

WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – DAVID G. ARGALL, CHAIRMAN

Monday, March 14, 2016

[Senate Bill 1056](#) (Baker) would amend Title 23 (Domestic Relations) and Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes to enact the Uniform Deployed Parents Custody and Visitation Act. Under the provisions of the bill, a deploying parent would have to provide the other parent with notice of the deployment within seven days or as soon as reasonably possible. The bill provides for an agreement addressing each parent's custodial responsibility during deployment. The agreement would have to be signed by both parents. The agreement would be temporary and would terminate when the deploying parent returns from deployment. A deploying parent, through a power of attorney, could delegate all or part of their custodial responsibility to an adult nonparent if the other parent does not possess custodial responsibility or a court order prohibits contact between the child and the other parent.

After the deploying parent receives a notice of deployment, either parent may file a motion regarding custodial responsibility during the deployment. A court could hold an expedited hearing on the matter and hear testimony by electronic means. The failure of a deploying parent to appear in court due to deployment would not be sufficient to justify a modification of a custody order. A court could grant caretaking authority to a nonparent on the motion of a deploying parent if it is in the best interest of the child. Unless a grant of caretaking authority to a nonparent is agreed to by the other parent, the grant is limited to the amount of time granted to the deploying parent under a permanent agreement currently in effect or the amount of time the deploying parent habitually cared for the child. A court could grant part of the deploying parent's decision-making authority to a nonparent. A grant of authority to a nonparent would be temporary and would terminate after the deploying parent returns.

After the deploying parent returns from deployment, an agreement granting custodial responsibility could be terminated by both parents. In the absence of an agreement to terminate, an agreement granting custodial responsibility would terminate 60 days after the deploying parent gives notice of their return from deployment. Upon petition by the deploying parent upon their return from deployment, the court would be required to issue an order granting the deploying parent reasonable contact with the child. In applying and construing this chapter, consideration would have to be given to the need to promote uniformity of the law with respect to its subject matter among states that enact the uniform act. The chapter would not affect the validity of any court order or agreement concerning custodial responsibility during deployment which was issued or entered into before the effective date of the section. **Passed: 49-0.**

[Senate Resolution 295](#) (Costa) recognizes February 29, 2016 as "Rare Disease Day" in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 296](#) (Rafferty) designates the month of March 2016 as "Irish American Heritage Month" in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 297](#) (Baker) designates the week of March 13 through 19, 2016 as “Pulmonary Rehabilitation Week” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 298](#) (Teplitz) recognizes March 14, 2016 as “Charter Day” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 299](#) (Vulakovich) designates the month of March 2016 as “American Red Cross Month” in Pennsylvania. [Adopted by Voice Vote.](#)

Executive Session

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

Tuesday, March 15, 2016

[Senate Bill 1013](#) (Hughes) 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. [Passed: 49-0.](#)

[Senate Resolution 300](#) (Teplitz) recognizes the month of April 2016 as “Prevention of Cruelty to Animals Month” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 301](#) (Tomlinson) recognizes the month of March 2016 as “National Athletic Training Month” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 302](#) (Hutchinson) designates the week of March 20 through 26, 2016 as “Maple Producers Week” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 303](#) (Wiley) designates the week of March 20 through 26, 2016 as “Poison Prevention Week” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 304](#) (Schwank) designates the month of March 2016 “Fibromuscular Dysplasia Awareness Month” in Pennsylvania. [Adopted by Voice Vote.](#)

[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 1st Class A. Louis De Lancey Memorial Highway; 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. [Concurrence in House Amendments to Senate Amendments: 49-0.](#)

Wednesday, March 16, 2016

[Senate Bill 50](#) (Schwank) would create the Industrial Hemp Act to authorize the Department of Agriculture to implement an agricultural pilot program to research industrial hemp consistent with the act and federal law. Among other duties, the Department would issue permits to institutions of higher education to conduct research relating to the cultivation or marketing of industrial hemp and to individuals that contract with the Department or an institution of higher education as necessary to implement the agricultural pilot program. A person could not grow, cultivate, market or sell industrial hemp unless he or she is part of the pilot program and has the required permit. The Department would be required to inspect facilities, sites, seeds, plants and individual growers to ensure compliance with the act and regulations promulgated under the act. The Department would establish permit fees which could not exceed the actual cost of administering the act. Within three months of the effective date of the act, the Department could promulgate temporary regulations which would not be subject to the Commonwealth Documents Law, the Commonwealth Attorneys Act and the Regulatory Review Act. The temporary regulations would expire in two years. If the United States Department of Agriculture is authorized to regulate industrial hemp, the Secretary of the Pennsylvania Department of Agriculture would be required to transmit notice to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. This act would expire 60 days after publication of the notice. [Passed: 49-0.](#)

[House Bill 1327](#) (Peifer) amend the Fiscal Code by making changes to various provisions and by providing the implementation language for the General Appropriation Act of 2015. The proposed legislation would:

General Provisions

Financial Recovery. Authorize the City of Scranton, upon the termination of its status as a distressed municipality, to collect a local services tax of up to \$156 per year. The amount that

exceeds the \$52 fee authorized in local tax laws could only be use to defray unfunded pension liability.

Environmental Stewardship Fund. Transfer funds from the Marcellus Legacy Fund to the Environmental Stewardship Fund and allocate the money to the Departments of Agriculture, Conservation and Natural Resources, Environmental Protection, and the Pennsylvania Infrastructure Investment Authority.

Educational Improvement Tax Credit Program. For FY 2015-16, allow tax credits awarded to a business firm making an approved contribution to a scholarship organization or education improvement organization to be used in the taxable year in which a completed application was submitted or in the taxable year in the contribution was made.

Budget Stabilization Reserve Fund (Rainy Day Fund). Suspend the transfer of the surplus funds in the General Fund for FY 2014-15 to the Budget Stabilization Reserve Fund.

State Workers' Insurance Board. Extend the investment authority of the Board from June 30, 2015 to June 30, 2018.

Marcellus Legacy Fund. Utilize \$22 million from the Fund to provide small water and sewer grants based on guidelines adopted by the Commonwealth Financing Authority.

Tobacco Settlement Fund. Change, for FY 2015-2016, the allocation percentages used for appropriating the annual tobacco payments deposited in the Tobacco Settlement Fund and stipulate that money in the Fund from a payment due to a recalculation from a prior annual payment would remain in the Fund to be separately appropriated for health-related purposes.

Pennsylvania Race Horse Development Fund. Provide for the transfer of funds from the Race Horse Development Fund into the Race Horse Development Restricted Receipts Account.

Workmen's Compensation Administration Fund. Transfer funds from the Workmen's Compensation Administration Fund to the Uninsured Employers' Guarantee Fund.

Dormitory Sprinklers. Transfer funds from the Dormitory Sprinkler Account to the General Fund.

Department of Drug and Alcohol Programs. Transfer funds from the sale of liquor and alcohol to the Department of Drug and Alcohol Programs to be used for purposes as designated in the Liquor Code.

Natural Gas Infrastructure Development Fund. Establish the Natural Gas Infrastructure Development Fund and transfer funds from the High Performance Buildings Programs to the Fund. The Commonwealth Financing Authority would use the Fund to provide grants to designated entities in order to obtain access to natural gas.

Department of Community and Economic Development. Prohibit the Department from eliminating the Intergovernmental Cooperation Authority in Pittsburgh, until oversight is terminated pursuant to the Municipalities Financial Recovery Act.

Department of Environmental Protection. Provide for updated deadlines and procedures relating to the General Assembly's existing statutory oversight of the state implementation plan required to be submitted by the Department to the U.S. Environmental Protection Agency under the Clean Power Plan.

Fire Services. Require the General Assembly to provide annual appropriations to support the provision of fire services to the Capitol Complex.

Pennsylvania Gaming Control Board. Require any slot machine license fee received by the Board to be deposited in the General Fund.

Department of Human Services. Require the automatic payment to counties for child welfare purposes if, in any year, an appropriation has not been enacted by September 1st.

Pennsylvania State Police. Provide that reimbursement of expenses to municipalities would be limited to money available. If funds are not available to make full payment, then the Municipal Police Officers' Education and Training Commission would pay on a pro rata basis.

Environmental Quality Board. Abrogate new regulations for conventional well drilling and prohibit the Board from adopting or promulgating any revision to an existing rule or regulation relating to the operation of conventional oil and gas wells formulated or proposed prior to the effective date of the subsection.

Commonwealth Financing Authority. Allow funds in the State Gaming Fund applicable to the Luzerne County Local Share Account to be disbursed as a grant to a county redevelopment authority. Also, allow grants from the Fund to be used as local matching funds or other grants or loans from the Commonwealth.

The measure would also authorize the Commonwealth Financing Authority to establish a program to issue bonds, not to exceed \$2.5 billion, on behalf of school districts to provide reimbursements from the Commonwealth for approved rental or sinking fund charges. The bill would establish a Public School Building Construction and Reconstruction Advisory Committee to review and issue a report related to the program for state reimbursement for construction and reconstruction and leasing of public school buildings. An additional provision would mandate that the Department of Education post and update on its website designated information related to public school construction and reconstruction projects, building purchases, and lease reimbursements.

FY 2015-2016 Budget Implementation

Executive Departments

Pennsylvania Commission on Crime and Delinquency:

- Provide that funds for intermediate punishment treatment programs are to be distributed as competitive grants to counties. The portion dedicated to drug and alcohol programs would be based on the proportion of incarcerated individuals in a county and could be no less than 80 percent of the funds appropriated;
- Clarify that funds appropriated to the Commission are to be used for the Statewide Automated Victim Information and Notification System, programs for at-risk youth, diversion programs, and local police information sharing; and
- Place restrictions on funds appropriated for violence prevention programs.

Department of Agriculture

- Direct appropriated agricultural research funds for specific purposes including avian flu research;
- Provide that at least 80 percent of the funds appropriated for hardwoods research and promotion be equally distributed among hardwood utilization groups;
- Transfer money from general government operations to the Dog Law Restricted Account; and
- Require a portion of the funds appropriated for transfer to the agricultural college land scrip fund to be used for biosecurity issues, including avian flu research.

Department of Community and Economic Development

- Direct funding to be used for specific purposes including: to research and develop healthy building products; to identify, characterize and manage issues related to the economic and environmental impact of Pennsylvania Marcellus Shale development; and for marketing to attract tourists;
- Allocate funds appropriated for Keystone Communities to various projects and require funds allocated for the Main Street and Elm Street programs to be distributed in the same proportion as FY 2012-2013; and
- Provide for the distribution of funds appropriated for regional event security for costs incurred as a result of the papal visit.

Department of Conservation and Natural Resources

- Allocate funding for the operation and maintenance of the Washington Crossing Historical Park.

Department of Corrections

- Provide that a portion of the Department's appropriated funds be used for the establishment of a non-narcotic medication assisted substance abuse treatment grant pilot program.

Department of Drug and Alcohol Programs

- Designate funding to be used for programs treating posttraumatic stress disorder for veterans.

Department of Education

- Allocate and direct funding from the adult and family literacy programs, summer reading programs, the adult high school diploma program, and the mobile science and mathematics education programs;
- Distribute funding for community education councils;
- Designate funding from the regional community college service funds;
- Allocate funding to Pennsylvania Charter Schools for the Deaf and Blind for public school employees' retirement payments;
- Establish the formulas for special education funding for school districts and intermediate units;
- Set aside one percent of the appropriation for special education for exceptional children for payment to school districts and charter schools with extraordinary special education expenses;
- Establish a formula for the allocation of basic education funding;
- Provide for the allocation of funds for approved operating expenses for community colleges;
- Distribute funding for libraries;
- Provide a distribution formula and requirements for the Ready to Learn Block Grant;
- Continue the Alternative Education Program Account;
- Provide for Career and Technical Education Equipment Grants;
- Maintain the directive that no Commonwealth payments be made to charter schools or cyber charter schools for school employee social security or retirement payments; and
- Require school employers to report data on wages to the Department in order to receive reimbursement for payment of employee social security.

Department of Environmental Protection

- Suspend funding for the Consumer Energy Program;
- Provide funding for a clean water infrastructure project and for sewage facilities grants; and
- Require the Department to transfer unexpended proceeds under the Alternative Energy Investment Act to the Commonwealth Financing Authority.

Department of Health

- Require funding for the coordination of donated dental services and provide funds for Charcot-Marie-Tooth Syndrome outreach;
- Allocate funding for a referral center for newborn abnormal metabolic screenings;
- Direct funds appropriated for Adult Cystic Fibrosis and other chronic respiratory illnesses;
- Require funding for lupus programs to be distributed in the same manner as in FY 2014-2015; and
- Require that funds appropriated for biotechnology research be distributed in the same proportion as distributed in FY 2014-15.

Department of Labor and Industry

- Allocate funding for a statewide service provider for the blind and for specialized services and prevention of blindness;
- Allocate funding to a program for high school students with disabilities for work-based learning experiences; and
- Allocate funding for a work force development program for veterans.

Department of Human Services

- Authorize the transfer of TANFBG cash grants to CCDFBG child care services for additional low-income families if the transfer will not result in a deficit;
- Authorize the transfer of CCDFBG cash grants to CCDFBG child care services for additional low-income families if the transfer will not result in a deficit;
- Provide for distribution of payments to hospitals for Community Access using the same formula as FY 2014-2015;
- Clarify that funds appropriated for medical assistance transportation could only be used as a payment of last resort for transportation of eligible medical assistance recipients;
- Direct funds allocated for the Select Plan for Women's Preventive Health Services to be used for women's medical services, including noninvasive contraception supplies;
- Allow funds not used to make payments to Level III trauma centers to be used to make payments to Level I and Level II trauma centers;
- Provide that qualifying academic medical centers which received funds for FY 2014-15 could not receive any less than the state appropriation made available to them in FY 2014-15;
- Stipulate that medical assistance payments would be made for general hospital stays for normal newborn care and mothers' obstetrical delivery;
- Provide funding from MA appropriations for treatment of cleft palates and other craniofacial anomalies;
- Provide that the MA capitation appropriation includes funds for the prevention and treatment of depression in older Pennsylvanians;
- Provide for funding for nursing homes and allocations for non-public nursing homes that have higher than average acuity levels;
- Provide that funding appropriated for Breast Cancer Screening could be used for women's medical services, including noninvasive contraception services;
- Allow nonprofit agencies whose primary function is to promote childbirth and provide alternatives to abortion, to expend appropriated funds to provide services to women until childbirth and for up to 12 months thereafter. Subcontracting for services would be permitted but the promotion, referral for or performance of abortion would be prohibited;
- Require federal funds appropriated for TANFBG alternatives to abortion to be used solely for services to women whose gross family income is below 185 percent of federal poverty guidelines;
- Provide that federal law relating to aliens will apply to payments and providers;
- Provide for the distribution of funds appropriated for autism intervention and services;

- Prohibit funds appropriated for community-based family centers from being considered as part of the base for calculation of the county child welfare needs-based budget for a fiscal year;
- Provide for the usage of funds appropriated for mental health services; and
- Permit the Department, with federal approval, to adjust premiums in order to supplement funds appropriated for medical assistance for workers with disabilities.

Department of Revenue

- Extend the Enhanced Revenue Collection Account through FY 2019-2020, appropriate funds in the account to the Department on an annual basis, and provide for the balance to be deposited into the General Fund on an annual basis; and
- Require the Department to issue a report annually to the Governor and designated legislative leaders with specified information about the account.

Department of Transportation

- Prohibit the Department from using direct mail inserts (including coupons and advertising material) in mailings from the Department.

Pennsylvania Emergency Management Agency

- Require funds appropriated for Local Municipal Emergency Relief to be used to create a state program to provide assistance to individuals and political subdivisions directly affected by natural and man-made disasters. State assistance would only be provided when federal assistance is not available; and
- Require search and rescue program funds to be used to support programs related to training working service dogs focusing on rescue and public safety.

2015-2016 Restricted Accounts

State Lottery Fund

- Prohibit funds appropriated for PENNCARE from being utilized for administrative costs by the Department of Aging.

Restricted Receipt Accounts

- Provide for the creation of restricted receipt accounts for the purpose of administering federal grants. [Concurrence in House Amendments to Senate Amendments, as Amended: 30-19.](#)

[House Bill 1801](#) (Irvin) is a supplemental appropriation bill for Fiscal Year 2015-16 which would provide \$6.05 billion to restore line items vetoed by the Governor from Act 10A of 2015 (House Bill 1460). Major restorations include: \$939,401,000 for state correctional institutions; \$3,147,540,000 for basic education funding; and \$1,869,333,000 for medical assistance capitation. Among other provisions, the measure would:

- Earmark 50,549,000 for agricultural extension and research, including \$2 million to combat avian flu should an outbreak occur within the Commonwealth;

- Restore \$1,000,000 for Child Advocacy Centers;
- Restore \$5,750,000 for economic development programs within the Department of Community and Economic Development;
- Earmark \$2,250,000 for Heritage Area and parks within DCNR;
- Restore \$9,380,000 for various disease-specific treatment, research and education programs within the Department of Health;
- Provide funding for Obstetric and Neo-natal services, Hospital-Based Burn Centers and Critical Access Hospitals totaling \$13,139,000; and
- Restore \$3,000,000 for Local Municipal Emergency Relief. [Passed: 31-18.](#)

(2016-031)