

# WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – DAVID G. ARGALL, CHAIRMAN

**Friday, December 18, 2015**

[Senate Bill 917](#) (Browne) would amend Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes to encourage the agencies that are normally involved in child welfare and delinquency cases to share information toward the goal of achieving the best possible outcomes in these cases. The information would be shared under an interagency information sharing agreement that would be subject to court approval. An agreement would have to be signed by the chief executives of the entities covered by its provisions, the public defender's office and the guardian ad litem in each county, in addition to being submitted to the court for approval.

The agreement would have to specify that information would be shared to enhance the coordination of case management services to and the supervision of children who have been found to be dependent or delinquent and to enhance the coordination of efforts to identify children who may be at risk of child abuse and parental neglect and to provide services to these children and their families. The agreement would also have to set forth the specific activities in which the signatories or their representatives will engage and prohibit the release of information to other parties, except as otherwise required or permitted by statute. The agreement would also be required to state that the preferred method for obtaining authorization to share confidential information would be upon the written, informed consent of the person authorized under applicable law to consent to the release of information after that person has been provided a full understanding of the circumstances under which and with whom the information will be shared.

**Passed: 50-0.**

[Senate Resolution 255](#) (Vulakovich) directs the Joint State Government Commission to review all services, benefits and programs currently offered to veterans, active, National Guard and Reserve service members and their families by state and local agencies, veteran service organizations, schools and the federal government. **Adopted by Voice Vote.**

[Senate Resolution 260](#) (Vogel) designates the week of January 9 through 16, 2016 as "Pennsylvania Farm Show Week" in Pennsylvania in recognition of the 100<sup>th</sup> Pennsylvania Farm Show: Our Commonwealth's Blue Ribbon Experience. **Adopted by Voice Vote.**

[House Bill 1198](#) (Dunbar) would amend the Tax Reform Code of 1971 to prohibit the use of certain devices to evade the sales tax and to provide for amended corporate net income tax reports. The bill would make the purchase, installation or use of automated sales suppression devices, "zappers" or phantomware with the intent to defeat or evade the determination of the amount due under the sales tax a misdemeanor. An offense involving not more than three devices would be punishable by a fine of not more than \$5,000 and imprisonment for not more than one year. An offense involving more than three devices would be punishable by a fine of not more than \$10,000 and imprisonment for not more than one year. A person who uses one of

the devices would be liable for all taxes, interest and penalties due. These provisions would not apply to a corporation that possesses the devices for the sole purpose of developing hardware or software to combat their use. The new provisions would not preclude prosecution under any other law. The penalties imposed by the legislation would be in addition to any other penalties imposed under the article.

The measure would also provide a process for filing amended corporate net income tax reports. The changes would allow a corporate taxpayer to file an amended report with the Department of Revenue within three years after filing the original report, including extensions. In order for the Department to consider the amended report, a taxpayer would have to agree to the extension of the assessment period (one year from the date of the filing of the amended report or three years from the filing of the original report, whichever period last expires). A taxpayer would be required to maintain records until the end of the extended assessment period. The amended report filed with the department would have to contain the information listed in the bill. A taxpayer would be prohibited from filing an amended report in lieu of a timely appeal of an assessment. However, a taxpayer could file an amended report prior to the actual receipt of an assessment or, if a petition raising other issues is pending, during the administrative or judicial appeal. [Passed: 44-6.](#)

### **Wednesday, December 23, 2015**

[House Bill 1332](#) (Godshall) would amend Title 24 (Education) and Title 71 (State Government) of the Pennsylvania Consolidated Statutes to make technical changes to the Public School Employees' Retirement System (PSERS) and the State Employees' Retirement System (SERS) to bring them into compliance with the provisions of the Internal Revenue Code (IRC). The changes will ensure that the retirement plans maintain their tax deferred status. Among other modifications, the legislation would:

- Require that both PSERS and SERS plan documents state that, in the event of termination of the pension plan or discontinuation of benefit accruals, members would be vested and benefits, to the extent funded, would be nonforfeitable;
- Specify that member benefits and contributions could not exceed limitations set forth in Section 415 of the Internal Revenue Code;
- Allow PSERS to fulfill notice requirements by publication and electronic means;
- Incorporate the IRC's minimum distribution rules and add a definition for "required beginning date" to specify that distribution of a member's interest would have to commence under Section 401(a)(9) of the IRC by April 1 of the calendar year following the calendar year in which the employee attains age 70½ or terminates employment, if later;
- Eliminate Section 5502.1 of Title 71 which allows SERS members whose estimated maximum single life annuity exceeds 110 percent of compensation to waive payment of regular member contributions;

- Prohibit plan participants from receiving distributions from a qualified plan prior to death, disability, separation from service, or the attainment of normal retirement age; and
- Add language to provide that benefits would have to be for the exclusive benefit of plan members and their beneficiaries, and would prohibit benefits from being assigned or attached for the repayment of credit union loans and interest. **Passed: 50-0.**

[House Bill 1460](#) (Adolph) would create the General Appropriation Act of 2015 to provide for the expenses of the Commonwealth, the public debt and the public schools for fiscal year 2015-2016. Among other highlights, the \$30.26 billion spending plan would:

- Earmark \$100 million more for Basic Education funding;
- Increase funding by \$25 million for Pre-K Counts and \$5 million for Head Start;
- Provide a \$30 million increase for special education;
- Increase higher education funding by two percent;
- Provide for an Accelerated School Construction Investment Program to expedite the disbursement of \$2.5 billion in bond funds to schools for construction projects; and
- Earmark an additional \$1 million for the Food Purchase Program. **Passed: 33-17.**

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