

# WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – DAVID G. ARGALL, CHAIRMAN

## Monday, June 6, 2016

[Senate Bill 428](#) (Ward) would amend Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes to authorize a court to direct that a person who is included on a casino self-exclusion list and is convicted of criminal trespass at a licensed gaming facility be evaluated to determine if the person has a gambling disorder and whether treatment should be part of the sentence or pre-adjudication disposition. The evaluation would have to be conducted by a single county authority for drug and alcohol or its designee and would have to include recommendations on level of care, continuing care and monitoring. [Passed: 48-0.](#)

[House Bill 264](#) (Mustio) would create the Care Facility Carbon Monoxide Alarms Standards Act to require carbon monoxide detectors to be installed in each care facility in close proximity of, but not less than 15 feet from, any fossil fuel burning device or appliance. If the approved carbon monoxide alarm cannot be heard by the staff on duty on a specific floor or wing of the facility, another alarm would have to be installed where it can be heard by staff. If there are resident living units or bedrooms between a fossil fuel burning appliance and any additional alarm required, an additional alarm would have to be installed in a central location on the same level as the resident living units or bedrooms. The legislation would also establish testing and replacement requirements for the alarms and evacuation protocols.

Nothing in the legislation could be construed to require care facilities to conduct drills specific to carbon monoxide. A care facility would not be liable for damages from: 1) a false alarm from an approved alarm if it was maintained properly; 2) failure of an approved alarm to operate properly if the failure was a result of tampering; or 3) failure of an approved carbon monoxide alarm to operate properly if the failure was a result of a faulty alarm that had been maintained properly. The Office of the State Fire Commissioner would be authorized to work with care facilities to develop carbon monoxide educational awareness programs for care facilities and their residents. Compliance with the act would be assessed by the licensing agency with licensure responsibility for the facility. Among other definitions, the bill would define “care facility” as a long-term care nursing facility, personal care home or assisted living facility. [Passed: 48-0.](#)

## Tuesday, June 7, 2016

[Senate Bill 1227](#) (Blake) would repeal Chapter 41 (Independent Fiscal Office) of Title 71 (State Government) of the Pennsylvania Consolidated Statutes and the Public Employee Retirement Commission Act and re-establish the Independent Fiscal Office (IFO) in Article VI-B of the Administrative Code of 1929. The legislation would transfer some of the duties currently performed by the Public Employee Retirement Commission (PERC) to the IFO, with the remaining duties transferred to the Auditor General. In addition to its existing duties, the IFO would be responsible for having actuarial notes prepared estimating the impact of proposed changes to the pension systems and for analyzing bills relating to public employee retirement or

pension policy and issuing a report on the bill in a timely fashion. The powers and duties of PERC under the Municipal Pension Plan Funding Standard and Recovery Act would be transferred to the Department of the Auditor General. The transferred duties would be independent of the Auditor General's existing audit functions and segregated in a separate departmental bureau. The employees of the Retirement Commission would be transferred to the Department of Auditor General. The act would take effect July 1, 2016, or immediately, whichever is later. **Passed: 50-0.**

**Senate Resolution 386** (Vulakovich) designates the week of June 12 through 18, 2016 as "State Veterans' Homes Week" in Pennsylvania. **Adopted by Voice Vote.**

**Senate Resolution 387** (Costa) designates the week of June 12 through 18, 2016 as "Pennsylvania Family Center Network Week" in Pennsylvania. **Adopted by Voice Vote.**

**House Bill 57** (Payne) would amend Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes to further provide for certain natural gas costs. The measure would eliminate the current interest rate provisions and allow natural gas distribution companies to refund money to and recover costs from customers using the prime rate for commercial borrowing in effect 60 days prior to the tariff filing, or at an interest rate established by the Public Utility Commission (PUC). The legislation would also eliminate the migration rider that is currently used to recover funds from customers who choose an alternative supplier but are still responsible for costs incurred from their previous gas company. The new provision would allow natural gas distribution companies, upon approval of the PUC, to include a "non-bypassable" charge on all customer bills in the event that a large number of customers transfer to competitive suppliers at the same time. An additional provision would allow distribution companies to fully recover all costs related to the implementation of consumer choice through an automatic adjustment. **Passed: 50-0.**

**House Bill 1241** (R. Brown) would amend Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes to modify the definition of "public utility" to exempt any sewer or water service provided to independently-owned user premises by a person or corporation that owns or operates as a primary business a resort, if the requirements outlined in the legislation are met. The act would apply retroactively to January 1, 2009. **Passed: 50-0.**

### *Executive Session*

Nominations to Various Boards and Commissions. **Confirmed: 50-0.**

### **Wednesday, June 8, 2016**

**Senate Bill 61** (Greenleaf) would amend Section 3105 of Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to add provisions related to "bike medics." Under the changes, bike medics would be granted the same privileges granted to drivers of emergency vehicles when those individuals are responding to an emergency call, in pursuit of an actual or suspected violator of the law, or responding to a fire alarm. These privileges include proceeding past a red light or stop sign and exceeding the speed limit. The section already provides the privileges to

police officers operating bicycles while in the operation of official duties. The bicycles and the medics would have to meet the requirements outlined in the legislation for the privileges to apply. **Concurrence in House Amendments: 50-0.**

**Senate Bill 489** (Yaw) would amend the Check Cashier 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 Nationwide Multistate Licensing System and Registry. **Concurrence in House Amendments: 50-0.**

**Senate Bill 1153** (Vogel) would designate a number of highways and bridges, including:

- The section of State Routes 108 and 551 in Lawrence County from the intersection of State Route 108 and Old Hickory Road at the Battery B Monument to State Route 551 ending at the railroad tracks of the Pennsylvania Railroad in Enon Valley as the Battery B Memorial Highway;
- 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;
- 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;
- The bridge on State Route 2014 over the Muncy Creek in Muncy Creek Township, Lycoming County as the Private Walter L. Smith Spanish-American War Memorial Bridge;
- The section of State Route 2044 in Lycoming County from the bridge over Glade Run to the intersection of State Routes 405 and 422 as the Lance Corporal William F. Merrill Vietnam Veterans Highway;
- The bridge on State Route 225 that crosses Armstrong Creek in Halifax Township, Dauphin County as the Staff Sergeant Brian K. Mowery Memorial Bridge;
- The bridge located on the portion of State Route 1026, Section 004 over the Cocalico Creek, Denver Borough, and West Cocalico Township, Lancaster County as the Samuel L. Snyder Memorial Bridge;

- The overpass on State Route 49 over State Route 15, Lawrence Township, Tioga County as the Lance Corporal Michael G. Plank Memorial Bridge;
- The section of Blair Mill Road from Moreland Road to Horsham Road in Upper Moreland Township and Horsham Township, Montgomery County as the Pvt. William H. Walls, U.S.M.C. Memorial Highway;
- The overpass on State Route 3145 over Interstate 376, BMS 02-3145-0010-0537, in the Market District at Settlers Ridge, Robinson Township, Allegheny County as the Roy F. Johns, Jr., Overpass;
- The section of State Route 51 North, known as Fourth Avenue, that runs from Ferree Street to Thorn Run Road and the section of Route 51 South, known as Fifth Avenue, from Thorn Run to Ferree Street in the Borough of Coraopolis, Allegheny County as the Fred A. Trello Memorial Boulevard;
- The Interchange of Interstate 70 and Pennsylvania Route 119 in New Stanton Borough, Westmoreland County as the Edwin “Lance” Wentzel Memorial Interchange;
- The bridge carrying State Route 2005 (Business Route 222) over the Schuylkill River, Riverfront Drive and Norfolk Southern Railroad in the City of Reading, Berks County, commonly referred to as the Bingaman Street Bridge, as the 65<sup>th</sup> U.S. Infantry Regiment, Borinqueneers Memorial Bridge;
- The bridge located on State Route 36 in Patton Borough, Cambria County over Chest Creek as the Martin Joseph Davis Memorial Bridge;
- The section of State Route 1008 in Fayetteville, Franklin County as the James W. Cutchall Memorial Highway;
- The bridge located on U.S. Route 15 in Mechanicsburg Borough, Cumberland County over State Route 114 as the Corporal Jonathan Dean Faircloth Memorial Bridge;
- The bridge on Township Route 431/436, Cooney Road, over U.S. Route 22 in Munster Township, Cambria County as the PFC Thomas A. Cooney Memorial Bridge;
- The bridge on Tower Road spanning U.S. Route 219 in Croyle Township, Cambria County as the Trooper Herbert A Wirfel Memorial Bridge;
- The bridge located on Greenwood Avenue over the SEPTA Tracks in Cheltenham Township and Jenkintown Borough, Montgomery County as the Honorable Lawrence H. Curry Bridge;
- The bridge located on State Route 144 in Milesburg Borough, Centre County over the Bald Eagle Creek as the Veterans Bridge;

- The section of the Pennsylvania Turnpike, Route 66, known as the Amos K. Hutchinson Bypass, at the Arona Road Interchange in Westmoreland County as the David B. Sheridan Memorial Interchange; and
- The bridge located on State Route 217 in Derry Borough, Westmoreland County over the Norfolk Southern Railroad Tracks and Second Street as the Derry Veterans Memorial Bridge. **Concurrence in House Amendments: 50-0.**

**Senate Bill 1192** (Wozniak) would authorize the Department of General Services to dedicate to Cresson Township, Cambria County a right-of-way containing approximately 3.30 acres from Commonwealth lands at the State Correctional Institution-Cresson for a public roadway for \$1. The deed of dedication would be executed by the Secretary of General Services in the name of the Commonwealth. Costs and fees incidental to the conveyance would be borne by the grantee. If Cresson Township does not accept the deed of dedication with two years of the effective date of the act, the authorization for the conveyance would expire. **Passed: 50-0.**

**Senate Bill 1195** (White) would amend the Greenhouse Gas Regulation Implementation Act to further provide for legislative review of the state plan for compliance with the federal regulation of carbon dioxide from power plants. The bill would require that the state plan be proposed as a resolution in each chamber and referred to the Environmental Resources and Energy Committee of the respective chamber the next legislative day. (Under existing law, the resolution would be placed on the calendar.) The resolution would have to be considered by the committee within 10 legislative days of referral, at which time the committee would recommend the General Assembly approve or disapprove the plan. The plan would then be considered by each chamber within 20 legislative days after consideration of the standing committee. If either chamber of the General Assembly disapproves the resolution, DEP would have to review and consider the reasons for disapproval, modify the state plan, and open a public comment period for no less than 180 calendar days on the modified state plan. During the comment period, DEP would have to hold no less than four public hearings in geographically dispersed locations in the Commonwealth. The state plan would then be resubmitted to the General Assembly for review within 60 days after the close of the comment period.

If necessary to meet the review requirements, the Department of Environmental Protection (DEP) would have to request an extension from the Environmental Protection Agency (EPA) by submitting an initial state plan by the required deadline with the statement included in the legislation indicating that the General Assembly has not approved the plan and the Commonwealth will be making a further filing of a state plan. If the committees or the General Assembly fail to act on the plan or resubmitted plan within the prescribed time periods, the plan would be deemed approved. An additional provision would prohibit DEP from submitting a final state plan to the EPA for approval until after expiration of the stay issued on February 6, 2016 by the U.S. Supreme Court. **Passed: 41-9.**

**Senate Bill 1217** (Stefano) would designate the portion of State Route 523, also known as Listonburg Road, in the Borough of Confluence, Somerset County, from the northbound

intersection of U.S. Route 40 to southbound mile marker 110 as the Private First Class Nils G. Thompson Memorial Highway. **Passed: 50-0.**

**Senate Bill 1270** (Killion) would amend the Real Estate Appraisers Certification Act to bring Pennsylvania into compliance with updated federal appraiser standards. Among other changes, the legislation would authorize the State Board of Certified Real Estate Appraisers to consider, to the extent required by federal standards, criminal history information of applicants for licensure. The notarization requirement for an application for licensure would be eliminated, but applicants would have to sign a statement subjecting them to penalties for providing false information. An additional change would authorize the Board to issue appraiser trainee licenses to individuals who are licensed as appraiser trainees in another state. Licensed appraiser trainees would be required to complete the same level of continuing education required for license renewal as residential and general appraiser. **Passed: 50-0.**

**Senate Resolution 384** (Greenleaf) urges the President and Congress of the United States to work with the Commonwealth of Pennsylvania to take all necessary actions to ensure that the communities of Horsham, Warminster and Warrington Townships in Montgomery and Bucks Counties have safe drinking water and to direct the U.S. Environmental Protection Agency and Department of Defense to discover the extent of the contamination problems, provide complete remediation, fully evaluate the health consequences and provide assistance to residents and military personnel who have been impacted by the water contamination from compounds previously used on military installations. **Adopted by Voice Vote.**

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