

WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – DAVID G. ARGALL, CHAIRMAN

Monday, November 13, 2017

[Senate Bill 540](#) (Mensch) would amend the Public School Code of 1949 to require a school district to excuse a student from school attendance to participate in a musical performance in conjunction with a national veterans' organization or incorporated unit for an event or funeral. The national veterans' organization or incorporated unit would have to provide the student with a signed excuse, with information outlined in the bill. A school district could not excuse a student if the student's excused time would result in a violation of the minimum hours of instruction time required. A student's excused time could be credited toward volunteering or community service hours required for graduation. A school district would not be required to excuse a student from school if the student's excused time would take place during the administration of a state assessment. **Passed: 48-0.**

[Senate Bill 877](#) (White) would amend Sections 645-A and 646-A of the Insurance Department Act of 1921 to clarify that the current prohibition on rebates and inducements in the act could not be construed to prohibit an insurance producer from offering or giving to an insured or prospective insured money or any favor, advantage, object, valuable consideration or anything other than money which has a cost of or redeemable value less than or equal to \$100 which is not specified in the contract of insurance. The Insurance Commissioner would be authorized to increase the dollar amount upon publication in the Pennsylvania Bulletin. **Passed: 48-0.**

[Senate Bill 878](#) (White) would amend Section 346 of the Insurance Company Law of 1921 to clarify that the prohibition on rebates and inducements in the law could not be construed to prohibit an insurance company, association or exchange, by itself or by its officers or members, attorney-in-fact or by any other party, from offering or giving to an insured or prospective insured money or any favor, advantage, object, valuable consideration or anything other than money which has a cost of or a redeemable value less than or equal to \$100. The Insurance Commissioner would be authorized to increase the dollar amount upon publication of notice in the Pennsylvania Bulletin. An insurance company, association or exchange, by itself or by its officers or members, attorney-in-fact or by any other party could not be prohibited from offering or giving to an insured or prospective insured, for free or at a discounted price, services or other offerings that relate to or enhance the value of the insurance product being offered.

Passed: 48-0.

[Senate Resolution 238](#) (Bartolotta) designates the week of November 12 through 18, 2017 as "Nurse Practitioner Week" in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 239](#) (Martin) recognizes November 14, 2017 as "World Diabetes Day" in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 240](#) (Rafferty) commemorates the 50th anniversary of the physician assistant profession. **Adopted by Voice Vote.**

Tuesday, November 14, 2017

[Senate Bill 251](#) (Vulakovich) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to permit the use of speed timing devices by any police officer upon completion of a training course approved by the Pennsylvania State Police and the Municipal Police Officers' Education and Training Commission. The bill provides that all speed timing devices approved for use in the Commonwealth would have to be tested for accuracy within a period of one year prior to the alleged violation and appear on the consumer products list in conjunction with National Highway Traffic Safety Administration standards.

Before local or regional police officers could employ any speed timing devices, the political subdivision would have to adopt an ordinance permitting such devices to be used and to post warning signs indicating the use of the devices. During the initial ninety days of the use of the speed timing device, motorists could only be sanctioned for violations with a written warning. If the municipal share of the revenue generated from speed enforcement by radar or LIDAR (infrared laser light devices) exceeds 20 percent of the total municipal budget, the excess sum would have to be remitted to the Department of Revenue for deposit into the General Fund to be appropriated by the General Assembly for traffic safety purposes. The bill would prohibit convictions based upon evidence obtained through the use of radar or LIDAR if the speed recorded is less than 10 miles per hour in excess of the legal speed limit. **Passed: 46-3.**

[Senate Bill 629](#) (Reschenthaler) would amend Chapter 51 of Title 12 (Commerce and Trade) of the Pennsylvania Consolidated Statutes to further provide for fraudulent transfers. Among other provisions, the legislation would:

- Change the name of the act from the Pennsylvania Uniform Fraudulent Transfers Act to the Pennsylvania Uniform Voidable Transfers Act;
- Modernize the definition of insolvency for partnerships;
- Update existing terminology by changing “fraudulent” to “voidable” throughout the act;
- Clarify evidentiary rules by including provisions establishing the respective standards of proof of the parties making claims and establishing defenses under the act;
- Outline the rules to determine a debtor’s location for actions governed by the act and subsequent local laws governing a claim; and
- Recognize “series organizations” as defined in the act by providing that each “protected series” of a series organization is treated as a separate person. (Under the series structure, specified assets can be allocated to specific business activities, thus shielding some limited liability companies’ assets from some creditors. **Passed: 49-0.**

[Senate Bill 826](#) (Scavello) would authorize the Department of General Services to convey 10.01 acres and ancillary buildings in Stroud Township, Monroe County to the Monroe County Municipal Waste Management Authority for \$45,000. No portion of the conveyed property

could be used as a licensed gaming facility or it would revert to the Commonwealth. Costs and fees incidental to the conveyance would be borne by the grantee. The proceeds from the sale would be deposited in the State Treasury Armory Fund. In the event the conveyance is not executed per the terms and conditions of a Lease with the Option to Purchase Agreement with the Department of General Services, the property could be disposed of by competitive bid.

Passed: 49-0.

Senate Bill 837 (Ward) would designate the portion of State Route 981 in Westmoreland County from Fort Street, Smithton Borough to Dutch Hollow Road, South Huntingdon Township as the Specialist 4 William J. Kolenc Memorial Highway. **Passed: 49-0.**

Senate Bill 894 (White) would designate:

- A section of State Route 2005, also known as Butler Street, in Saxonburg Borough, Butler County as the Chief Gregory B. Adams Way;
- The bridge located on that portion of Pennsylvania Route 271 over U.S. Route 22, Jackson Township, Cambria County as the Trooper Gary Fisher Memorial Bridge;
- The bridge located on Pennsylvania Route 53 in Cresson Township, Cambria County over U.S. Route 22 as the Corporal Robert T. Sherwood Jr., Memorial Bridge;
- The bridge located on Segment 80 of State Route 2015, along Overbridge Street and over Railroad Street, in Lilly Borough, Cambria County as the Paul E. Sweeney Memorial Bridge;
- The bridge located on Avenue A, over the Allegheny River in Coudersport Borough, Potter County as the Commander Philip F. “Jet” Palmatier, Jr., Memorial Bridge;
- The bridge located on Sunnyside Road over Oswayo Creek, Shinglehouse Borough, Potter County as the PVT Malon Stanley Memorial Bridge;
- The section of State Route 1001 from Memorial Road to Mt. Pleasant Road in Greene Township, Franklin County as the Lance Corporal Michael L. Freeman, Jr., Memorial Highway;
- The bridge located on State Route 533 over Muddy Run in Southampton Township, Franklin County as the Private First Class Dana Edward Diehl Memorial Bridge; and
- The bridge on State Route 1004 over the Conococheague Creek in Greene Township, Franklin County as the Private Charles W. “Bill” Roher Memorial Bridge.

Passed: 49-0.

Senate Resolution 5 (Boscola) is a concurrent resolution establishing the Task Force on Women Veterans’ Health Care to study the health care needs of women veterans. **Adopted by Voice Vote.**

[Senate Resolution 241](#) (Brooks) recognizes the 20th anniversary of Pennsylvania’s Living Independence for the Elderly (LIFE) program. **[Adopted by Voice Vote.](#)**

[Senate Resolution 242](#) (Rafferty) designates the month of November 2017 as “Prematurity Awareness Month” and November 17, 2017 as “Prematurity Awareness Day” in Pennsylvania. **[Adopted by Voice Vote.](#)**

[Senate Resolution 243](#) (Scavello) designates the month of November 2017 as “Epilepsy Awareness Month” in Pennsylvania. **[Adopted by Voice Vote.](#)**

[House Bill 165](#) (Saccone) would amend Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes to create the Pennsylvania Achievement Medal and the Pennsylvania Veterans Service Award. The qualifications for awarding the Pennsylvania Achievement Medal and the Pennsylvania Veterans Service Award would be prescribed by the Adjutant General by regulation or guideline. The legislation would also authorize the Governor to award the Pennsylvania Distinguished Service Medal and the Pennsylvania Meritorious Service Medal to civilians, veterans and members of the Pennsylvania National Guard, Pennsylvania Guard or armed forces of the United States or their reserve components. **[Passed: 49-0.](#)**

Executive Session

Nominations to Various Boards and Commissions. **[Confirmed: 49-0.](#)**

Wednesday, November 15, 2017

[Senate Bill 113](#) (Eichelberger) would amend Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes to prohibit a guardian from restricting an incapacitated person’s right of communication, visitation, or interaction with other persons. In the event the incapacitated person cannot express consent, the legislation would establish a presumption that the incapacitated person consents to interaction with another person based on the relationship history. A guardian would be required to comply with a protective order that remains in effect to protect an incapacitated person, even if issued prior to the guardian’s appointment. A guardian could petition a court to place restrictions on a person’s ability to communicate, visit, or interact with an incapacitated person for good cause as defined in the bill. The court could consider reasonable time, place, and manner restrictions on the communication, visitation, or interaction between the incapacitated person and the person seeking access. Restricted or supervised interaction and communication would have to be ordered by the court before the interaction or communication is denied, unless the court finds that any interaction or communication poses a threat to the person.

The legislation would grant standing to “interested persons” to petition the court to seek relief when a guardian restricts the interactions and communications of an incapacitated person. The court would have to schedule a hearing within 60 days of a petition being filed by a guardian or an interested party. The court could order an emergency hearing if the incapacitated person’s health is in serious decline or if death is imminent. If a guardian violates a court order, the court

could remove the guardian, among other remedies. Additional provisions would require the guardian to notify the incapacitated person's immediate family and any persons designated by the incapacitated person of certain events such as a change in location of the incapacitated person. [Passed: 49-0.](#)

[Senate Bill 658](#) (Yaw) would designate the Eastern hellbender as the official amphibian of the Commonwealth of Pennsylvania. [Passed: 47-2.](#)

[Senate Bill 785](#) (Rafferty) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to provide for the operation of golf carts. A "golf cart" would be defined as a self-propelled motor vehicle designed and manufactured for the transportation of persons or equipment for sporting, maintenance or recreational purposes that is not capable of exceeding a speed of 20 miles per hour. The vehicle registration exemption section for golf carts and certain vehicles used for golf course maintenance would be updated to include college or university campus maintenance vehicles. An additional exemption would be added to include all-terrain vehicles used by police and emergency personnel. It would be unlawful to operate a golf cart on any highway, but a cart could make a direct crossing of a highway upon compliance with certain requirements outlined in the bill. The legislation would permit the Department of Transportation to designate golf-cart crossings on state highways and local authorities to designate the crossings on local highways. A person under 12 years of age could not operate a golf cart. A person between 12 and 16 years of age could not drive a golf cart across any highway unless under the direct supervision of a person 18 years of age or older. [Concurrence in House](#)
[Amendments: 49-0.](#)

[Senate Resolution 244](#) (Greenleaf) designates the month of November 2017 as "Ukrainian Genocide Remembrance Month" in Pennsylvania and urges all individuals, groups, organizations and institutions to remember the Holodomor with appropriate activities designed to honor its victims and educate the world about this tragic episode in the world's history. [Adopted by Voice Vote.](#)

[Senate Resolution 245](#) (Brooks) designates the month of November 2017 as "Home Care and Hospice Month" in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 246](#) (Sabatina) recognizes the month of November 2017 as "American Made Month" in Pennsylvania and encourages the purchase of American-made products. [Adopted by Voice Vote.](#)

[Senate Resolution 247](#) (Boscola) designates the month of November 2017 as "Food Pantry Donation Month" in Pennsylvania. [Adopted by Voice Vote.](#)

[House Bill 425](#) (Nelson) would amend the State Lottery Law to allow individuals enrolled in PACE and PACENET as of December 31, 2016 to remain eligible for the programs if their maximum income limit is exceeded solely due to a Social Security cost-of-living-adjustment. The eligibility would be extended until December 31, 2019. [Passed: 49-0.](#)

[House Bill 1009](#) (Walsh) would provide for the release of Project 70 restrictions from land owned by the Borough of West Newton, Westmoreland County. An amount equal to or greater than the fair market value of the land would have to be deposited into a special interest-bearing account for the development of park and open space lands in the borough pursuant to a plan approved by the Department of Conservation and Natural Resources. Any funds remaining in the special account five years after the effective date of deposit would have to be paid to the Commonwealth for deposit into the Project 70 Land Acquisition Sinking Fund or current equivalent. The legislation would also release Project 70 restrictions from land owned by Upper Uwchlan Township, Chester County. The Pennsylvania Turnpike Commission would have to provide money to Upper Uwchlan Township for the purchase and installation of recreational equipment for a park in the township and implement a multiuse trail on a bridge to permit pedestrian access to the park. **Passed: 49-0.**

[House Bill 1019](#) (Gillen) would amend Title 9 (Burial Grounds) of the Pennsylvania Consolidated Statutes to provide for the transfer of ownership of cemeteries and for reasonable access to burial grounds. A chapter on the transfer of ownership of cemeteries would be added outlining the responsibilities of a new owner if there is a transfer of ownership of real property where burial plots are located. The new owner would have to: 1) honor all purchases of burial plots on the real property made before the transfer; 2) allow for the interment of any individual for whom proof of purchase of a burial plot prior to the transfer can be produced; and 3) establish reasonable access procedures. The new owner could discontinue the sale of burial plots but failure by the new owner to comply with the provisions in this chapter could bring an enforcement action by the Office of Attorney General.

An additional chapter would be added regarding reasonable access to burial grounds. Cemetery companies, cemeteries not owned by cemetery companies and private and private family cemeteries would be required to grant an individual reasonable ingress and egress to a burial plot for purposes of visitation. If a residential building is located on the real property, the owner of the property could determine that reasonable access includes prearranged times for visitation and the methods of ingress and egress to the burial plot. The cemetery company or owner of the property may designate the frequency, hours and duration of visitation and the route of ingress and egress. An individual denied reasonable access could petition the court of common pleas. Immunity would be provided for the cemetery company or owner of the property from liability in a civil suit, claim or cause of action arising out of access unless there is gross negligence or willful misconduct. **Passed: 49-0.**

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