

# WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – DAVID G. ARGALL, CHAIRMAN

## Monday, November 16, 2015

[Senate Bill 955](#) (Ward) would designate the interchange of Interstate 70 and Pennsylvania Route 119 in New Stanton Borough, Westmoreland County as the Edwin “Lance” Wentzel Memorial Interchange. **Passed: 49-0.**

[Senate Bill 956](#) (Ward) would designate the bridge located on State Route 711 in Ligonier Township, Westmoreland County over the Loyalhanna Creek as the Lieutenant Eric Eslary Memorial Bridge. **Passed: 49-0.**

[Senate Bill 988](#) (White) would designate the bridge located on State Route 403 in the Borough of Clymer, Indiana County over the Two Lick Creek as the Sergeant James Robert Pantall Memorial Bridge. **Passed: 49-0.**

[Senate Bill 989](#) (White) would designate the bridge located on State Route 580 over the Susquehanna River in Cherry Tree Borough, Indiana County as the Airman Second Class Gerald Emmett Johnson Memorial Bridge. **Passed: 49-0.**

[Senate Resolution 239](#) (Teplitz) designates the month of November 2015 as “Adoption Awareness Month” in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 240](#) (Baker) designates the month of November 2015 as “COPD Awareness Month” in Pennsylvania. **Adopted by Voice Vote.**

[House Bill 89](#) (Harper) would amend Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes to increase the mandatory retirement age for justices, judges and justices of the peace from age 70 to age 75. The change would take effect upon approval of a constitutional amendment providing for the change. **Passed: 36-13.**

[House Bill 90](#) (Harper) proposes an amendment to the Pennsylvania Constitution to increase the mandatory retirement age for justices, judges and justices of the peace from age 70 to age 75. As a constitutional amendment, the legislation must pass the General Assembly during two separate legislative sessions before it is presented to the voters for approval. Identical legislation passed both chambers last session. **Passed: 36-13.**

[House Bill 753](#) (Schlegel Culver) would establish the Pennsylvania Long-Term Care Council within the Department of Aging and repeal Section 212 of the Public Welfare Code providing for the Intra-Governmental Council on Long-Term Care. The council would be composed of the following 35 members:

- the Secretaries of Aging, Health, Human Services, and Transportation;
- the Insurance Commissioner;

- the Adjutant General;
- the Executive Director of the Pennsylvania Housing Finance Agency;
- two members of the Senate, one appointed by the President pro tempore and one by the Majority Leader;
- two members of the House of Representatives, one appointed by the Speaker of the House and one by the Minority Leader;
- one representative from the Pennsylvania Council on Aging;
- one member who represents the local area agencies on aging;
- six members who represent consumer advocacy groups, with at least two being consumers of long-term care services;
- one member who represents the elder law section of the Pennsylvania Bar Association;
- one member who is a licensed insurance provider with at least ten years of experience in the long-term care insurance market;
- one member representing nonprofit skilled nursing facilities;
- one member representing for-profit skilled nursing facilities;
- one member representing assisted living residences or personal care homes;
- one member representing homecare or hospice;
- one member representing older adult daily living centers;
- one member representing senior community centers;
- one member representing long-term care managed care;
- two members with caregiver experience, at least one of whom has personal experience as a family caregiver;
- two members who represent the medical community, including a physician with at least five years of experience in a long-term care setting and a nurse with at least five years of experience in a long-term care setting;
- two members who represent an academic research institution; and
- one member who represents the County Commissioners Association of Pennsylvania.

The Secretary of Aging would serve as chairperson of the council and would be responsible for appointing an executive director. Members would be eligible for reappointment but would serve no more than two consecutive full terms. Vacancies would be filled by the original appointing authority. Members would be removed from the board as delineated in the bill. Nongovernmental council members would be entitled to travel reimbursement and actual expenses accrued in the performance of their duties as members. The council would be responsible for making recommendations on regulations, licensure, financing or any other responsibilities of those departments or agencies relating to long-term care and any other duties assigned by the Governor. The council would establish committees to research and study certain issues as outlined in the bill. Committee members could include persons who are not members of the council. The council would develop and adopt rules for conducting council meetings and committee hearings and assign topics for research and study to each committee. [Passed: 49-0.](#)

### **Tuesday, November 17, 2015**

[Senate Bill 146](#) (Yaw) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to expand the duty of occupants of a vehicle involved in an accident to give required

information or assistance where the driver of the vehicle refuses or neglects to do so. Any driver who is able and refuses or neglects to give any required information or assistance would commit a third degree misdemeanor punishable by a fine of not more than \$2,500. Any occupant violating the section would commit a summary offense punishable by a fine of not more than \$300. **Passed: 48-1.**

**Senate Bill 609** (Mensch) would create the Prostate Cancer Surveillance, Education, Detection and Treatment Act. The proposed legislation would require the Department of Health to establish a 15-member task force for the purpose of investigating and making recommendations to the Department concerning prostate cancer and the development of a program of information and education regarding prostate cancer. The task force would be required to convene its first meeting within 90 days of the effective date of the act and within one year of that first meeting issue a report with recommendations to the Secretary of Health. The legislation directs the DOH to develop a program of information and education regarding prostate cancer; to develop a program to assist male residents in accessing prostate cancer screening regardless of insurance coverage; to cooperate with other governmental departments and professional associations in disseminating educational information; and to identify and apply for public and private grants and funding to carry out provisions of the act. The act would expire on June 30, 2019.

**Concurrence in House Amendments: 49-0.**

**Senate Bill 887** (Costa) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to provide additional penalties for offenses involving the injury or death of a highway worker or emergency responder. Under the legislation, a driver who causes bodily injury to a highway worker or emergency responder would face an additional fine of not more than \$1,000. An individual who causes serious bodily harm to a worker would face a fine of not more than \$5,000 and a driver's license suspension of six months. Drivers causing the death of a worker would pay a fine of up to \$10,000 and surrender their license for one year. **Concurrence in House Amendments: 49-0.**

**Senate Bill 927** (Scavello) would require the Pennsylvania members of the Delaware River Joint Toll Bridge Commission who are not ex-officio members to be confirmed by a majority of the members elected to the Pennsylvania Senate. **Passed: 49-0.**

**Senate Bill 1045** (Vulakovich) would amend Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes to add a section on character of discharge. Whenever a particular character of discharge is a prerequisite for receiving benefits, the discharge would have to be under conditions other than dishonorable. Language would be added to provide guidance as to what constitutes a discharge under conditions other than dishonorable and also what types of discharges would be excluded from the term. Additional provisions would provide for the evaluation of an uncharacterized discharge or separation. **Passed: 49-0.**

**Senate Resolution 241** (White) recognizes January 24, 2016 as "Drugs Kill Dreams Day" in Pennsylvania and encourages Pennsylvanians to participate in drug prevention education activities throughout the year to demonstrate their strong commitment to stopping drug and alcohol addiction and abuse before it begins. **Adopted by Voice Vote.**

[Senate Resolution 242](#) (Tartaglione) designates the week of October 18 through 24, 2015 as “Brachial Plexus Injury Awareness Week” in Pennsylvania. **[Adopted by Voice Vote.](#)**

[Senate Resolution 243](#) (Wiley) designates the month of November 2015 as “Epilepsy Awareness Month” in Pennsylvania. **[Adopted by Voice Vote.](#)**

[House Bill 934](#) (Christiana) would amend the Public Welfare Code to establish the Keystone Education Yields Success program. The program would help eligible individuals receiving TANF or SNAP benefits to pursue a certificate or degree program. The recipient and the degree or certificate program would have to meet the requirements outlined in the bill. The KEYS program would not be an entitlement program and services would only be available to the extent that funds are available. The Department of Human Services would be authorized to promulgate regulations to implement KEYS. The legislation would also amend the definition of “children’s institution” and add a definition of “child day care,” “family child care home,” “sibling” and “successor permanent legal guardian.” **[Passed: 49-0.](#)**

### **Wednesday, November 18, 2015**

[Senate Bill 62](#) (Greenleaf) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to further provide for a probationary license. The bill would allow an applicant’s driving history during the minimum period of suspension to be sufficient documentation to determine if he or she is eligible for a probationary license. The bill would also reduce the term of suspension or revocation a person must serve before being eligible to petition for a probationary license. A person would not be eligible for a probationary license if he or she had been granted a probationary license within five years of a new application. The term would be reduced from six to three years for a person to be eligible to apply for a regular driver’s license after satisfactorily completing a probationary license. **[Passed: 49-0.](#)**

[Senate Bill 518](#) (Pileggi) would amend Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes by adding a new chapter to provide for the Revised Uniform Fiduciary Access to Digital Assets Act. The chapter would provide the legal authority for fiduciaries to manage the digital assets of an individual user in accordance with the user’s direction, while protecting a user’s private communications from unwarranted disclosure. The act would be applicable to a custodian if the user resides in this Commonwealth or resided in this Commonwealth at the time of the user’s death. The legislation would:

- Provide various definitions including a definition of “digital asset” as an electronic record in which an individual has a right or interest. The term would not include an underlying asset or liability unless the asset or liability is itself an electronic record;
- Enable a user to direct how digital assets may or may not be disclosed. A user’s instructions with an online tool or with a will, trust, power of attorney, or other record would override a contrary provision in a terms-of-service agreement;

- Provide custodians with the procedure for disclosure of digital assets. The custodian would not have to disclose digital assets that were deleted by the user and could assess a reasonable fee for the cost of disclosing digital assets;
- Require fiduciaries, in order to gain access to digital assets, to send a written request to the custodian along with a certified copy of the death certificate of the user and a certified copy of a letter granting fiduciary authority;
- Impose the same legal duties on a fiduciary charged with management of digital assets as a fiduciary charged with managing tangible property;
- Stipulate that a fiduciary's authority over digital assets would be limited by federal law, including the Copyright Act and the Electronic Communications Privacy Act; and,
- Provide a timeframe for custodians to comply and grant custodians immunity from liability for an act or omission done in good faith in compliance with the provisions of the chapter. **Passed: 49-0.**

**Senate Bill 1046** (Vulakovich) would amend Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes to codify the standards for promotion for retired Pennsylvania National Guard personnel and to ensure compliance with U.S. Army and U.S. Air Force uniform regulations. A retiree's application for promotion would have to be in accordance with applicable regulations. The Adjutant General would retain final approval authority. An additional provision would require that the applicant served honorably and with distinction. Retired officers and enlisted personnel would be entitled to wear the uniform and rank insignia of their federally-recognized grade on all proper military and semi-military occasions. The Adjutant General would be required to promulgate regulations to administer and enforce the provisions. The measure would also clarify the calculation of deployment periods for promotions for retired Pennsylvania National Guard personnel. For service members deployed outside of the continental United States pursuant to 10 U.S.C. (relating to armed forces), time would be doubled for this specific period of service. Pennsylvania National Guard service that counts as double time due to active duty could only be calculated for and applied in the determination of the required years of service in the Pennsylvania National Guard.

**Passed: 49-0.**

**Senate Resolution 244** (Alloway) designates the month of November 2015 as "Pancreatic Cancer Awareness Month" in Pennsylvania. **Adopted by Voice Vote.**

**Senate Resolution 245** (Alloway) recognizes the "Hunters Sharing the Harvest" program in Pennsylvania and encourages participation by Pennsylvania's licensed hunters. **Adopted by Voice Vote.**

**Senate Resolution 246** (Teplitz) recognizes December 1, 2015 as "World AIDS Day" in Pennsylvania and remembers the individuals diagnosed with HIV/AIDS and the global challenges associated with eradicating the disease. **Adopted by Voice Vote.**

[House Bill 735](#) (Helm) would designate the bridge located on State Route 147 in Millersburg Borough, Dauphin County over the Wiconisco Creek as the Private Warren Snyder Memorial Bridge. **[Passed: 49-0.](#)**

[House Bill 838](#) (Santora) would designate:

- The bridge located on Garrett Road, Upper Darby Township, Delaware County over the Darby Creek as the Honorable Nicholas A. Micozzie Bridge;
- The section of Pennsylvania Route 849 in Newport, Perry County as the United States Navy Petty Officer 1<sup>st</sup> Class A. Louis DeLancey Memorial Highway;
- The Resource Management Center in the Weiser State Forest in Conyngham Township, Columbia County as the Edward W. Helfrick Resource Management Center; and
- The 700 to 800 Block of U.S. Route 13, also known as the Chester Pike, in Prospect Park Borough, Delaware County as the Officers Luke Arlington Conner and J. Horace Callaghan Memorial Highway.

The bill would also repeal Act 77 of 2014, which had previously designated the 700 to 800 Block of U.S. Route 13 in Prospect Park Borough, Delaware County as the Officers Luke Arlington Conner and John Horace Callaghan Memorial Highway. **[Passed: 49-0.](#)**

[House Bill 1411](#) (Taylor) would amend Title 26 (Eminent Domain) of the Pennsylvania Consolidated Statutes to increase the allowable actual, reasonable expenses to re-establish a displaced farm, nonprofit organization or small business at a new site from \$12,000 to \$25,000. The legislation would also increase the payment limit from \$27,000 to \$31,000 for a displaced homeowner and decrease the time period of required ownership from 180 days to not less than 90 days prior to the initiation of negotiations for the acquisition of the property or the receipt of written notice from the acquiring agency of intent to acquire or order to vacate. The payments for displaced tenants would be increased from \$6,300 to \$7,200 to enable the displaced person to lease a comparable dwelling. The changes are required for Pennsylvania to be in compliance with the federal Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21), the federal surface transportation authorization. **[Passed: 49-0.](#)**

(2015-147)