

WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – DAVID G. ARGALL, CHAIRMAN

Monday, October 24, 2016

[Senate Bill 984](#) (Bartolotta) would amend Title 53 (Municipalities Generally), Title 66 (Public Utilities), and Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to establish regulations governing the operations of transportation network companies (TNCs), such as Uber and Lyft, plus the operation of taxis and limousines in Philadelphia County. Among other provisions, the bill would:

TNCs in Philadelphia

- Give the Philadelphia Parking Authority (PPA) exclusive regulatory authority over TNC service originating in Philadelphia.
- Require TNCs seeking licensure to file an application with the PPA, to pay a one-time application fee of \$50,000, and to meet qualifications.
- Oblige TNCs to maintain and keep records related to their operations for at least three years.
- Empower the PPA to conduct compliance audits to ensure TNC drivers meet all eligibility criteria.
- Impose mechanical and safety standards on TNC-associated vehicles and permit the PPA to conduct vehicle inspections to ensure compliance with them.
- Preclude a PPA-licensed TNC from operating at Philadelphia International Airport; however, the airport owner/operator could pursue TNC services on airport property.
- Prohibit passenger pick-up by a TNC at an AMTRAK station in Philadelphia.
- Authorize the PPA to issue fines of as much as \$1,000 per day per violation of TNC standards.
- Permit the PPA to disqualify a TNC driver for violating eligibility requirements and operating regulations, upon notice to the driver.
- Levy a 1.4 percent gross receipts tax on TNC fares originating in Philadelphia, with two-thirds of the revenue going to the Philadelphia School District and one-third to PPA; this levy would be imposed at least through December 31, 2019.

Taxis and Limousines in Philadelphia

- Order PPA to regulate taxis and limousines in Philadelphia, including the amounts of fees and assessments, vehicle inspections and standards, dispatcher requirements, meters and metering, marking of taxis, driver qualifications, and limousine rates.
- Limit annual assessments on taxicab medallion holders to one percent of gross revenues generated within Philadelphia.

TNCs in the Other 66 Counties (Regulated by the PA Public Utility Commission [PUC])

- Require TNCs to provide insurance coverage to repair vehicles when accidents occur while delivering TNC service.
- Stipulate insurance coverage requirements for dual motor carriers (a call or demand carrier operating under a certificate of public convenience and providing TNC services via a PUC license) would be the same as that of taxis.
- Order a TNC to provide specific notice to drivers regarding whether it provides insurance to cover vehicle repairs should an accident occur while providing TNC services.
- Charge the PUC with regulating TNC services, including licensing of TNC entities.
- Bar TNC drivers from operating at commercial airports.
- Prohibit TNC drivers from smoking while delivering a prearranged ride.
- Specify a vehicle used to provide TNC service must be equipped and licensed for use on a public highway, be outfitted with factory-installed seatbelts for all occupants, be not older than 10 model years or have more than 350,000 miles of usage, and be properly marked.
- Empower the PUC to inspect TNC vehicles believed to be non-compliant.
- Require a TNC to send a receipt to a passenger's email address upon trip completion.
- Prohibit a TNC from disclosing a passenger's personal or financial information without his or her consent, notwithstanding special circumstances such as a subpoena.
- Allow the PUC to impose civil penalties and nonmonetary penalties for violations.

TNCs throughout Pennsylvania

- Require a TNC or TNC driver to maintain primary automobile liability insurance coverage that recognizes TNC service is being supplied.

- Require a TNC driver to provide proof of insurance coverage to directly interested parties, auto insurers, and police, in the event of an accident.
- Prohibit a TNC or TNC driver from requesting or requiring a passenger to sign a waiver of potential liability for a loss of personal property or injury; similarly, a TNC could not request or require a driver to sign a waiver of potential liability.
- Require TNC drivers to be at least 21 years old, to satisfy criminal and driving record checks, to possess a valid driver's license and proof of vehicle insurance, and to carry proof of the TNC's liability insurance.
- Oblige a TNC to complete a criminal and driving record check for each driver applicant; for each successful applicant, such checks would be repeated periodically.
- Enjoin a TNC to implement zero-tolerance policies on the use of drugs and alcohol while a driver is providing transportation network service.
- Direct a TNC to establish and furnish driver training materials, including service to persons with disabilities, to a TNC driver prior to permitting the driver to offer service.
- Order a TNC to supply drivers with an approved placard or decal that must be displayed when a driver is logged in to a digital network or providing a prearranged ride.
- Mandate TNCs to take reasonable steps to ensure drivers are delivering safe, reasonable, adequate, and nondiscriminatory service.
- Require a TNC to give an estimate, upon request, for the cost of a trip. **Concurrence in House Amendments: 47-1.**

Senate Resolution 471 (Tartaglione) recognizes the month of October 2016 as “National Disability Employment Awareness Month” in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 472 (Teplitz) recognizes December 1, 2016 as “World AIDS Day” to foster public awareness of the HIV/AIDS pandemic and to remember the millions of individuals diagnosed with HIV/AIDS and the global challenges associated with eradicating this deadly disease. **Adopted by Voice Vote.**

Senate Resolution 473 (Teplitz) designates the month of October 2016 as “Attention Deficit Hyperactivity Disorder Awareness Month” in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 474 (Argall) designates the month of October 2016 as “Chiropractic Health and Wellness Month” in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 475](#) (Smucker) designates November 18, 2016 as “Gifted Education Day” in Pennsylvania and expresses appreciation to educators of the gifted throughout the Commonwealth. [Adopted by Voice Vote.](#)

[Senate Resolution 476](#) (Bartolotta) recognizes the month of November 2016 as “Native American Heritage Month” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 477](#) (Teplitz) designates the week of October 23 through 29, 2016 as “Explore PA Outdoors Week” in Pennsylvania. [Adopted by Voice Vote.](#)

[House Bill 162](#) (Benninghoff) would amend Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes to permit an adult adoptee, or descendants if the adoptee is deceased, to access an original birth record without consent of the birth parents. The Department of Health (DOH) would be required to issue a noncertified copy of the original birth record within 45 days of the receipt of an application. The Department could charge a fee for the birth record. Each birth parent on the original birth certificate could request from DOH a contact preference form regarding contact by the adoptee. A birth parent could also request a name redaction request form. Information regarding the availability of name redaction request forms would have to be included on DOH’s website. The redaction request would have to be accepted if notarized, two forms of identification are provided, and the birth parent’s medical history is substantially completed or updated as determined by DOH. If the birth parent dies after submitting a name redaction request form, DOH could provide their name to the adoptee. The Department would have 210 days to develop and implement policies and procedures to comply with the act.

[Passed: 47-0.](#)

[House Bill 1118](#) (Vereb) would amend Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes to create a new Chapter 92 addressing conflicts of interest, repeal Chapter 93 containing the expired provisions governing independent counsel and add a new Chapter 95 providing for an independent counsel to investigate wrongdoing in the Attorney General’s Office.

Under the conflict of interest provisions, if a district attorney requests that the Attorney General exercise the power to prosecute in a county criminal court and the Attorney General declines to accept or act on the request, the district attorney could refer the matter to a district attorney of a contiguous county who has sufficient resources and has no conflict of interest in representing the Commonwealth. If the district attorneys of the contiguous counties decline to accept the referral for any reason, the referring district attorney could refer the matter to a district attorney of a noncontiguous county. A district attorney who has accepted a case under these provisions and a deputy or assistant district attorney on the district attorney’s staff would have the same authority to investigate and prosecute as the district attorney who referred the matter.

The new Chapter 95 would provide for the establishment of a Special Independent Prosecutor’s Panel composed of one judge of the Superior Court and two judges, which could include senior judges, of the courts of common pleas of the Commonwealth. The members of the panel would be chosen by lot. The procedure would be determined and supervised by the Court Administrator of Pennsylvania in the Administrative Office of Pennsylvania Courts

(AOPC). The Prothonotary of Commonwealth Court would serve as the clerk for the panel. The AOPC would be required to disclose to the public the membership of the panel and publish the membership on its website and in the *Pennsylvania Bulletin*.

The panel, upon the petition of the requesting judge, would appoint a special investigative counsel to conduct a preliminary investigation when the panel receives information from a requesting judge sufficient to constitute grounds to investigate criminal contempt of court as described in the legislation. In addition, the panel, upon the petition of a district attorney with reasonable grounds to believe that an offense greater than a summary offense has occurred, would appoint a special investigative counsel to conduct a preliminary investigation. If further investigation is warranted, the panel would appoint an independent counsel to proceed with an investigation. The independent counsel would have full power and independent authority to exercise all investigative and prosecutorial functions of the Office of Attorney General. An office of independent counsel would terminate when the independent counsel notifies the panel that the investigation of all matters and any resulting prosecutions have been completed and a final report is filed. All expenses attributable to the appointment of either a special investigative counsel or an independent counsel would be paid from the annual appropriation for the Office of Attorney General's general government operations. **Passed: 47-0.**

House Bill 1196 (Printer's Number 4090 - Petri) would amend the Liquor Code, to include changes to provisions in Act 39 of 2016. Among other provisions, the bill would:

- Alter definitions of “alcoholic cider”, “distributor”, “importing distributor”, “malt or brewed beverages”, “mug club”, and “zoo”; and add definitions for “growler” and “mead”;
- Allow liquor licensees to serve alcohol at 9:00 am on Sundays;
- Permit an officer, director, or stockholder of a hotel, restaurant, or club license to own lands or buildings that are leased to a retail dispenser, distillery, or limited distillery license holder;
- Enable liquor sales (mixed drinks) at professional and amateur athletic events in the same way as malt or brewed beverages;
- Permit a distributor to sell malt or brewed beverages in any amount and any configuration;
- Authorize breweries to sell alcoholic cider and malt or brewed beverages produced by another manufacturer to be consumed on their licensed premises;
- Allow an out-of-state or foreign licensed wholesaler or retailer of malt or brewed beverages that obtains a shipper license to ship as much as 192 ounces per month on the order of any Commonwealth resident that is at least 21 years of age;

- Authorize limited wineries to sell wine and alcoholic cider produced by another limited winery to be consumed on their licensed premises;
- Allow distilleries and limited distilleries to sell alcoholic cider produced by a limited winery and liquor produced by a licensed distillery to be consumed on their licensed premises; and
- Allow for a ballot question to grant a liquor license to an airport authority for liquor sales to be placed before voters in municipalities that do not allow retail liquor sales.

Concurrence in House Amendments to Senate Amendments, as Amended: 48-0.

(Note: House Bill 1196 was amended by the House on October 25, 2016. The Senate concurred in these amendments on October 26, 2016.)

[House Bill 1618](#) (Fee) would amend the Administrative Code to establish the Office of State Inspector General in statute as an independent agency. The bill provides for the Inspector General to be nominated by the Governor to serve for a six-year term. The nomination would have to be confirmed by a vote of two-thirds of the Senate. The Inspector General could serve no more than two terms and could not accept appointment to a political office during his or her term and for one year thereafter. The Inspector General could be removed from office by the Governor for cause. The Inspector General would be given the power to do the following: 1) make an investigation and report relating to the administration of a program and operation of an executive agency; 2) request information or assistance necessary for carrying out the duties and responsibilities under this act from the federal government, an executive agency or a local government agency; 3) require and obtain information, documents, reports, answers, records, accounts, papers and other necessary data and documentary evidence; 4) have direct and prompt access to the heads of executive agencies, if necessary; 5) select, appoint and employ officers and employees necessary for carrying out the functions, powers and duties of the office; and 6) issue subpoenas. The purpose and duties of the Office of Inspector General are outlined in the bill. Executive agencies would have 10 days to respond to a request from the State Inspector General.

A person could not take or threaten to take action against an employee as reprisal for making a complaint or disclosing information to the Inspector General unless the employee knowingly made a false complaint. Employees would be protected under the Whistleblower Law. The appropriation for the Office of Inspector General would be in a separate line item under the jurisdiction of the Inspector General. Subject to sufficient funds being appropriated, the Office would be required to hire additional employees to investigate fraud, waste, misconduct and abuse claims from the Department of Human Services and the Department of Health for at least two years. The number of new employees would have to increase by 50 percent the total complement of employees in the Office of Inspector General on March 31, 2016.

The Office would be directed to submit a written report to certain committees of the General Assembly one year after the additional employees are hired. The report would have to include: 1) the number of total investigations addressed by the office, including a breakdown by new and prior employees; 2) the dollar amount of recovery/cost avoidance per employee,

including a breakdown by new and prior employees; 3) the number of investigations filed with the office that were not addressed; and 4) any additional cost-saving efforts initiated by the office as a result of additional employees. By December 31 of each year, the Inspector General would be required to issue an annual report to the General Assembly. The report would include: 1) information relating to investigations undertaken by the office; 2) an accounting of the taxpayer money that was recovered as a result of the work of the office; 3) the monetary value that resulted from fraud prevention activities as a result of the work of the office; 4) summaries of performance of each bureau within the office; and 5) specific recommendations concerning the improvement of any state program to further reduce waste, fraud and abuse. **Passed: 29-18.**

House Bill 2025 (Reese) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to make a number of changes. Among other provisions, the measure would:

- Allow a temporary vehicle registration issued to a vehicle acquired in Pennsylvania for transportation to another state to be valid for 60 days;
- Bar obscured, covered, or obstructed registration plates that would inhibit operation of an electronic toll collection system;
- Provide for suspension and surrender of registration plates and cards due to unpaid tolls. Failure to pay six or more violations for unpaid tolls or incurring tolls and administrative fees of at least \$500 would trigger a suspension of registration by PennDOT. For violations outside Pennsylvania, PennDOT would suspend the registration of a vehicle upon notification from a tolling entity that has entered into an enforcement agreement with the Department;
- Permit PennDOT to grant a waiver from a hazardous materials endorsement for commercial drivers in certain agricultural fields;
- Allow the registration fee for a motor carrier vehicle greater than 17,000 pounds to be refunded, on a pro-rated basis, if the vehicle is stolen or demolished;
- Provide for enhanced penalties of homicide by vehicle and aggravated assault by vehicle for texting while driving;
- Eliminate the requirement for motor carrier vehicles greater than 17,000 pounds to be subject to a semiannual safety inspection;
- Remove the “grandfather clause” for inspection mechanics, thereby allowing those certified before 1983 to remain compliant with recertification standards;
- Allow PennDOT to suspend the certificate, to impose a monetary penalty or to warn an inspection station that is non-compliant with Department standards;
- Add sugar to the list of commodities that may receive an annual permit to haul in loads greater than 80,000 pounds; and

- Improve the process of removing abandoned vehicles from private property. **Passed: 48-0.**

House Bill 2058 (Farry) would amend Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes to allow paramedics to perform legal blood draws, when requested by law enforcement, on individuals suspected of driving under the influence. The Department of Health would be required to promulgate regulations to establish standards and criteria for this service. Additionally, the bill would permit law enforcement officers who witness a blood draw to testify to the chain of custody in place of the paramedic. The bill would also amend Title 42 (Judiciary and Judicial Procedure) to establish a paramedic user fee. Upon conviction, offenders would be required to pay the fee to cover criminal laboratory services and the cost of a paramedic attending court proceedings. **Passed: 47-0.**

House Bill 2148 (Farry) would amend the Enforcement Officer Disability Benefits Law, commonly referred to as the Heart and Lung Act, to extend its coverage to firemen employed by the Commonwealth. For purposes of the coverage, “fireman” would include

- Paid firemen not employed by the Commonwealth;
- Emergency medical services personnel employed within a city fire department;
- Firemen of airport authorities, including fire suppression instructors;
- Fire and safety marshals who are firemen employed by the Commonwealth;
- Fire academy instructors employed by the State Fire Academy;
- Assistant fire marshals employed by the Commonwealth; and
- Forest patrolmen and forest technicians employed by the Commonwealth. **Passed: 47-0.**

House Bill 2290 (Miccarelli) would increase the fees collected by the Navigation Commission for the Delaware River and its Navigable Tributaries for the issuance of original and renewed pilots licenses from \$250 annually to \$400 annually. If the fees are inadequate to cover expenditures or meet the minimum enforcement efforts required, the Navigation Commission or the Bureau of Professional and Occupational Affairs could increase the fee up to \$525 annually. **Passed: 47-0.**

House Bill 2291 (Miccarelli) would provide a rate increase for the river pilots who navigate trade vessels along the Delaware River and its navigable tributaries. The rate adjustments would represent a one percent increase in 2018 and a two percent increase in 2019. **Passed: 47-0.**

Tuesday, October 25, 2016

[Senate Bill 805](#) (Boscola) would amend Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes to further provide for an energy efficiency and conservation program. The bill would:

- Require utilization of conservation service providers to facilitate implementation of all or part of an energy efficiency and conservation plan. Conservation service providers supply information and technical assistance on measures that enable increased energy efficiency or reduce energy consumption;
- Require an electric distribution company to show an energy efficiency and conservation plan is cost effective and provides diverse alternatives for participating customers of rate classes included in the plan;
- Direct the Public Utility Commission (PUC) to determine the period of an energy efficiency and conservation plan, after May 31, 2021. The period could be no more than five years;
- Permit a customer that is a member of a large commercial class or industrial class to opt out of an energy efficiency and conservation plan developed by an electric distribution company, after May 31, 2021, on a timetable established by the PUC. A large commercial class or industrial class is a group of customers so categorized by an electric distribution company in its original energy efficiency and conservation plan. The PUC would be required to establish guidelines to implement the “opt out” choice by December 31, 2017;
- Prohibit the PUC from mandating any peak demand reductions in any new energy efficiency and conservation plan implemented after May 31, 2021; and
- Specify monetary penalties for an electric distribution company that fails to file a new or revised energy efficiency and conservation plan or that fails to achieve the reduction in electricity consumption required by the PUC. Any penalty related to the reduction in consumption could not be recovered from ratepayers. The PUC would assume responsibility to realize the reduction and implement a plan to do so. **Passed: 35-13.**

[Senate Bill 1219](#) (Mensch) would designate:

- The portion of State Route 663 from the Bucks County line through Pennsburg Borough to the end of Upper Hanover Township in Montgomery County as the Army Specialist Ray Ira Haas Memorial Highway;
- The portion of State Route 100 from Hereford Township at the Lehigh County line through Washington Township in Berks County as the First Lieutenant William F. Gendebien Memorial Highway;

- The section of State Route 2026, also known as Blair Mill Road, in Montgomery County from Easton Road to Horsham Road as the Private First Class Paul T. Wright Memorial Highway;
- The bridge located on Sheep Bridge Road in Newberry Township, York County over I-83 as the Staff Sgt. Jason M. Faley Memorial Bridge;
- The bridge on State Route 879 over Trout Run in Goshen Township, Clearfield County as the Private David Kyle McCracken Memorial Bridge;
- The section of State Route 2034 in Montgomery County from Terwood Road to Moreland Road as the Cpl. Carl F. Hynek III Memorial Highway;
- The section of State Route 145 in Salisbury Township, Lehigh County, from Segment 40 Offset 137 to Segment 40 Offset 3051, as the Cpl. Joshua B. Smith Memorial Highway;
- The bridge located on U.S. Route 15 in Upper Allen Township, Cumberland County over State Route 114 as the Cpl. Jonathan Dean Faircloth Memorial Bridge;
- The section of Byberry Road between Warminster Road and Orangemen's Road in Montgomery County as the Major Jeffrey Toczyłowski Memorial Highway;
- The portion of State Route 1010 in Berks County as the Delight Breidegam, Jr., Memorial Highway;
- The section of State Route 51 in Fayette County from the southern border of Perryopolis Borough to the southern border of Perry Township as the Officer Richard Champion Memorial Highway;
- The bridge located on State Route 741 over the Conestoga River, between Pequea Township and Lancaster Township, Lancaster County as the Cpl. Eric M. Torbert, Jr., Memorial Bridge;
- The interchange of State Route 43, the Mon-Fayette Expressway, with Rubles Mill Road, known as Exit 4, Fayette County as the Master Sgt. Arthur L. Lilley Memorial Interchange;
- The bridge located on State Route 770 over the Tunungwant Creek in Bradford Township, McKean County as the Master Sgt. Thomas Maholic Memorial Bridge;
- The bridge to be constructed on State Route 6 over Dingman Run, Coudersport Borough, Potter County as the PFC George Pesock Memorial Bridge;
- The bridge located on State Route 872 over Bailey Run in Wharton Township, Potter County as the Sgt. Paul M. Brown Memorial Bridge;

- The interchange of Interstate 70 and Pennsylvania Route 119 in New Stanton Borough, Westmoreland County as the E. Jeffrey Wentzel Memorial Interchange;
- The section of State Route 220 from State Route 2081 in Shrewsbury Township, Lycoming County to State Route 42 in Laporte Township, Sullivan County as the Lieutenant Commander John J. Peterman Memorial Highway;
- The section of State Route 220 in Lycoming County from State Route 405 in Hughesville Borough to the Picture Rocks Borough line as the Thomas A. Paternostro Memorial Highway; and
- The bridge located on S.R. 1027 in Polk Township, Jefferson County over North Fork Creek as the Polk Township Veterans Memorial Bridge. [Concurrence in House Amendments: 48-0.](#)

[Senate Bill 1311](#) (Vance) would amend Title 23 (Domestic Relations) and Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes to make numerous changes to state law to ensure that Pennsylvania remains compliant with the federal Child Abuse Prevention and Treatment Act. The legislation would amend Section 2511 of Title 23 to expand the grounds upon which the rights of a parent with regard to a child could be involuntarily terminated. The addition would expand the list to include that the parent has been found by a court to have committed sexual abuse against the child or another child of the parent based on a judicial adjudication as outlined in the legislation, or the parent is required to register as a sexual offender under 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders) or to register with a registry in another jurisdiction or foreign country. The bill would also expand the definition of “perpetrator” and “child abuse” under the Child Protective Services Act to cover certain crimes involving human trafficking. An additional change would expand the definition of “aggravated circumstances” in the Juvenile Act to include the fact that the parent of a child is required to register as a sexual offender under Subchapter H of Chapter 97 (relating to registration of sexual offenders) or to register with a registry in another jurisdiction or foreign country. [Concurrence in House Amendments: 48-0.](#)

[Senate Bill 1331](#) (Reschenthaler) would create the Travel Insurance Modernization Act to establish a licensing and registration process for limited lines travel insurance producers and retailers. Under the bill, a limited lines travel insurance producer would be a person licensed to sell, solicit or negotiate a contract of travel insurance. A travel retailer would be defined as a business entity that makes, arranges or offers travel services, and offers and disseminates travel insurance as a service to its own customers on behalf of, and under the direction of, the limited lines travel insurance producer, or under its own license. An organization selling, soliciting or negotiating coverage under a policy of travel insurance would be required to hold a limited lines travel insurance license. The fee for both the initial license and renewal would be \$400, and could be adjusted once annually. At the time of licensure, the limited lines travel insurance producer would have to establish and maintain a register of each travel retailer in the Commonwealth offering this type of insurance on the producer’s behalf with the information listed in the bill. The register would be submitted to the Insurance Department upon request. The producer would have to update the register annually. The insurer issuing travel insurance

would have to ensure the proper training of the employees and authorized representatives of a travel retailer.

Travel retailers would be required to provide every prospective customer with a brochure or other written material with certain information as specified in the legislation. A travel retailer's employee who is not licensed as a designated licensee could not evaluate or interpret technical terms, benefits and conditions of travel insurance coverage; evaluate or provide advice concerning a prospective customer's existing insurance coverage; or advertise, represent or hold himself or herself out as a licensed insurer, designated licensee or insurance expert. The travel retailer could bill for the travel insurance and collect the payment. A charge to an enrolled customer for coverage that is not included in the cost associated with the purchase of travel services would have to be separately itemized on the customer's bill. Upon registration by the limited lines travel insurance producer as required by the bill, a travel retailer could receive compensation. No travel retail employee or authorized representative could be compensated primarily on the number of customers purchasing travel insurance coverage.

The limited lines travel insurance producer and insurer would have to use reasonable means to ensure compliance by the travel retailer and would be responsible for the acts of the travel retailer, the travel retailer's employees and authorized representatives. The Insurance Commissioner could direct a limited lines travel insurance producer to implement a corrective action plan with the travel retailer following a violation of the act. The Commissioner could also direct the limited lines travel insurance producer to revoke the authorization of the travel retailer to offer and disseminate travel insurance on its behalf, and remove the retailer's name from its register. The Commissioner could, after notice and holding a hearing, suspend or revoke the license of the limited lines travel insurance producer, or the registration of the travel retailer. The Commissioner could also impose a monetary penalty on the limited lines travel insurance producer, along with other appropriate penalties, including a cease-and-desist order regarding the engagement of travel insurance transactions with a particular travel retailer and a particular employee or authorized representative of the travel retailer. **Passed: 48-0.**

[Senate Resolution 478](#) (Tartaglione) recognizes the month of October 2016 as "National Physical Therapy Month" in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 479](#) (Browne) designates the week of October 31 through November 4, 2016 as "No Place for Hate Week" in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 480](#) (Wiley) designates the month of November 2016 as "Epilepsy Awareness Month" in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 481](#) (Alloway) recognizes the week of October 23 through 29, 2016 as "Respiratory Care Week" in Pennsylvania and commends respiratory therapists for their outstanding contribution to health care. **Adopted by Voice Vote.**

[Senate Resolution 482](#) (Alloway) designates the month of November 2016 as "Pancreatic Cancer Awareness Month" in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 483](#) (Teplitz) designates the week of December 5 through 11, 2016 as “Government Reform Week” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 484](#) (Sabatina) recognizes the month of November 2016 as “American Made Month” in Pennsylvania and encourages the purchase of American-made products. [Adopted by Voice Vote.](#)

[Senate Resolution 485](#) (Stefano) recognizes the efforts of the Pennsylvania Dental Association and Dental Lifeline Network with Pennsylvania’s Donated Dental Services Program and congratulates the program for reaching \$15 million in donated dental treatment. [Adopted by Voice Vote.](#)

[Senate Resolution 486](#) (Boscola) designates the month of November 2016 as “Food Pantry Donation Month” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 487](#) (Teplitz) designates the month of November 2016 as “Adoption Awareness Month” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 488](#) (Teplitz) commemorates the 68th anniversary of the Universal Declaration of Human Rights and recognizes December 10, 2016 as “International Human Rights Day” in Pennsylvania. [Adopted by Voice Vote.](#)

[House Bill 245](#) (Dunbar) would make various amendments to the Local Tax Enabling Act. Contingency fees for audits done by a private collection agency would be prohibited. For residents of other states who work in Pennsylvania, political subdivisions would be required to credit that person for earned income taxes (EIT) paid in their home state only if that other state reciprocates by allowing the same for Pennsylvania residents. The bill would also limit the maximum income tax rate imposed when eliminating the occupational tax: a school district could not impose an EIT rate that generates revenue in excess of the occupational tax of the prior fiscal year; and, a municipality could not impose an EIT rate that generates revenue in excess of the occupational tax of the prior calendar year.

The bill would clarify that a “nonresident” is a person who works in a political subdivision for at least 90 or more consecutive days, but does not live there. Taxpayers who make periodic estimated tax payments would not be subject to any penalties as long as they made four equal timely estimated payments equal to 100 percent of the prior year’s tax, less any withholding, or 90 percent of the current year’s tax, less any withholding. In collecting income taxes, political subdivisions would use uniform forms, policies, and procedures that are promulgated by the Department of Community and Economic Development. Annual audits of taxes received and disbursed would be conducted for the year ending December 31. DCED would be given oversight of all tax collection committees, tax collectors and tax collection offices.

For a temporary employee who works less than 90 days in a location, the employer would withhold and remit the greater of the resident tax or the nonresident tax based on the location of the permanent home office. For one who works 90 days or more in a location, the employer

would withhold and remit the greater of the resident tax or the nonresident tax based on the location of the job. Employees working in Philadelphia who are subject to the Sterling Act would be exempt from this provision. [Passed: 36-12.](#)

[House Bill 516](#) (Mustio) would create the Naturopathic Doctor Registration Act to make it unlawful for an individual to use the title “naturopathic doctor” or “doctor of naturopathic medicine” unless registered with the State Board of Medicine. Registration would require a bachelor’s degree; a minimum course of study as prescribed in the bill; passing the national licensing exam or, if graduated prior to 1986, having passed the state licensing exam; CPR certification; good moral character; and, a state application fee. Renewal of registration would be determined by regulation of the Board, but not less than every two years. The Board could impose disciplinary actions and levy fines. The measure would take effect January 1, 2018. [Passed: 48-0.](#)

[House Bill 850](#) (Mackenzie) would amend the Money Transmission Business Licensing Law referred to as the Money Transmitter Act to update and modernize the law. Among other changes, the legislation would:

- Add numerous definitions;
- Clarify that money transmissions between business entities in connection with commercial contracts would not be subject to the provisions of the act;
- Exempt agents of a federal, state or local government agency, if the agents are disbursing government benefits, and agents who receive payments from individuals on behalf of creditors, public utilities or providers of goods or services from the requirement to obtain a license;
- Repeal section 3.1 of the act which provided a partial exemption for accelerated mortgage payment providers relating to net worth;
- Clarify that an applicant for licensure must have a tangible net worth of at least \$500,000;
- Outline the situations under which the Department of Banking and Securities may deny a license;
- Allow the Department to impose conditions on the issuance of a license and to take certain actions if the conditions have not been fulfilled;
- Provide for a license application fee of \$5,000 and a renewal fee of \$5,000;
- Permit the Department to require an additional bond as outlined in the bill;
- Provide that licenses would be for a term of not more than 14 months, as determined by the Department;

- Give the Department the authority to: 1) examine all documents and accounts of a licensee or make other investigations as necessary to administer the act; 2) conduct administrative hearings; 3) request and receive information or records; 4) issue regulations, statements of policy or orders; 5) prohibit or permanently remove a person or licensee responsible for a violation of the act; 6) order a person or licensee to make restitution for damages to individuals caused by a violation of the act; 7) issue cease and desist orders; and 8) impose other conditions it deems appropriate;
- Permit persons aggrieved by a decision of the Department to appeal to the Banking and Securities Commission;
- Allow the Department to maintain an action for an injunction against a person to prevent the person from engaging in activity violating the act;
- Provide that a decision of the Commission or an unappealed order of the Department would be the final order of the Department enforceable in a court of competent jurisdiction;
- Allow a person aggrieved by a decision of the Commission to appeal to Commonwealth Court;
- Allow the Department to suspend, revoke or refuse to renew a license issued under the act in certain situations outlined in the legislation;
- Permit the Department to reinstate a license which was previously suspended, revoked or denied renewal if the condition which warranted the original action has been corrected, the Department has reason to believe the condition is not likely to occur again and the licensee satisfies all other requirements of the act; and
- Upgrade violations of the act from a misdemeanor to a felony and increase fines.
Passed: 48-0.

[House Bill 1087](#) (Vereb) would amend Act 200 of 1931, which provides for joint action by Pennsylvania and New Jersey in the development of ports on the lower Delaware River and for the establishment of the Delaware River Port Authority (DRPA). The legislation would grant the Governor of Pennsylvania veto power over the actions of the Pennsylvania commissioners on the DRPA. Legislation has already been enacted in New Jersey to provide its Governor with veto power over its commissioners. **Passed: 48-0.**

[House Bill 1600](#) (Mackenzie) would amend Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes to add a new Chapter 72 (Voluntary Veterans' Preference in Private Employment) to allow private employers to adopt a voluntary veterans' preference employment policy. The policy would apply to the hiring, promoting or retaining of a qualified veteran, the spouse of a disabled veteran or a surviving spouse over another qualified applicant or employee. Employers wishing to adopt a veterans' employment policy would be required to issue the policy in writing, state in any job posting that the policy is in place, and provide a copy of the policy to

all employees on an annual basis and to an applicant at the time of hiring. Employers would be required to apply the policy uniformly to the hiring of new applicants, promotion of current employees, and retention of employees during a reduction in the workforce. Employers adopting a veterans' preference employment policy in accordance with the new Chapter 72 would not be considered in violation of any state or local equal employment opportunity law.

The legislation would also exempt a veteran-owned or reservist-owned small business from the payment of a business fee required to be paid to the Commonwealth or a local government for starting or opening a business in the Commonwealth. A veteran or reservist would be required to provide proof of their veteran's or reservist's status using one of the forms of identification listed in the bill. A person who fraudulently obtains a business fee exemption or attempts to use a business fee exemption contrary to the provisions of the section would commit a third degree misdemeanor. The Department of State would be required to determine annually the total number of business fee exemptions applied for and issued and the total dollar amounts of the exemptions and report the information to the chair and minority chair of the Senate and House Military Affairs and Emergency Preparedness Committees. **Passed: 48-0.**

House Bill 1864 (Harhart) would amend the Cosmetology Law to permit a school of cosmetology to charge the public a reasonable fee, as approved by the State Board of Cosmetology, for cosmetology services performed by students in their clinical training and education. **Passed: 48-0.**

House Bill 1959 (Kampf) would authorize the Department of General Services to convey 0.531 acres of land and any improvements in Upper Merion Township, Montgomery County to the township for \$1. The deed of conveyance would be by quitclaim deed and executed by the Secretary of General Services in the name of the Commonwealth. Costs and fees incidental to the conveyance would be borne by the grantee. If the conveyance is not executed within two years of the effective date of the legislation, the authority for the transfer would expire. **Passed: 48-0.**

House Bill 1968 (Christiana) would authorize the Department of General Services (DGS) to convey:

- The Historic David Bradford House in the City of Washington, Washington County to the Bradford House Historical Association for \$1. No portion of the conveyance could be used for a licensed gaming facility or it would revert to the Commonwealth. The conveyance would be made with the restrictive covenants outlined in the legislation for the historic preservation and integrity of the property. The restrictive covenants would be binding in perpetuity on the grantee and its successors. Costs and fees incidental to the conveyance would be borne by the grantee. If the conveyance is not effectuated within one year, the authority for the transfer would expire;
- A tract of land totaling three acres and all improvements located thereon in South Strabane Township, Washington County at a price to be determined through a competitive bidding process. The conveyance would be subject to all lawful and enforceable easements. The deed of conveyance would be executed by the Secretary of

General Services in the name of the Commonwealth. The proceeds from the sale of the property would be deposited in the General Fund;

- Approximately 0.60 acres of land and improvements in East Stroudsburg Borough, Monroe County (East Stroudsburg Armory) to the Salvation Army for \$75,000 and under the terms and conditions to be established in an agreement of sale with DGS. No portion of the conveyance could be used for a licensed gaming facility or it would revert to the Commonwealth. The Secretary of General Services would have the authority to impose any covenants, conditions and restrictions as deemed in the best interest of the Commonwealth. Costs and fees incidental to the conveyance would be borne by the grantee. The proceeds of the sale would be deposited in the State Treasury Armory Fund. In the event the conveyance is not executed per the terms and conditions as established in an agreement of sale, the property could be disposed of by competitive bid;
- A tract of land totaling 11.40 acres and any improvements located thereon in Derry Township, Westmoreland County to ACMIII, LP for \$36,000 under the terms and conditions to be established in an agreement of sale with DGS. No portion of the conveyance could be used for a licensed gaming facility or it would revert to the Commonwealth. The deed of conveyance would be by special warranty deed executed by the Secretary of General Services in the name of the Commonwealth. Costs and fees incidental to the conveyance would be borne by the grantee. In the event DGS and the grantee cannot reach a mutually acceptable agreement of sale within one year, the property could be disposed of in accordance with Section 2405-A of the Administrative Code. Proceeds of the sale would be deposited in the General Fund;
- Approximately 3.74 acres of land and any improvements thereon in Young Township, Jefferson County to the county for \$24,000. The deed of conveyance would be by special warranty deed executed by the Secretary of General Services in the name of the Commonwealth. Costs and fees incidental to the conveyance would be borne by the grantee. In the event the conveyance is not completed within one year, the authority for the transfer would expire; and
- The Historic Robert Fulton Birthplace in Fulton Township, Lancaster County to the Southern Lancaster County Historical Society for \$1. No portion of the conveyance could be used for a licensed gaming facility or it would revert to the Commonwealth. The conveyance would be made with the restrictive covenants outlined in the legislation for the historic preservation and integrity of the property. The restrictive covenants would be binding in perpetuity on the grantee and its successors. Costs and fees incidental to the conveyance would be borne by the grantee. The conveyance would be exempt from the realty transfer tax. If the conveyance is not effectuated within one year, the authority for the transfer would expire. **Passed: 48-0.**

House Bill 1998 (Petri) would amend Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes to update the provisions governing the board of the Philadelphia Parking Authority. The board would be composed of six members. Each member would have to be a

resident of the city or work or maintain a business in the city. The majority of the members would have to be residents of the city. [Passed: 36-12.](#)

[House Bill 2107](#) (Baker) would amend Title 62 (Procurement) of the Pennsylvania Consolidated Statutes to add Chapter 36 regarding prohibited contracts, a section regarding public access to procurement records and requirements for Guaranteed Energy Savings Contracts. Records concerning a procurement would have to be made public, consistent with the Right-to-Know Law. The purchasing agency would be required to post procurement documents on its publicly accessible website or otherwise make information available in the manner outlined in the legislation. Procurement documents would have to be accessible on the website for a minimum of 30 days from posting.

Section 3604 would be added to prohibit a purchasing agency from contracting with a company to acquire or dispose of supplies, services or construction that exceed the applicable small purchase threshold unless the company certifies that: 1) it is not currently engaged in a boycott of a person or an entity based in or doing business with a jurisdiction which the Commonwealth is not prohibited by congressional statute from engaging in trade or commerce; and 2) the company will not, during the duration of the contract, engage in a boycott of a person or an entity based in or doing business with a jurisdiction where the Commonwealth is not prohibited by congressional statute from engaging in trade or commerce. A company would be required to provide the Department with a certification form indicating that it is eligible to contract with the Commonwealth under Section 3604. If the company provides a false certification form, the civil penalty would be \$250,000 or twice the amount of the contract, whichever is greater. An additional change would require a guaranteed energy savings contract to expressly state, quantify and validate the budgetary sources of all energy-related cost savings and operating costs utilized to satisfy the financial obligations and performance during the term of the agreement. [Passed: 47-1.](#)

Executive Session

Nominations to Various Boards and Commissions. [Confirmed: 47-0.](#)

Wednesday, October 26, 2015

[Senate Bill 356](#) (Folmer) would amend the Local Tax Enabling Act related to the consolidated collection of local income taxes. Among other changes, the bill would:

- Allow taxpayers to use the annual local earned income tax return form available on the Department of Community and Economic Development's (DCED) publicly accessible Internet website to file a final return;
- Change certain estimated income tax payment due dates so they no longer occur before the close of the quarter;
- Provide for the filing of estimated tax by taxpayers whose major source of income is farming;

- Prohibit a political subdivision, tax collection committee, or tax officer from imposing a penalty on a taxpayer unless it has notified the taxpayer that the taxpayer is required to take corrective action within 30 days or failure to do so would result in a penalty being imposed;
- Restrict a political subdivision, tax collection committee, or tax officer from prohibiting a taxpayer from filing any return or declaration in person or by first class mail; and
- Prohibit a political subdivision, tax collection committee, or tax officer from imposing a penalty for failure to timely file a quarterly estimated tax return for which no payment of estimated tax is due. **Concurrence in House Amendments: 47-0.**

[Senate Bill 385](#) (Rafferty) would amend the Transit Revitalization Investment District (TRID) Act to add a new chapter relating to the capture of TRID tax revenue. Among other provisions, the legislation would:

- Establish a special fund in the State Treasury to be known as the TRID Fund;
- Allow a “management entity” to apply to the Department of Community and Economic Development (DCED) for the purpose of funding eligible projects or for covering debt service payments related to debt incurred to fund an eligible project;
- Require DCED, in consultation with the Office of the Budget, to approve two applications within six months of the effective date of the legislation and to authorize DCED to approve additional applications thereafter;
- Provide for changes to a TRID or TRID planning study if certain conditions warrant such changes;
- Authorize a management entity to borrow money or issue bonds for the purposes of executing a TRID or TRID planning study or for an eligible project;
- Prohibit a member of the management entity from receiving money directly or indirectly from the TRID Fund;
- Authorize DCED to issue grants in an amount not to exceed \$350,000 annually, as established by the Office of the Budget per TRID;
- Require TRID funds to be matched by other sources of funding at a ratio of two fund dollars to one private dollar;
- Provide for the transfer of sales tax revenue over the next 20 years to the TRID Fund for payment to the first two TRIDs approved under the new provisions;

- Direct a management entity to file annual reports with DCED and the Office of the Budget containing a detailed account of the TRID Fund money expenditures and the expenditure of funds from other sources;
- Establish restrictions on how the money transferred to the management entity can be utilized; and
- Provide that a TRID Fund would remain in effect for the time required to complete any project for which debt was incurred or a period equal to the time for the repayment of debt incurred for the TRID. Bonds would have to be paid no later than 30 years following their initial issuance.

The legislation would also:

- Add numerous definitions;
- Require DCED and the Office of the Budget to issue guidelines necessary to implement the program;
- Require that a TRID and its boundaries be established by ordinance. In a city of the third class within a county of the second class A, the designation and boundaries of the TRID would be made exclusively by the governing body of the county;
- Provide that the participating municipality or county and the transit agency approving the TRID planning study designate the management entity to administer, manage and facilitate implementation of the TRID planning study;
- Clarify that any funding utilized by DCED to assist with TRID planning studies requires a 25 percent match;
- Provide that a public transportation agency could not use the tax revenue for a transit capital investment outside of a designated TRID unless the investment is necessary and integral to achieve an approved TRID implementation objective. Incremental tax revenue generated by a TRID property could be directed for use in TRID projects including for use in financing a bond for up to 20 years from the date the property is designated as a TRID; and
- Establish the expiration date of the TRID Fund as December 31, 2035, with any unencumbered funds remaining lapsing to the General Fund. [Concurrence in House Amendments, as Amended: 46-2.](#)

[Senate Bill 486](#) (Argall) would amend the Recorder of Deeds Fee Law to add a section permitting the governing body of a county to authorize, by resolution or ordinance, the recorder of deeds to charge and collect a fee not to exceed \$15 for each deed and mortgage recorded. The fee would have to be deposited in the county demolition fund provided for in the legislation and used exclusively for the demolition of blighted property in the county. Within 90 days of

imposing the fee, a county would be required to file an initial report with the Department of Community and Economic Development (DCED) containing a plan on how the revenue will be spent. The report would also have to include how many properties will likely be demolished and any other information that would be relevant to the demolition program of the county. Not less than 12 months after imposing the fee, and annually thereafter, a county would have to submit an annual report to DCED on its program. The Department would be required to compile the reports and post them on its website. The section would expire 10 years from its effective date.

Concurrence in House Amendments: 47-0.

[Senate Bill 562](#) (Gordner) would amend the Regulatory Review Act to require committee chairpersons to provide copies of proposed regulations, public comments and any Independent Regulatory Review Commission (IRRC) comments to each committee member of the chairperson's caucus within five business days of the receipt of the information. The chairpersons could distribute an electronic copy of the information in lieu of a paper copy. The statement of need or purpose for the regulation could be submitted to IRRC and the committees, but could not be submitted to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin. An additional provision would require a committee member making a comment, recommendation or objection to the proposed regulation to also submit the comments to each committee chairperson. The majority chairperson could convene a meeting of the committee to adopt any comment, recommendation or objection to the proposed regulations or could conduct an informational hearing on the regulations. The majority committee chairperson would be required to conduct an informational hearing if petitioned to do so by a majority of the committee members.

At any time prior to 24 hours before the commission's meeting to consider a regulation, a committee may notify the Commission and the agency that it disapproves or intends to further review a final-form regulation. If notified by a committee that it disapproves of the regulation, the Commission could not approve or disapprove the regulation for a period of 30 days or nine legislative days, whichever is longer. If the Commission is notified that a committee intends to further review a final-form regulation, the Commission could not approve or disapprove the regulation for a period of 14 days or six legislative days, whichever is longer. If the Commission approves a regulation that has been disapproved by or is being reviewed by a committee, the agency could not promulgate the regulation for 14 days or six legislative days, whichever is longer. If at the end of this period the committee has not taken action, the agency could promulgate the regulation. The legislation would also further provide for the time periods for a concurrent resolution relating to a rulemaking. **Concurrence in House Amendments: 31-16.**

[Senate Bill 613](#) (Vance) would amend the Human Services Code to eliminate the term "pilot" from the provisions governing the Human Services Development Block Grant Program, thereby allowing all counties to voluntarily participate in the program. Child Welfare Special Grants would no longer be included in the block grant program. Technical and substantive changes made to the block grant program would:

- Require county leadership to support the request to participate in the program;

- Require the Department of Human Services (DHS) to consider the county’s history of human services fiscal management and its history of compliance with requirements before approving a county’s participation in the program;
- Provide timeframes for the Department’s release of instructions for county plans and for county reports;
- Limit, to no more than five percent, the amount of funds the Department can withhold, recover or reduce when a county does not timely file a complete plan or report;
- Allow DHS to require a corrective action plan or terminate a county’s participation in the program for violations;
- Direct DHS to consult with the County Commissioners Association of Pennsylvania when developing data elements and outcome measures and to develop a method to informally resolve disputes;
- Require a county to submit its plan to human services advisory boards for their review and comment prior to submitting it to the Department;
- Direct a county to submit to DHS for prior approval any change in expenditure level of 10 percent or more on a service;
- Require a county to provide a 30-day notice prior to the end of the state fiscal year if it is opting out of the program in the next fiscal year;
- Permit counties to reinvest up to five percent (current law is three percent) of their allocations in the next fiscal year; and,
- Move the date for the annual report to the General Assembly from November 30 to December 15. **Concurrence in House Amendments: 47-0.**

Senate Bill 881 (Blake) would amend Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes to change the reference to “sewage” in the definition of “public utility” to “wastewater.” The measure would define “wastewater” as outlined in the legislation. The term would not include storm water collected in a municipal separate storm sewer that does not flow into a combined sewer system. **Concurrence in House Amendments: 47-0.**

Senate Bill 1062 (Rafferty) would amend Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes to expand the definition of burglary to include the offense of entering a structure adapted for overnight accommodation when a person is present and the offender commits, attempts or threatens to commit a bodily injury crime. The Pennsylvania Commission on Sentencing would be required to provide for a sentence enhancement within its guidelines for an offense under the new provision. **Concurrence in House Amendments, as Amended: 47-0.**

[Senate Bill 1202](#) (Yaw) would amend the Achieving Better Care by Monitoring All Prescriptions Program (ABC-MAP) Act to require the ABC-MAP board to develop policies and procedures to require and ensure registration of all prescribers and dispensers with the program. A dispenser would also be required to query the system before dispensing an opioid drug product or benzodiazepine prescribed to a patient if the patient is a new patient of the dispenser; pays cash when he or she has insurance; requests a refill early; or is getting opioid drug products or benzodiazepine from more than one prescriber. A query would not be required if a patient has been admitted to a licensed healthcare facility or is in observation status in a licensed healthcare facility as long as the patient remains admitted to the facility or remains in observation status in the facility. Each licensing board in the Department of State with jurisdiction over prescribers or dispensers would have to require initial and continuing education, as outlined in the legislation, in the areas of pain management, identification of addiction and the practices of prescribing or dispensing of opioids. Prescribers who are not required to obtain a federal Drug Enforcement Administration (DEA) registration number and who do not prescribe controlled substances in any manner would not be required to complete the continuing education provisions for license renewal. [Concurrence in House Amendments: 47-0.](#)

[Senate Bill 1235](#) (Baker) would amend the Underground Utility Line Protection Law to extend its expiration date from December 31, 2016 until December 31, 2017. [Concurrence in House Amendments: 47-0.](#)

[Senate Bill 1265](#) (White) would amend Act 173 of 1975, which provides for facilitating the use of electronic funds transfer, to provide for payroll debit cards. Section 1.1 would be added to the act stating that, for the purposes of any statute, rule or regulation requiring payment to be made in lawful money or by check, the payment could be made by credit to an account in a financial institution, including a payroll card account, if the recipient has authorized the method of payment. A section on consumer protections would also be added requiring financial institutions to provide the employee or other payee with certain information when wages, salaries, commissions or other payments are transferred to an account. An employer would be required to provide an employee with a written or electronic statement of earnings and deductions each pay period and meet the other requirements outlined in the legislation when payment of wages, salaries, commissions or other compensation is made through transfers to a payroll account. This act would supersede any inconsistent provision of any other state statute, rule or regulation. An authorization for the payment of wages, salaries, commissions or other compensation by a payroll card account made prior to the effective date of Section 2.1 of the act would remain valid until the employee requests a change of payment method. [Concurrence in House Amendments: 45-3.](#)

[Senate Bill 1282](#) (Wagner) would amend various sections of Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes to require counties that maintain a uniform parcel identifier number system of indexing to assign a master parcel number to each condominium, cooperative and planned community. Amendments to the declarations of these entities would be indexed against the master parcel. If required by the county, an amendment could be indexed against a parcel assigned to each unit within the development, but no fee could be charged to each unit unless the indexing against each parcel is requested by the declarant or

association. These provisions would have control over any conflicting provisions in any other statute, regulation or ordinance. [Concurrence in House Amendments: 29-18.](#)

[Senate Bill 1367](#) (Yaw) would amend Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes to prohibit a medical professional from prescribing an opioid to a minor unless the prescriber complies with the requirements outlined in the legislation. The prescriber would have to assess whether the minor has taken or is currently taking prescription drugs for treatment of a substance use disorder, discuss with the minor and the minor's parent or guardian the risks of addiction and overdose, and the dangers of taking a controlled substance containing an opioid with other types of substances. The medical care provider would also have to obtain the written consent of the minor's parent or guardian on the form outlined in the legislation with certain required information. The prescriber would be prohibited from prescribing more than a seven-day supply of an opioid unless an additional supply would be required to stabilize the minor's acute medical condition. In such cases, the prescriber would have to document the acute medical condition in the minor's record and indicate the reason why a non-opioid alternative would not be appropriate to address the condition. The limit would also not apply to prescriptions for the management of pain associated with cancer, use in palliative or hospice care, or the management of chronic pain not associated with cancer. A violation of these provisions would subject a prescriber to administrative sanctions by the prescriber's licensing board under the applicable statute. [Concurrence in House Amendments: 47-0.](#)

[Senate Bill 1368](#) (Killion) would amend Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes to add a chapter to require the medical licensing boards, by joint regulation, to implement a safe prescription of a controlled substance containing an opioid curriculum with the information listed in the legislation. The curriculum could be offered in medical colleges or by providers approved by the licensing board. The education required by the bill would not be considered to be a mandate of the curriculum necessary for graduation. Nothing in the chapter could be construed to prohibit a college from requiring such curriculum to be necessary to graduate after August 1, 2017. In order to facilitate the prompt implementation of the curriculum, each licensing board could issue temporary regulations.

The measure would also require the Department of Health to develop and publish a uniform voluntary non-opioid directive form which could be used by a patient to deny or refuse the administration or prescribing of a controlled substance containing an opioid by a practitioner. The Department of Health would also be required to adopt and publish guidelines for the implementation of the directive form. A written prescription presented at or electronically transmitted to an outpatient pharmacy would be presumed to be valid. A pharmacist in an outpatient setting would not be held in violation of these provisions for dispensing a controlled substance containing an opioid in contradiction to a directive form, except upon evidence that the pharmacist acted knowingly against the directive form. A licensing board could limit, condition or suspend the license of, or assess a fine against, a practitioner who recklessly or negligently fails to comply with a patient's voluntary non-opioid directive form. [Concurrence in House Amendments: 47-0.](#)

[Senate Resolution 421](#) (Argall) urges the President and the Congress of the United States to review the changes to the federal floodplain management regulations that negatively impact blighted communities. **Adopted: 48-0.**

[Senate Resolution 489](#) (Vulakovich) recognizes October 26, 2016 as “Veterans Day at the Capitol 2016” in Pennsylvania to highlight the accomplishments and needs of Pennsylvania’s veterans and to raise awareness of the issues veterans face and the benefits they receive while residing in the Commonwealth. **Adopted by Voice Vote.**

[Senate Bill 490](#) (Killion) designates the month of October 2016 “Bullying Awareness Month” in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 491](#) (Dinniman) recognizes the month of November 2016 as “Carbon Monoxide Awareness Month” in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 492](#) (Browne) recognizes the month of November 2016 as “American Diabetes Month” in Pennsylvania. **Adopted by Voice Vote.**

[House Bill 192](#) (Gillen) would amend the Civil Service Act. The bill would prohibit a Civil Service Commissioner from any current political activity or employment in another government entity. For a person who served as an officer of a political party, the bill would remove the one-year limitation prior to appointment as a Commissioner. The measure would expand the Civil Service Commission’s powers and duties to include that the Commission’s website, announcements, advertisements, and exam materials advertise that veterans’ preference is Commonwealth law and that the preference extends to spouses of disabled and deceased veterans. An additional change would require the Commission to enter into an agreement to use the employment application that is standard across all departments and agencies under the Governor’s jurisdiction. Appointing authorities would select the method of examination for a position. **Passed: 48-0.**

[House Bill 263](#) (Gabler) would amend Title 34 (Game and Wildlife) of the Pennsylvania Consolidated Statutes to allow a person to hunt game with a semiautomatic rifle in accordance with regulations promulgated by the Game Commission. The bill would eliminate the provision prohibiting the use of a device operated by air, chemical or gas cylinder which propels or discharges a projectile, so these devices would be allowed. Also, the bill would remove the July 1, 2018 sunset provision for the special license fundraiser for those who want to hunt one elk. **Passed: 40-7.**

[House Bill 319](#) (Knowles) would amend the Unemployment Compensation Law to:

- Provide for additional unemployment compensation benefit eligibility for seasonal workers by reducing the amount of base year wages that would have to be earned outside the highest quarter from 49.5 percent to 37 percent. An employee could earn 63 percent of his or her base year wages in their high quarter, with 37 percent earned in the remaining three quarters;

- Reduce benefits for all claimants by two percent, beginning January 1, 2017;
- Cap the growth of the maximum weekly benefit rate. The maximum benefit would decrease from \$573 to \$561 through 2019. From 2020 to 2023, growth would be capped at two percent; from 2024 onward, at four percent;
- Create additional solvency triggers for freezes in the maximum weekly benefit rate and for an alternative method of calculating highest quarterly wages;
- Increase the reserve ratio factor (a lifetime measure of the employer's risk with unemployment) for employers with the worst records of laying off employees;
- Authorize a three-month amnesty program. Unpaid amounts attributable to employers that are subject to amnesty include contributions, reimbursements, interest on previously paid contributions, and penalties for late-filed reports. Claimant liabilities subject to amnesty include fault and non-fault overpayments, penalties assessed for misstatements, and unpaid interest on repaid overpayments;
- Increase fines, penalty weeks, and interest rates for fraud and other violations of the unemployment compensation system. For example, the penalty for employers who fail to make required reports would increase from 10 percent to 15 percent of the total required contribution; and the penalty for claimants who lie to obtain or increase unemployment compensation benefits would increase from \$100-\$1,000 to \$500-\$1,500; and
- Provide for procurement of written testimony and audio recordings by parties of an unemployment compensation appeals hearing. For a hearing before an unemployment compensation referee, testimony would have to be captured with a recording device. For a hearing before the Unemployment Compensation Board of Review, testimony would have to be taken by a reporter and captured with a recording device. In both instances, an unabridged transcript and audio recording would be made available upon written request. The material would be provided free to parties intending to use it for unemployment compensation purposes or to file a subsequent appeal. **Passed: 39-8.**

[House Bill 568](#) (Evankovich) would amend the Pennsylvania Construction Code Act to update various sections. The composition of the Uniform Construction Code Review and Advisory Council (RAC) would be changed, with legislative appointees added. Other changes to RAC procedures would provide for: removal of members, member terms, compensation, participation in meetings and voting, and the addition of technical advisory committees. Technical advisory committees would be established for each of the codes included in the Uniform Construction Code. The code review process would be updated and accelerated. The RAC would be required to submit a report to the Secretary of Labor and Industry regarding the review of the 2015 International Code Council (ICC) Codes on or before December 31, 2017. The bill also provides for a delay in future code adoption review processes of 21 months following any new addition to the ICC Codes. The RAC would have to submit a report to the Secretary within the 24 month period following the start of the review process, including sections of the codes that are specified for adoption or modification. Within nine months of the receipt of the report, the Department

would be required to promulgate final-omitted regulations to adopt the RAC's decisions contained in the report. The fees imposed on municipal building permits would be increased from \$4.00 to \$5.00. The fee would be divided among three accounts: the municipal code official training account (\$2.00), the construction contractor training account (\$2.00) and the newly-created RAC administrative account (\$1.00). [Concurrence in House Amendments to Senate Amendments, as Amended: 47-0.](#)

[House Bill 946](#) (Baker) would establish the Pharmacy Audit Integrity and Transparency Act, which would establish procedures for pharmacy audits conducted by a managed care company, third-party payer, pharmacy benefits manager (PBM), or an entity that contracts with a PBM to provide pharmacy benefits to a covered individual. The entity conducting the audit would be required to provide a written audit report to the pharmacy, allow the pharmacy to address discrepancies in the audit, allow recoupment of funds from the pharmacy only after the audit is completed, and, until the adjudication of an appeal, allow future payments to the pharmacy to be withheld when discrepancies are in excess of \$25,000. A pharmacy could appeal a final audit in accordance with the procedures established by the auditing entity. This act would not supersede audit requirements established by federal law.

The bill would require PBMs to register bi-annually with the Pennsylvania Insurance Department. The Department would set an initial fee and the renewal fee to be submitted with the application for registration. The initial fee would be non-refundable, but the renewal fee would be returned if the registration is not granted. The fees would be sufficient to fund the Department's registration duties, but could not exceed \$1,000.

The measure would establish PBM cost transparency requirements. To place a drug on a multiple source generic list, a PBM would have to ensure that the drug meets minimum requirements, and if it does not, the PBM would be required to remove the drug from the list in a timely fashion. Pharmacies would not be penalized for generic substitution. Multiple source generic drug lists would be made available to pharmacies at the time of the contract, including the maximum allowable cost (MAC) and any pricing formulas, and updated every seven days. All PBM/pharmacy contracts would have to include a multiple source drug pricing appeals process that meets the requirements of the act.

The bill would also add a chapter entitled "PACE and PACENET Program Payments," which would revise the drug reimbursement formula for pharmacies in accordance with recent requirements established by the Centers for Medicare and Medicaid Services (CMS). The AWP (average wholesale price) and Federal upper payment limits benchmark would be eliminated. The program payment would be the lower of either 1) the NADAC (National Average Drug Acquisition Cost) plus a \$13 dispensing fee less the copayment, or 2) the pharmacy's usual and customary charge less the copayment. If the NADAC is not available, the price would be the lower of either 1) the wholesale acquisition price plus 3.2 percent plus a \$13 dispensing fee less the copayment, or 2) the pharmacy's usual and customary charge less the copayment.

[Passed: 47-1.](#)

[House Bill 1196](#) (Printer's Number 4132 - Petri) would amend the Liquor Code, to include changes to provisions in Act 39 of 2016. Among its many provisions, the bill would:

- Alter definitions of “alcoholic cider”, “distributor”, “importing distributor”, “malt or brewed beverages”, “mug club”, and “zoo”; and add definitions for “growler” and “mead”;
- Allow liquor licensees to serve alcohol at 9:00 am on Sundays;
- Permit an officer, director, or stockholder of a hotel, restaurant, or club license to own lands or buildings that are leased to a retail dispenser, distillery, or limited distillery license holder;
- Enable liquor sales (mixed drinks) at professional and amateur athletic events in the same way as malt or brewed beverages;
- Permit a distributor to sell malt or brewed beverages in any amount and any configuration;
- Authorize breweries to sell alcoholic cider and malt or brewed beverages produced by another manufacturer to be consumed on their licensed premises;
- Allow an out-of-state or foreign licensed wholesaler or retailer of malt or brewed beverages that obtains a shipper license to ship as much as 192 ounces per month on the order of any Commonwealth resident that is at least 21 years of age;
- Limit shipment of a specific registered or unregistered brand of malt or brewed beverages to 96 ounces, to any one Commonwealth resident during a calendar year;
- Authorize limited wineries to sell wine and alcoholic cider produced by another limited winery to be consumed on their licensed premises;
- Allow distilleries and limited distilleries to sell alcoholic cider produced by a limited winery and liquor produced by a licensed distillery to be consumed on their licensed premises;
- Prohibit the Liquor Control Board from requiring an exterior entrance to a licensed premises as a condition for approving a license or approving a renewal in instances when hours of operation do not exceed the hours of operation for the unlicensed premises for which the Board has approved an interior connection;
- Allow for a ballot question to grant a liquor license to an airport authority for liquor sales to be placed before voters in municipalities that do not allow retail liquor sales; and
- Direct that all monies collected from casino liquor licenses, conversion of eating place licenses to restaurant licenses, and expired license auctions be transferred from the State Stores Fund to the General Fund on a quarterly basis. [Concurrence in House Amendments to Senate Amendments: 44-4.](#)

[House Bill 1398](#) (A. Harris) would amend Titles 15 (Corporations and Unincorporated Associations) and 54 (Names) of the Pennsylvania Consolidated Statutes. The bill would update the law on general partnerships, limited liability partnerships, limited partnerships, and limited liability companies, in response to recent revisions of the Uniform Partnership Act, Uniform Limited Partnership Act, and Uniform Limited Liability Act, as promulgated by the Uniform Law Commission. In addition, the legislation would add a subchapter dealing with “Benefit Companies,” to allow for their creation. Among other provisions, the bill would:

General Partnerships and Limited Liability Partnerships

- Amend the definition of “general partnership” to clarify that it is an entity, thus making it easier to transfer property to and from partnerships.
- Clarify that the agreement among partners governs the partnership and that Uniform Partnership Act rules are typically the default rules of a partnership.
- Permit a partnership to file a “certificate of authority” with the Department of State that gives third parties notice of the authority of a partner to conduct business on behalf of a partnership.

Limited Liability Partnerships

- Provide general partners of a limited liability partnership with the same liability protection as shareholders of a corporation and members of a limited liability company.

Limited Partnerships

- Disconnect limited partnership law from general partnership law.
- Remove the right of a limited partner to dissociate from the partnership before the termination of the partnership, except as permitted by the partnership agreement or Uniform Partnership Act.

Limited Liability Companies

- Clarify that the operating agreement governs the rights and obligations of members of a limited liability company.
- Permit a transfer of any right of distributions that a member of a limited liability company has under an operating agreement.
- Specify a transferable interest is personal property and restricts the interests of a creditor of a member to his or her transferable interest. [Passed: 48-0.](#)

[House Bill 1403](#) (M. Quinn) would amend Title 40 (Insurance) of Pennsylvania Consolidated Statutes to add a chapter covering disclosure and accountability requirements for life insurance policies. The bill would require insurers to develop procedures for comparing their in-force life insurance policies against the Social Security Administration's Death Master File at least semiannually. If there is a match of an insured's name with a name on the Death Master File, within 90 days, the insurer would have to make a good-faith effort to confirm the death of the insured.

If benefits are due, the insurer would be required to make a good-faith effort to locate the beneficiaries. The insurer would also have to provide the claims forms or instructions to the beneficiaries to properly file a claim. The insurer would have to implement procedures to enable proper identification of a beneficiary, even in the event of a name change due to marriage, or the use of nicknames or initials, as well as mistakes in the recording of birth dates, Social Security numbers and other personal information. The insurer could not charge the insured or the beneficiary for the costs associated with the search or verification. If the beneficiary cannot be found, the benefits provided by the policy would escheat to the Commonwealth as unclaimed property under current law, and would be due to the Commonwealth three years after knowledge of the insured's death.

The Insurance Commissioner would make exceptions for insurers, upon written request, under the following circumstances:

- Limit the required Death Master File comparison to the insurer's electronic files, or approve a plan and timeline for conversion of the insurer's files to searchable electronic files;
- Exempt the insurer from the Death Master File comparison, or permit the insurer to perform the comparison less frequently than annually; and
- Phase in compliance with the act under a plan and timeline submitted by the insurer and approved by the Insurance Commissioner.

The bill would not apply to an annuity contract that does not require the insurer to pay benefits to the beneficiary of the policy; a policy that provides a benefit under the Employee Retirement Income Security Act (ERISA); a federal employee benefit program; a policy to fund funeral or burial services; a policy of credit life insurance or health and accident insurance. The Insurance Commissioner could impose a civil penalty of up to \$5,000 for each violation, and issue a cease-and-desist order to the insurer. The Commissioner could also suspend, revoke or refuse to issue the certificate of qualification or license of the offending insurer. **Passed: 48-0.**

[House Bill 1437](#) (Goodman) would amend the Municipal Code and Ordinance Compliance Act to reduce the number of months a purchaser has to correct municipal code property violations from 18 months to 12 months. The municipality could negotiate longer time periods for maintenance and repair of a structure. After 12 months, the municipality would have to re-inspect the property to determine compliance with the cited violations. The bill would establish and outline penalties for failure to comply and outline the manner in which a municipality must

issue a use and occupancy certificate. A municipality could not require the escrowing of funds or posting of a bond, or impose any similar financial security as a condition of issuing a certificate. A new section would be added stating that the act does not apply to, and a municipality could not require, a certificate of occupancy, a temporary use and occupancy certificate or a temporary access certificate for a real estate transfer, residential or non-residential, as provided under 68 PA.C.S. §7103(b)(2), to any of the following which take title to property for the purpose of holding the property for sale to offset losses incurred on a loan or other obligation in default secured by a mortgage, deed of trust or other lien on the property: a bank, savings association, credit union, mortgage lender, similar financial institution, or subsidiary of a financial institution. However, a financial institution could be required by a municipality to correct a substantial violation as defined. [Passed: 47-0.](#)

[House Bill 1496](#) (Stephens) would amend Title 18 (Crimes) of the Pennsylvania Consolidated Statutes to increase the grading to a first degree felony for the possession, use, manufacture, control, sale or transfer of a firearm by an individual who has been convicted of an enumerated felony or a felony under the Controlled Substance, Drug, Device and Cosmetic Act, or an equivalent crime under federal law or under a statute from another jurisdiction, if the person has previously been convicted of this offense or if the person was in physical possession of a firearm, whether visible, concealed about the person, or within the person's reach. The Pennsylvania Commission on Sentencing would be required to provide a sentencing enhancement for a sentence imposed pursuant to these provisions. [Passed: 48-0.](#)

[House Bill 1538](#) (White) would amend Title 44 (Law and Justice) of the Pennsylvania Consolidated Statutes by adding a section concerning the release of law enforcement officer information. The bill would prevent the release of the name and identifying information of a law enforcement officer if an official investigation has been initiated into the use of a firearm or force by the officer during the performance of his/her official duties that results in the death or serious bodily injury of an individual. The name and identifying information of the officer could not be released to the public by: a public employee of the law enforcement agency, the agency conducting or participating in the official investigation or a person acting on behalf of the law enforcement agency or the agency conducting the investigation. The information would have to be released following the conclusion of the investigation if the individual involved is charged with a criminal offense arising out of the discharge of the firearm or use of force. Otherwise, the identifying information would be released: 1) thirty days after the discharge of the firearm or use of force; 2) after completion of the official investigation; 3) if the law enforcement officer consents in writing to the release of the information; or 4) if disclosure is made pursuant to court rules. However, during any period in which the release of the information can reasonably be expected to create a risk of harm to the person or property of the law enforcement officer or an immediate family member, the information could be withheld. A violation of this section is a misdemeanor of the second degree. The section would not apply to the office of Attorney General or a district attorney's office. [Passed: 39-9.](#)

[House Bill 1653](#) (Oberlander) would amend Title 62 (Procurement) of the Pennsylvania Consolidated Statutes to add Chapter 22, entitled "Diverse and Disadvantaged Businesses." The bill would require the Department of General Services (DGS) to set up a process to verify that a diverse or disadvantaged business is state-certified for the purpose of other state or national

disadvantaged business programs. DGS would also compile, maintain, and make available a listing of these businesses. **Passed: 47-0.**

House Bill 1683 (Warner) would amend Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes to authorize local governing bodies to offer income and/or property tax credits for volunteer first responders. Municipalities would be authorized to enact an earned income tax credit to qualified active volunteers to be applied against an active volunteer's tax liability. Municipalities would also be authorized to enact a real property tax credit to qualified active volunteers to be applied against their tax liability. The real property tax credit could not exceed 20 percent of the tax liability of the active volunteer. Active volunteers would remain eligible when filing a joint return. The tax credit would have to be established by ordinance, with at least 30 days public notice of the intent to adopt an ordinance and with at least one public hearing held on the issue. Safeguards include requirements for a notarized list of eligible volunteers and for service logs of fire and EMS companies to be subject to periodic review, as well as the creation of a misdemeanor of the first degree for false service record reporting, punishable by a fine of \$2,500. **Passed: 48-0.**

House Bill 1699 (R. Brown) would create the Safe Emergency Prescribing Act to limit the prescribing of opioid drug products to an individual seeking treatment in an emergency department or urgent care center to a seven-day supply. The limitation would also apply to an individual who is in observation status in a hospital. The limit would not apply if, in the professional medical judgment of a health care practitioner, more than a seven-day supply would be required to treat a patient's acute medical condition or is necessary for the treatment of pain associated with a cancer diagnosis or for palliative care. In these instances, the medical professional would have to document in the patient's medical record the reasons for the exception. An additional provision would prohibit a health care practitioner in an emergency department or urgent care center, or who is caring for a patient in observation status, from writing a prescription refill for an opioid drug product.

A health care practitioner would be required to refer an individual for treatment if the individual is believed to be at risk for substance abuse while seeking treatment in an emergency department, at an urgent care center or in observation status in a health care facility. The practitioner would also be required to query the prescription drug monitoring program under the Achieving Better Care by Monitoring All Prescriptions Program Act to determine if the patient is under treatment with an opioid drug product by another health care practitioner. The Department of Health would be required to promulgate regulations to carry out the act. A health care practitioner who violates the act would be subject to review and disciplinary action under the licensure, certification, registration, or permit provisions of law governing the respective practitioner. A practitioner who complies with the provisions of the act would be presumed to be acting in good faith and would have immunity from civil liability. **Passed: 48-0.**

House Bill 1703 (Millard) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to prohibit a person from operating an all-terrain vehicle (ATV) with a certification label conforming to ANSI/SVIA 1-2010 if the person is not of the age specified on the warning label affixed to the ATV by the manufacturer. If the ATV does not have such a label, the engine of an ATV operated by a person eight or nine years of age would have to be 70cc or less (current law).

An additional change would give a youthful operator of a snowmobile or ATV five days to produce a safety certificate following notice of a violation for failure to exhibit or produce one. Upon presentation of the certification, the authority issuing the violation would be required to dismiss the charge. The bill would also update provisions addressing mufflers and sound control. For snowmobiles and ATVs, references to “noise” control would be changed to “sound” control. In addition, noise requirement regulations would have to be updated to conform to the July 1998 ANSI/SAE recommendations. ATVs manufactured after 1997 could not exceed 96 decibels, compared to 99 decibels for earlier vehicles. **Passed: 48-0.**

House Bill 1737 (Maher) would amend Section 206 of Act 190 of 1996, which deals with household hazardous waste collection programs. Under the changes, household prescription drug and pharmaceutical waste programs and events conducted by certain facilities or entities as listed in the legislation, such as law enforcement agencies and health care facilities, would not be required to register with the Department of Environmental Protection prior to commencing operations. Expired or unwanted prescription drugs and over-the-counter pharmaceutical products generated by households and collected as part of a registered collection event or exempted program or event could be destroyed through industrial furnaces, resource recovery facilities, or any other facility that renders the drugs and pharmaceutical products non-retrievable to prevent diversion of the wastes for illicit purposes and to protect the Commonwealth’s waters and public health and safety. Such facilities would have to comply with the Clean Air Act and Air Pollution Control Act. Other than resource recovery facilities, facilities operating under the specific provisions of the section would not be required to obtain a permit under the Solid Waste Management Act. **Passed: 48-0.**

House Bill 1785 (Corbin) would create the Influenza Awareness Act to require assisted living residences and personal care homes to post influenza information in a public place in the facility year-round. The Department of Health, on its website, would have to make available printable publications that provide the influenza information, including information on vaccines. When inspecting facilities, the Department of Human Services would determine compliance with this Act. **Passed: 47-0.**

House Bill 1885 (White) would amend Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes to prohibit a municipality from adopting a rule, order, ordinance or policy that prohibits the enforcement of a federal law or the laws of the Commonwealth pertaining to an immigrant or immigration. A municipality that adopts such a policy would not be eligible for any state law enforcement grant or to participate in the sale of state surplus property. A municipality that has lost eligibility could be reinstated upon proof that it is enforcing immigration orders and has rescinded its rule, order, ordinance or policy. The measure would also amend the Judicial Code to establish that a municipality with a rule, order, ordinance or policy prohibiting the enforcement of immigration law would be liable for any damages on account of an injury to a person or property if the injury was caused by an individual that was in the custody of the municipality and released despite the existence of a civil immigration detainer request for the individual. **Passed: 34-14.**

House Bill 1887 (Ortitay) would amend Title 4 (Amusements) of the Pennsylvania Consolidated Statutes. Among other provisions, the bill would:

- Direct the Pennsylvania Gaming Control Board to impose an annual slot machine license operation fee of 20 percent of the slot machine license fee paid at the time of issuance, on each Category 1 and Category 2 licensed gaming entity not in Philadelphia. The fee would be paid in equal monthly installments, on or before the first day of each month, and deposited in the State Gaming Fund. The fee would go into effect on January 1, 2017 and expire on May 1, 2017;
- Specify distributions of local share assessments and slot machine license operation fees to eligible counties, municipalities, the Commonwealth Financing Authority, and county redevelopment authorities;
- Permit an eligible county redevelopment authority to use grants allocated from gaming funds as local matching funds for other grants or loans from the Commonwealth; and
- Update provisions related to the compulsive and problem gambling program by naming the Department of Drug and Alcohol Programs as the responsible state agency.

Passed: 46-1.

House Bill 1907 (Benninghoff) would amend the Public School Code of 1949 to clarify and update truancy procedures. Among other provisions, the legislation would:

- Add a section to require charter and cyber charter schools to establish an attendance policy that would have to conform to the provisions of the School Code relating to compulsory attendance. Charter and cyber charter schools would report unexcused absences directly to the Department of Education via the Pennsylvania Information Management System (PIMS);
- Clarify additional excused absences from school including those related to a student's health or treatment for a health condition;
- Outline the procedure to be used by the school when a child is truant, including notifying in writing the person in parental relation with the child who resides in the same household as the child of the child's violation of compulsory school attendance. The notification would have to be made within 10 days of the child's third unexcused absence and meet the requirements outlined in the legislation. If the child continues to incur unexcused absences, the school would be required to offer a school attendance improvement conference. The outcome of the conference would have to be documented in a written school attendance improvement plan. Schools could not expel or impose out-of-school suspension, disciplinary reassignment or transfer for truant behavior;
- Permit the school to refer a child who is habitually truant and under 15 years of age to either a school or community-based attendance improvement program or to the county children and youth agency for services or for possible disposition as a dependent child. The school could also file a citation against the person in parental relation with the child who resides in the same household;

- Organize and clarify the penalties for violating the compulsory attendance law. Fines, community service, attendance at a course or program designed to improve school attendance, and loss of driving privileges would be options for a magisterial district judge or other court to use in an attempt to enforce compliance with the law; and
- Direct the Joint State Government Commission to undertake a study of the effectiveness of the new provisions five years after the beginning of the first school year to which they apply. The Commission would have to issue a report of its findings and recommendations to the Senate and House Education Committees not later than 12 months after undertaking the study. The Joint State Government Commission would also be directed to establish an advisory committee to consult with the Commission in conducting the study. **Passed: 48-0.**

House Bill 2014 (Sankey) would authorize DGS, with the approval of the Department of Transportation, to convey approximately 4.27 acres and any improvements located thereon (PennDOT District 2-0 Engineering Office) located in Lawrence Township, Clearfield County at a price to be determined through a competitive bidding process. The conveyance would be subject to all lawful and enforceable easements. The deed of conveyance would be executed by the Secretary of General Services in the name of the Commonwealth. The proceeds from the sale would be deposited in the Motor License Fund and would be available to the Department of Transportation for all duly authorized purposes. **Passed: 48-0.**

House Bill 2078 (Phillips-Hill) would amend the Public School Code to require the Department of Education to expedite (14 days) a completed application for a permanent educator certification from members of the armed forces, including a reserve component and the National Guard, veterans, and spouses of these individuals. The fee could not exceed \$35 (\$10 certification fee and \$25 professional educator discipline fee). A professional educator who applies to PDE for the removal of their inactive certification would receive immediate approval of their application if the educator holds a valid out-of-state certificate; has complied with continuing education requirements of the other state; and, was employed under the certificate in the other state within two calendar years prior to submitting the application to PDE. The educator would retain the same number of hours of continuing education and the same amount of time to complete the required continuing education as existed when the inactive certification was granted. If the educator's certificate was placed on inactive status by PDE because the 180-hour continuing education requirement was not met, the educator would begin a new five-year compliance period. **Passed: 47-0.**

House Bill 2084 (Snyder) would amend Title 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes by adding a new Section 5907, which provides for the issuance, training and use of oleoresin capsicum spray ("pepper spray") in state correctional institutions. The Department of Corrections would be required to issue the spray, on a routine basis, to officers and employees who are employed by and on duty in state correctional institutions and who may respond to an emergency situation. The spray would be issued to other officers and employees of a state correctional institution as the Department determines appropriate. A training course on the use of the spray would have to be completed before the person could receive and carry the

spray. The spray would have to be used in accordance with Department policy, including where verbal direction to an inmate has failed and physical force may be needed to maintain control; when an inmate barricades or arms himself and cannot be approached without danger to personnel or the inmate; or, when a delay in establishing control would be a hazard or would result in a disturbance or property damage. **Passed: 47-0.**

House Bill 2241 (Boback) would amend Title 40 (Insurance) of the Pennsylvania Consolidated Statutes to add a chapter addressing when an insurer may retroactively deny payment of a health care claim it had previously covered. Under the bill, an insurer would have no more than 24 months after the date of the initial payment to retroactively deny reimbursement as a result of an overpayment determination. If an insurer does retroactively deny a payment, it would have to do so based upon coding guidelines and policies in effect at the time the service that was denied was rendered. When an insurer retroactively denies a payment, it would have to provide the health care provider with a written statement specifying the basis for the retroactive denial.

The provisions of the bill would not apply if an insurer makes a retroactive denial based on one of the following criteria:

- The information submitted to the insurer constituted fraud, waste or abuse;
- The claim submitted to the insurer was a duplicative claim;
- Denial was required by a state or federal government plan; or
- Services were subject to the coordination of benefits with another insurer, the medical assistance program or the Medicare program.

If an insurer retroactively denies reimbursement for services as a result of a coordination of benefits, the health care provider would have 12 months from the date of denial to submit a claim for reimbursement, unless the entity responsible for payment permits a longer time.

Passed: 47-0.

House Bill 2303 (Causer) would repeal Article XXVIII-D (Race Horse Industry Reform) of the Administrative Code and reestablish the provisions in Title 3 (Agriculture), Chapter 93. The language contained in the legislation is the same as current law, except for changes to Section 9336 (Pennsylvania Breeding Fund), relating to the distribution of awards for winning horses. The measure would become effective immediately and provide that retroactive to February 23, 2016, and for the remainder of the current year, awards would be distributed in the same manner as they were prior to February 23, 2016.

Beginning in 2017, awards would be distributed as follows:

- Awards to breeders of winning Pennsylvania-bred horses sired by Pennsylvania sires, which finish first, second or third, would be increased from 30 percent to 40 percent of the purse;

- Awards to breeders of winning Pennsylvania-bred horses not sired by a Pennsylvania sire, which finish first, second or third, would remain at 20 percent of the purse; and
- Awards to owners of Pennsylvania sires of winning Pennsylvania-bred horses, which finish first, second or third, would remain at 10 percent of the purse.

Beginning in 2017, in any year when there is at least \$10 million more in the Pennsylvania Breeding Fund than was deposited in 2016, any funds remaining after the deduction of awards and administrative costs would be distributed to the licensed racing entities in proportion to the rate by which the licensed racing entity generated the funds in the previous year. The funds would be used for purses for owners as further outlined in the legislation. Any Pennsylvania Breeding Fund monies due to a licensed racing entity that are not expended in a calendar year could be carried forward on the account of the licensed racing entity and expended in the succeeding year in addition to monies due to them for purses. **Passed: 47-0.**

House Bill 2338 (Gabler) would provide protection to students enrolled at Pennsylvania postsecondary education institutions during the transition of the institutions to a new accrediting agency if the U.S. Department of Education discontinues its recognition of the national agency accrediting those schools. Students would remain eligible for all state financial assistance through the Pennsylvania Higher Education Assistance Agency (PHEAA), and any other state agency through which a student could be eligible for assistance, as long as the student meets all other qualifications. PHEAA, when advancing financial assistance funds during a school's transition to new accreditation, could follow the U.S. Department of Education's issuance of Federal Title IV financial assistance, along with any other terms and conditions applied during the transition. Students would remain eligible for state licensure, certification or any other professional credential for which the student has trained, provided the student meets all other qualifications and passes any exams or assessments necessary for the licensure, certification or credential. These protections would remain in effect for 18 months, or until new accreditation is received if PHEAA and other state agencies deem extension of the protections to be in the best interest of students. The legislation would also require institutions enrolling students who receive PHEAA grants to provide certain disclosures to those students when the institutions are undergoing a transition in their accreditation. The act would expire on December 31, 2018. **Passed: 48-0.**

House Bill 2370 (Moul) would amend Act 84 of 2016 to exempt certain transactions involving conservancies and transfers to or by land banks from the realty transfer tax retroactive to January 1, 2013. The bill would allow taxpayers impacted by the change to file a petition for refund with the Department of Revenue, as long as it is filed within six months of the effective date of the section. **Passed: 47-0.**

(2016-120)