

WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – DAVID G. ARGALL, CHAIRMAN

Monday, February 8, 2016

[Senate Bill 568](#) (Greenleaf) would amend Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes to make extensive changes to the guardianship provisions. Among other changes, the legislation would:

- Allow a court to find an individual domiciled in Pennsylvania to be incapacitated and appoint a guardian for the person or the person's estate upon petition and hearing and the presentation of clear and convincing evidence. Counsel for the alleged incapacitated person would have to be appointed and a hearing could be closed to the public under certain circumstances;
- Establish that subject to Chapter 59 (relating to uniform adult guardianship and protective proceedings jurisdiction), venue for a guardianship proceeding for an incapacitated person would be in the judicial district where the person resides and, if the person resides in an institution by an order of the court, in the judicial district in which the institution is located. Provisions would also be included governing venue for individuals that do not reside in the Commonwealth;
- Authorize the court to appoint as guardian any qualified individual, a corporate fiduciary under specified circumstances, a nonprofit corporation, a guardianship agency, or a county agency. The court could not appoint as a guardian a person or entity providing residential services for a fee to the incapacitated person;
- Update the provisions relating to the appointment of an emergency guardian when it appears that a person lacks capacity and is in need of a guardian and failure to make an appointment will likely result in irreparable harm to the person or their estate;
- Authorize a court to appoint an examiner to review the expenditures, disbursements, or withdrawals made by the guardian of an estate of an incapacitated person and a mediator or arbitrator if the parties desire mediation or arbitration, but do not mutually agree on an independent mediator or arbitrator. Court approval would be required for payment for mediation or arbitration from an incapacitated person's estate;
- Outline circumstances in which a guardian would have the authority to make health care decisions on behalf of the incapacitated person; and
- Clarify that a guardian of an incapacitated person would not be criminally liable or civilly liable in the absence of gross negligence, recklessness, or intentional misconduct.

Passed: 47-0.

[Senate Resolution 262](#) (Rafferty) urges the United States Surface Transportation Board, the United States Department of Justice, the United States Department of Transportation and the Congress of the United States to reject any plans submitted by Canadian Pacific Railway to acquire Norfolk Southern Corporation and to consider the potential negative impact of the proposal with respect to building a more efficient freight network in the Commonwealth. **Adopted by Voice Vote.**

[Senate Resolution 279](#) (Kitchen) designates the month of February 2016 as “Black History Month” in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 280](#) (Ward) designates the month of March 2016 as “Problem Gambling Awareness Month” in Pennsylvania and observes the month of March 2016 as “National Problem Gambling Awareness Month.” **Adopted by Voice Vote.**

[Senate Resolution 281](#) (Wiley) designates February 3, 2016 as “Four Chaplains Day” in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 282](#) (Teplitz) designates the month of February 2016 as “USO Month” in Pennsylvania in recognition of the 75th anniversary of the United States Organizations and its mission to enhance the quality of life of military members and their families. **Adopted by Voice Vote.**

[Senate Resolution 283](#) (Eichelberger) designates the week of January 31 through February 6, 2016 as “Catholic Schools Week” in Pennsylvania. **Adopted by Voice Vote.**

Tuesday, February 9, 2016

[Senate Bill 489](#) (Yaw) would amend the Check Casher Licensing Act to require check cashers to post a notice of exact fees and charges, which would have to be within the maximum prescribed in the act. The notice would have to be posted in plain view and in a location readily apparent to a consumer transacting business. The measure would also lower the permissible fees under the act for certain types of checks. The changes would lower the allowable fee a licensee could collect from 2.5 percent to 1.5 percent of the face amount of a government check, or 0.5 percent of the face amount of a government assistance check. In the case of a financial loss sustained by a check casher due to theft or fraudulent misrepresentation, the customer would be liable to the check casher for an amount equal to three times any actual face value of the check or three times any actual damage sustained by the check casher, whichever is greater. The bill would also prohibit the Department of Banking and Securities from requiring a retail food store which must register with the Department to register with the National Mortgage Licensing System. **Passed: 47-0.**

[House Bill 1296](#) (Harper) would amend Act 53 of 1973 to add a section to include certain money market instruments, such as commercial paper, negotiable certificates of deposit, bankers’ acceptances, and corporate notes, to the list of authorized investments for local governments. Nothing in the new provisions could be construed to supersede or preempt other investment

powers of public corporations or municipal authorities as authorized by law. Each local government investment trust or local government investment pool that invests funds as provided for under the section would have to file an annual investment report with the Department of Community and Economic Development with the information outlined in the legislation.

Passed: 47-0.

Wednesday, February 10, 2016

Senate Bill 889 (Baker) would amend the Enforcement Officer Disability Benefits Law, commonly referred to as the Heart and Lung Act, to extend the benefits under the act to enforcement officers and investigators of the Pennsylvania Game Commission and the Pennsylvania Fish and Boat Commission. Any payments made on account of any enforcement officers or investigators of the Game Commission would be made from monies appropriated to the Game Commission or executively authorized from the Game Fund. Similarly, any payments made on account of any enforcement officers or investigators of the Fish and Boat Commission would be made from monies appropriated to the Fish and Boat Commission or executively authorized from the Fish Fund or the Boat Fund. **Passed: 48-0.**

Senate Resolution 284 (Scarnati) would direct the Governor to remove the Attorney General Kathleen G. Kane from the Office of Attorney General of the Commonwealth of Pennsylvania under Section 7, Article VI of the Constitution of Pennsylvania. **Defeated: 29-19.** (Two-Thirds Vote Required) (*Note: The vote by which Senate Resolution 284 was defeated was reconsidered and the resolution was re-committed to the Rules and Executive Nominations Committee.*)

Senate Resolution 285 (Baker) observes March 1, 2016 as “St. David’s Day” in Pennsylvania and honors the many Pennsylvanians of Welsh heritage. **Adopted by Voice Vote.**

Senate Resolution 286 (Baker) designates the week of February 14 through 20, 2016 as “Cardiac Rehabilitation Week” in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 287 (Greenleaf) commemorates the birth of George Washington and honors the contributions he made to this country. **Adopted by Voice Vote.**

Senate Resolution 288 (Blake) designates the month of February 2016 as “Turner Syndrome Awareness Month” in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 289 (Boscola) recognizes March 8, 2016 as “International Women’s Day” in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 290 (Teplitz) designates February 23, 2016 as “Housing Awareness Day” in Pennsylvania. **Adopted by Voice Vote.**

House Bill 561 (Kauffman) would amend the Local Tax Enabling Act to amend the definition of “earned income” to exclude wages or compensation paid to individuals on active military service, regardless of whether it is earned for active military service inside or outside the

Commonwealth. The change would apply to income taxes levied and collected after December 31, 2015. **Passed: 48-0.**

House Bill 941 (Regan) would amend the Administrative Code of 1929 to make a number of changes. Among other modifications, the measure would:

- Establish the Citizens Advisory Council as an independent advisory council administratively housed within the Department of Environmental Protection. Additional provisions would make the Secretary of Environmental Protection an ex-officio member of the Council and give the Council the sole power to employ and fix the compensation of an executive director;
- Reduce the license fee for a distillery of historical significance from \$5,400 to \$1,200; and
- Require the Pennsylvania Gaming Control Board to report to the Legislature on the potential of fantasy sports as a gambling product in the Commonwealth.

The bill would also repeal the Race Horse Industry Reform Act and replace it with a new article in the Administrative Code. The new provisions would eliminate the existing State Horse Racing Commission and State Harness Racing Commission and establish the State Horse Racing Commission to regulate horse racing, the conduct of pari-mutuel wagering and the promotion and marketing of horse racing in Pennsylvania. Among other provisions, the measure would:

- Establish a nine-member commission composed of four appointments made by the Governor as specified in the legislation, one each by the legislative leaders, the Secretary of Agriculture or a designee and a veterinarian appointed by the Governor;
- Delineate requirements for commissioners' qualifications, conduct, compensation, and financial disclosure;
- Prohibit certain actions by commissioners and provide for the removal of a commissioner if a provision is violated;
- Establish, within the Commission, an Office of Horse Racing with a Bureau of Thoroughbred Horse Racing and a Bureau of Standardbred Horse Racing;
- Give the Commission jurisdiction over pari-mutuel wagering, a licensed person engaged in pari-mutuel horse racing activities, out-of-competition drug testing, and the conduct of horse racing in the Commonwealth;
- Provide for the powers and duties of the Commission in regulating horse racing where pari-mutuel wagering occurs;

- Extend the rules and regulations under the former Pennsylvania Thoroughbred Horse Racing Law, or the former Pennsylvania Harness Racing Law, but grant the Commission the authority to adopt, revise or alter the rules and regulations;
- Provide that each license to conduct horse racing or other activity issued prior to January 1, 2017, would remain in effect for the remainder of the licensing term unless revoked or suspended;
- Provide for the reimbursement of the Department of Agriculture for shared administrative services, shared administrative staff and shared facilities to the Commission from the State Racing Fund;
- Require the Commission to issue reports on the general operations of the Commission and each licensee's performance, to make and keep a record of all proceedings held at public meetings of the Commission, post a list annually of all itemized expenses of employees and commissioners that were or are to be reimbursed from the State Racing Fund, and publish an annual report of such information to be submitted to designated entities;
- Direct the Department of Revenue to provide financial administration of pari-mutuel wagering under the act;
- Provide for the allocation of racing days, licenses for horse race meetings, the adoption of a code of conduct, and the licensing of individuals;
- Give district attorneys the authority to investigate and to institute criminal proceedings for a violation of the act and give the Attorney General the authority to investigate and, following consultation with the appropriate district attorney, to institute criminal proceedings;
- Grant the Commission, the Attorney General and the Pennsylvania State Police the authority, without notice and without warrant, to inspect and examine all premises where horse racing is conducted or where records of such activities are prepared or maintained, inspect all equipment and supplies on such premises, seize equipment and supplies, inspect, examine and audit all books, records and documents pertaining to a licensee's operation, and seize, impound or assume physical control of records and documents;
- Establish the State Racing Fund within the State Treasury and provide for the Pennsylvania Breeding Fund and the Sire Stakes Fund;
- Provide for the Pennsylvania Breeding Fund Advisory Committee;
- Provide for the Commission to impose licensing fees and fines, with the funds collected to be deposited in the State Racing Fund; and

- Require a licensed racing entity or secondary pari-mutuel organization to pay a tax of 1.5 percent of the amount wagered each racing day and 2.5 percent of the total amount on an exacta, daily double, quinella and trifecta wager. [Concurrence in House Amendments to Senate Amendments: 48-0.](#)

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