirement System and its employees.

(E) Members of the board of the State Employees Retirement System and its employees.

(F) Members of the board of the Independent Regulatory Review Commission and its employees.

[Pa.B. Doc. No. 06-1482. Filed for public inspection August 4, 2006, 9:00 a.m.]

**PART I. GOVERNOR'S OFFICE**

**[4 PA. CODE CH. 7]**

**[EXECUTIVE ORDER NO. 2006-3]**

**Commonwealth Business License Information Exchange Program**

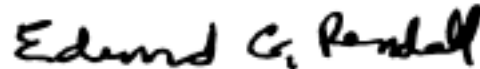
April 12, 2006

*Whereas*, the public depends on licensing agencies within the Commonwealth to provide a measure of security that license applicants and licensees are in good standing and will conduct business fairly, honestly, and in compliance with the applicable licensure requirements and laws of the Commonwealth; and

*Whereas*, the public interest requires an efficient and effective program to identify business licensees and applicants for business licenses who have not met their state tax obligations; and

*Whereas*, this Administration strongly encourages voluntary compliance of all business licensees and applicants for business licenses with the tax laws of the Commonwealth by providing for the collection of State taxes due to the Commonwealth by licensees in a manner that will minimize disruption to operations of state agencies and their respective licensees.

*Now, Therefore*, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, by virtue of the authority invested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby order as follows:



*Governor*

**Fiscal Note:** GOV 06-5. (1) General Fund; (2) Implementing Year 2006-07 is \$500,000; (3) 1st Succeeding Year 2007-08 is \$300,000; 2nd Succeeding Year 2008-09 is \$300,000; 3rd Succeeding Year 2009-10 is \$300,000; 4th Succeeding Year 2010-11 is \$300,000; 5th Succeeding Year 2011-12 is \$300,000; (4) 2005-06 Program—\$N/A; 2004-05 Program—\$N/A; 2003-04 Program—\$N/A; (7) Department of Revenue—Revenue Enforcement; (8) recommends adoption.

**Annex A**

**TITLE 4. ADMINISTRATION**

**PART I. GOVERNOR'S OFFICE**

**CHAPTER 7. MISCELLANEOUS PROVISIONS**

**Subchapter YY. COMMONWEALTH BUSINESS LICENSE INFORMATION EXCHANGE PROGRAM**

- Sec.
- 7.821. Establishment.
  - 7.822. Exchange Committee.
  - 7.823. Cooperation by chief administrators.
  - 7.824. Notice to agency.
  - 7.825. Confidentiality of records.
  - 7.826. Cooperation by State agencies.
  - 7.827. Termination date.

**§ 7.821. Establishment.**

The Secretary of Revenue shall develop and operate a Business License Information Exchange Program which identifies applicants for the issuance or renewal of State-issued licenses that have not timely reported or paid all State taxes due and owing to the Commonwealth.

**§ 7.822. Exchange Committee.**

The Secretary of Revenue shall establish a Business License Information Exchange Committee (Committee) to oversee the Commonwealth Business License Information Exchange Program. The Committee will consist of representatives of the Department of Revenue, the Department of Labor and Industry and the Office of General Counsel and other agencies the Governor may direct from time to time.

**§ 7.823. Cooperation by chief administrators.**

The chief administrators of all Commonwealth agencies under the Governor's jurisdiction shall cooperate with the Secretary of Revenue (Secretary) in implementing the Commonwealth Business License Information Exchange Program by:

(1) Providing the Secretary with the necessary information regarding all business licensees and applicants for business licenses of the agency including, but not limited to, the applicant's State Personal Income Tax identification number, State Sales Tax number, State Corporation Tax number, State Employer Withholding Tax number and Unemployment Compensation account number.

(2) Providing the Secretary with a statement signed by each licensee and applicant for license under penalty of perjury, indicating that all State tax reports have been filed and paid or, in the alternative, that a deferred payment plan is currently in effect. This statement must also acknowledge a waiver of confidentiality with respect to State tax information disseminated to licensing agencies in their performance of this official tax administration.

**§ 7.824. Notice to agency.**

The Secretary of Revenue shall issue a notice to the licensing agency indicating those licensees and applicants who have unresolved State tax obligations.

**§ 7.825. Confidentiality of records.**

Agencies, officers and employees shall treat records and files disclosed by the Department of Revenue as confidential and privileged to the extent provided by law and may disclose tax information only as authorized by law. The failure of any agency employee to implement standards safeguarding confidential State tax information will render the employee subject to sanctions as described in statutes dealing with the confidentiality of State tax information.

**§ 7.826. Cooperation by State agencies.**

Agencies, officers and employees under the Governor's jurisdiction shall cooperate fully in the implementation of the Commonwealth Business License Information Exchange Program.

**§ 7.827. Termination date.**

This subchapter takes effective immediately and continues until rescinded or terminated.

[Pa.B. Doc. No. 06-1483. Filed for public inspection August 4, 2006, 9:00 a.m.]