

**ADMINISTRATIVE CODE OF 1929 - COVID-19 RECORD RETENTION AND
TEMPORARY REGULATORY FLEXIBILITY AUTHORITY**

Act of Jun. 11, 2021, P.L. 56, No. 21

Cl. 71

Session of 2021

No. 2021-21

HB 854

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 employees in certain departments, boards, and commissions; providing for judicial administration; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments, boards and commissions shall be determined," providing for COVID-19 record retention and for temporary regulatory flexibility authority.

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 articles to read:

ARTICLE XXI-E

COVID-19 RECORD RETENTION

Section 2101-E. Definitions.

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

"COVID-19." The coronavirus disease 2019, being an infectious disease caused by severe acute respiratory syndrome coronavirus 2 that was first identified during December 2019 in Wuhan, China.

"Executive agency." An office, department, authority, board, multistate agency or commission of the executive branch of the Commonwealth which is subject to the policy supervision and control of the Governor.

"Order." Any of the following:

(1) the declaration of disaster emergency issued by the Governor on March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020); or

(2) a declaration of disaster emergency relating to COVID-19 which is issued after March 6, 2020.

"Record." Information, regardless of physical form or characteristics, that documents a transaction or activity of an executive agency and that is created, received or retained pursuant to law or in connection with a transaction, business or activity of the executive agency. The term includes a document, paper, letter, map, book, tape, photograph, film or sound recording, information stored or maintained electronically and a data-processed or image-processed document.

Section 2102-E. Retention of records related to COVID-19.

An executive agency shall preserve all records in possession of the agency relating to the order in accordance with the executive agency's existing record retention policy.

Section 2103-E. Construction.

Nothing in this article shall be construed to reduce the retention period of any Commonwealth record as provided by law or prevent the transfer of records to the State Archives for permanent retention.

ARTICLE XXI-F

TEMPORARY REGULATORY FLEXIBILITY AUTHORITY

Section 2101-F. Definitions.

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

"COVID-19." The coronavirus disease 2019, being an infectious disease caused by severe acute respiratory syndrome coronavirus 2 that was first identified during December 2019 in Wuhan, China.

"Order." Any of the following:

(1) the declaration of disaster emergency issued by the Governor on March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020); or

(2) a declaration of disaster emergency relating to COVID-19 which is issued after March 6, 2020.

Section 2102-F. Temporary regulatory flexibility authority.

(a) Extension.--The suspension of a regulatory statute prescribing the procedures for conduct of Commonwealth business, or an order, rule or regulation of a Commonwealth agency which was suspended under 35 Pa.C.S. § 7301(f)(1) (relating to general authority of Governor) as of the last day that the order, as amended and renewed, was in effect is extended until September 30, 2021, unless sooner terminated by the authority which initially authorized the suspension.

(b) Applicability.--A suspension which is extended under subsection (a) shall be retroactive to the last day that the order, as amended and renewed, was in effect.

(c) Notice.--Upon the termination of an extension of a suspension under subsection (a), the authority which terminated the extension of the suspension shall notify all of the following:

- (1) The President pro tempore of the Senate.
- (2) The Majority Leader of the Senate.
- (3) The Minority Leader of the Senate.
- (4) The Speaker of the House of Representatives.
- (5) The Majority Leader of the House of Representatives.
- (6) The Minority Leader of the House of Representatives.
- (7) The chair and minority chair of each committee of the Senate and of the House of Representatives which have oversight authority over the Commonwealth agency which administers the regulatory statute, order, rule or regulation.

Section 2. This act shall take effect immediately.

APPROVED--The 11th day of June, A.D. 2021.

TOM WOLF