

WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – DAVID G. ARGALL, CHAIRMAN

Monday, May 22, 2017

[Senate Bill 108](#) (Sabatina) would amend Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes to add a section providing that an individual who is a candidate to receive an anatomical gift could not be deemed ineligible to receive the anatomical gift solely because of a physical or mental disability. The physical or mental disability could be considered only if a physician determines after an individualized evaluation that the disability is “medically significant” to the provision of the anatomical gift. During the determination of medical significance, the recipient’s inability to comply independently with post-transplant medical requirements could not be considered if the recipient has a sufficient support system to provide assistance. A court would be required to prioritize any action brought to enforce compliance with the legislation. The provisions of the section could not be deemed to require referrals or recommendations for, or the performance of, medically inappropriate organ transplants. The term “disability” would have the same meaning as in the federal Americans with Disabilities Act of 1990. **Passed: 50-0.**

[Senate Bill 288](#) (Rafferty) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to increase the fine for violations of the “steer clear” law from not more than \$250 per offense to:

- A fine of not more than \$250 for a first offense;
- A fine of not more than \$500 for a second offense; and
- A fine of not more than \$1,000 for a third or subsequent offense.

An additional provision would impose a 90-day suspension of a driver’s operating privileges for a third or subsequent offense. **Passed: 50-0.**

[Senate Resolution 120](#) (Boscola) recognizes the week of May 6 through 14, 2017 as “National Women Build Week” in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 121](#) (Boscola) commends the Pennsylvania Academy of Audiology for its efforts to educate Pennsylvanians about the importance of having regular hearing screenings and recognizes the month of May 2017 as “Better Hearing Month” in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 122](#) (Vulakovich) designates the week of May 21 through 27, 2017 as “Emergency Medical Services Week” in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 123](#) (Vulakovich) designates May 24, 2017 as “Emergency Medical Services for Children Day” in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 124](#) (Martin) congratulates the Pennsylvania State University wrestling team on its sixth National Collegiate Athletic Association Division I Wrestling Team Championship in the past seven years. [Adopted by Voice Vote.](#)

Executive Session

Nominations to Various Boards and Commissions, and Patrick W. McDonnell as Secretary of Environmental Protection. [Confirmed: 50-0.](#)

Tuesday, May 23, 2017

[Senate Bill 133](#) (Ward) would create the Pennsylvania REAL ID Compliance Act to direct the Department of Transportation and other Commonwealth agencies to comply with the requirements of the REAL ID Act of 2005 and regulations promulgated under that act. In complying with the act, the Department would have to provide an eligible applicant with an option to obtain either a standard-issue driver's license or photo identification card or a REAL ID. No individual could be compelled by the Commonwealth to apply for a REAL ID and the Commonwealth could not exclusively mandate a REAL ID for any reason.

Within 90 days of the effective date of the act, the Department would be required to present a report to the legislative leaders and certain legislative committee chairs detailing the estimated costs associated with the implementation and maintenance of all requirements for the compliance with the REAL ID Act of 2005, as determined by the U.S. Department of Homeland Security. The report would also have to include all estimated initial and recurring costs to establish a two-tiered system of standard-issue and REAL ID compliant licenses and photo identification cards. The Department would also be required to prepare an annual report no later than July 1 of each year providing details on the costs incurred by the Department under the act and additional information as outlined in the legislation. The Department would have to provide notice to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* of the date on which the Department will commence issuance of REAL IDs. The date of issuance would have to be at least 60 days after the date of publication of the notice. The measure would also repeal the REAL ID Nonparticipation Act of 2012. [Concurrence in House Amendments, as Amended: 49-1.](#)

[Senate Bill 510](#) (Reschenthaler) would amend Title 18 (Crimes and Offenses) to add a section creating the offense of threat against a law enforcement officer or sheriff. Under the provisions of the bill, a person who threatens another with death or seriously bodily injury would commit an offense under the section if the person knows or has reason to know that the person is a law enforcement officer; a sheriff or deputy sheriff; or a family or household member of a law enforcement officer, sheriff or deputy sheriff. A first offense would be graded as a third degree felony. A second or subsequent offense would be considered a second degree felony. [Passed: 50-0.](#)

[Senate Bill 651](#) (Browne) is the Capital Budget Act of 2017-2018. The bill would authorize the maximum indebtedness that the Commonwealth could incur during the fiscal year for capital

projects specifically itemized in a capital budget project itemization act. The legislation would authorize: \$6,130,970,001 for public improvement projects; \$212,800,000 for furniture and equipment; \$2,315,595,000 for transportation assistance projects; \$6,597,735,000 for redevelopment assistance projects; and \$108,323,000 for flood control projects. The measure would authorize an additional \$132,817,000 in projects to be funded from current revenues and \$1,593,885,000 to be financed by the incurring of debt or from current revenues. **Passed: 50-0.**

Senate Resolution 125 (Regan) recognizes May 25, 2017 as “Red Nose Day” in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 126 (Farnese) designates May 2017 as “Amyotrophic Lateral Sclerosis Awareness Month” in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 127 (Bartolotta) designates May 23, 2017 as “Stop the Bleed Day” in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 128 (Street) recognizes and honors the members of the Delta Sigma Theta Sorority, incorporated for more than a century of commitment to social activism, academic excellence and civic engagement in the Commonwealth, on the occasion of Delta Day at the State Capitol. **Adopted by Voice Vote.**

Senate Resolution 129 (Eichelberger) designates May 23, 2017 as “Teacher Education Day” in Pennsylvania and recognizes the outstanding service of teacher educators who prepare teachers for the Commonwealth’s classrooms. **Adopted by Voice Vote.**

House Bill 23 (Mackenzie) would amend the Primary Stroke Center Recognition Act to make a number of changes. The bill would:

- Change the name of the act to the Stroke System of Care Act;
- Provide for the Department of Health to recognize hospitals as acute stroke-ready hospitals or comprehensive stroke centers if they are certified as such by the joint commission or a nationally-recognized accrediting organization that provides certification for stroke care. (Currently, a primary stroke center is the only recognized designation.);
- Require the Department to include comprehensive stroke centers and acute stroke-ready hospitals in its list of certified facilities that is provided to emergency medical service agencies and to establish protocols to allow a patient to receive the appropriate care at a certified stroke center in the shortest period of time; and
- Update the biennial reporting requirements to include information related to comprehensive stroke centers and acute stroke-ready hospitals. **Passed: 50-0.**

House Bill 151 (Cutler) would amend Title 12 (Commerce and Trade) of the Pennsylvania Consolidated Statutes to add a definition of “agent” to include the Department of Community

and Economic Development for purposes of the Small Business First Program, the Machinery and Equipment Loan Program and the Pennsylvania Industrial Development Program. The measure would also establish the Entertainment Economic Enhancement Program which is a recodification of the Concert Rehearsal and Tour Production Tax Credit with some modifications. Among other changes, the legislation would:

- Add the Bank Shares Tax and Insurance Premiums Tax as qualified tax liability under the program;
- Clarify that a tax credit could not be approved for a tour rehearsal that occurred prior to January 1, 2017;
- Allow for the sale or assignment of the tax credit with the approval of the Department of Community and Economic Development;
- Modify the limit on tax credits from \$4 million per year to five tours per year capped at \$800,000 per tour;
- Provide for the advance award of tax credits for up to an additional two tours, which would count against the succeeding year's cap; and
- Repeal Subchapter C of Article XVII-D of the Tax Reform Code of 1971 which contains the existing Concert Rehearsal and Tour Production Tax Credit provisions.
[Passed: 50-0.](#)

Wednesday, May 24, 2017

[Senate Bill 269](#) (Baker) would amend the Pennsylvania Construction Code Act to update various sections. The composition of the Uniform Construction Code Review and Advisory Council (RAC) would be changed, with legislative appointees added. Other changes to RAC procedures would provide for: removal of members, member terms, participation in meetings and voting, and the addition of technical advisory committees. Technical advisory committees would be established for each of the codes included in the Uniform Construction Code (UCC). Under the provisions of the bill, the RAC would have to initiate a new review of the updated sections contained in the 2015 edition of the ICC Codes within 30 days of the effective date of this legislation. The decisions of the Council with respect to the 2015 edition previously provided to the Department of Labor and Industry on May 29, 2015 would remain in effect until September 30, 2018. On October 1, 2018, the decisions of the RAC as a result of the new review would supersede any previous inconsistent council decisions or departmental regulations.

The bill would also update the process for the review of future ICC Codes including public comment periods, public hearings and reporting requirements. The RAC would have to commence its reviews of updated sections 21 months following the publication of a new edition of the ICC Codes. An additional provision would allow the Department to contract with the ICC to establish and publish code manuals specific to the Pennsylvania UCC. The fees imposed on municipal building permits would be increased from \$4.00 to \$4.50. The fee would be divided

among three accounts: the municipal code official training account (44 percent), the construction contractor training account (44 percent) and the newly-created RAC administrative account (12 percent). The Department of Community and Economic Development (DCED) could utilize up to four percent of the monies allocated to the municipal code official training account and the construction contractor training account for administrative and program expenses. No later than November 1 of each calendar year, DCED would have to report to the Senate and House Labor and Industry Committees on the number of building permits issued, total fees collected and how the funds were used. Similarly, the Department of Labor and Industry would have to report annually to the committees on the expenditures associated with the Code review process.

Passed: 40-10.

Senate Bill 522 (Greenleaf) would amend Title 42 (Judiciary and Judicial Procedure) and Title 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes to consolidate the Department of Corrections and the Board of Probation and Parole into a single agency, and provide for the appropriation for the Office of Victim Advocate. Among other provisions, the measure would:

- Change the name of the State Board of Probation and Parole to the “Pennsylvania Parole Board” and establish it as an independent administrative board for the purpose of granting and revoking parole to certain offenders within the Commonwealth;
- Clarify that the Board would function independently of the Department of Corrections regarding all of its decision-making functions, as well as all other powers and duties;
- Direct that the Parole Board employ an executive director and other staff as necessary to carry out its duties. The executive director would direct the operations, management and administration of the Board and oversee the work of the staff;
- Establish that the legal counsel for the Board would be appointed in accordance with the Commonwealth Attorneys Act;
- Add various definitions, including “parole violator center” and provide that the Department could establish such a center to house an offender who is detained or recommitted for a technical parole violation;
- Give a chief administrator, deputy superintendent or corrections officer of a state correctional facility the powers of a peace officer, under certain conditions;
- Establish notification requirements for group-based homes to inform the host municipality about the residents of the home. Municipalities would be authorized to conduct public hearings with regard to group-based homes and their residents;
- Require the Department to immediately report any crime committed within a community corrections center, community corrections facility or community contract facility to the appropriate law enforcement agency with jurisdiction over the entity;

- Allow members of the Board to attend and participate in meetings via videoconferencing or similar virtual presence technology;
- Provide for the powers and duties of the Department in the supervision of offenders;
- Require the appropriation for the Office of Victim Advocate to be a separate line item and under the jurisdiction of the Victim Advocate;
- Require the appropriation for the Pennsylvania Parole Board to be in a separate line item; and
- Require the Pennsylvania Commission on Crime and Delinquency to conduct and complete a study on certain aspects of recidivism. **Passed: 38-12.**

Senate Bill 523 (Greenleaf) would amend the Crime Victims Act to make technical changes related to the consolidation of the Department of Corrections and the Board of Probation and Parole. Under the legislation, the Office of Victim Advocate would operate within the new Department but would function independently regarding all of its decision-making functions, as well as any other powers and duties specified in law. In addition, the Office's legal counsel would be appointed in accordance with the Commonwealth Attorneys Act. The victim advocate could be removed for cause by the Governor, by and with the advice and consent of a majority of the members of the Senate. During a recess of the Senate, the Governor could suspend the victim advocate as outlined in the legislation until the adjournment of the next session of the Senate following the suspension.

All reports, records or other information in the possession of or maintained by the Office would be confidential and privileged and not subject to subpoena or discovery or to the provisions of the Right-To-Know Law. The information could not be used for a purpose other than to advocate for the interests of crime victims or, except as provided by law, be introduced into evidence in a judicial or administrative proceeding. A person who has access to the reports, records or other information would be prohibited from disclosing the information or testifying in a judicial or administrative proceeding without written consent. However, the provision could not be construed to preclude or limit introduction of the contents of a report, record or other information in a false claim investigation, prosecution or judicial proceeding or in communications with the prosecutor's office regarding restitution. A financial record, as defined in the Right-to-Know Law, which is from or relates to the Office of Victim Advocate would be subject to the Right-to-Know Law. **Passed: 48-2.**

Senate Resolution 75 (Mensch) directs the Legislative Budget and Finance Committee to conduct a study of the extent to which rape kits remain unprocessed in the Commonwealth and identify the reasons that the kits remain untested. **Adopted by Voice Vote.**

Senate Resolution 130 (Scavello) recognizes the week of May 21 through 27, 2017 as "Public Works Week" in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 131](#) (Alloway) designates the week of June 4 through 10, 2017 as “Chesapeake Bay Awareness Week” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 132](#) (Vulakovich) remembers the sacrifice of the brave men and women in our armed forces as Memorial Day approaches. [Adopted by Voice Vote.](#)

[House Bill 271](#) (Ortitay) would amend Title 4 (Amusements) of the Pennsylvania Consolidated Statutes to make a number changes related to gaming. Among other provisions, the measure would:

- Authorize the Pennsylvania Gaming Control Board (PGCB) to issue licenses to casinos and other businesses to offer fantasy contests in the Commonwealth. License fees would range from \$5,000 to \$50,000. Licensees would pay a tax of 12 percent of quarterly fantasy contest adjusted revenues to the Commonwealth for deposit in the General Fund. Players would have to be at least 18 years of age and verify their identity;
- Permit the Department of Revenue to sell lottery products over the Internet;
- Authorize casinos and other entities to sign agreements with airports to set up online gaming stations in their terminals. License fees would range from \$250,000 to \$5 million depending on the size of the airport and the city or county in which it is located. A 34 percent tax would be imposed on the daily gross interactive gaming revenue generated at airports for deposit in the General Fund;
- Authorize the PGCB to issue interactive gaming certificates to existing casinos and other entities to provide interactive gaming. Two types of certificates (peer-to-peer and non-peer-to-peer) would be authorized at \$5 million each, with a renewal cost of \$250,000. The fees would be deposited in the General Fund. A 16 percent tax (peer-to-peer games) and a 54 percent tax (non-peer-to-peer games) would be imposed on the daily gross interactive gaming revenue generated by certificate holders. The tax revenue would be deposited in the General Fund with a portion earmarked annually for compulsive and gambling addiction treatment;
- Require the PGCB to report annually on the impact of interactive gaming on compulsive and problem gambling and gambling addiction in the Commonwealth;
- Modify the existing local share provisions to establish a slot machine license operation fee to be paid by Category 1 and Category 2 licensees annually. The fee would be 20 percent (\$10 million) of the slot machine license fee paid at the time of issuance. Certain provisions governing the distribution of host municipality fees would also be modified;
- Exempt Category 3 licensees from the amenity requirements upon notice to the Board and payment of a \$1 million fee; and

- Establish the Casino Marketing and Capital Development Account in the Pennsylvania Gaming Economic Development and Tourism Fund financed by a daily assessment of 0.5 percent tax on gross terminal revenue at existing casinos. Funds generated from the assessment would be used for grants to casinos as outlined in the legislation. [Passed: 38-12.](#)

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