

# WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – DAVID G. ARGALL, CHAIRMAN

## Monday, September 26, 2016

[Senate Bill 1155](#) (Reschenthaler) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to provide for a special registration plate for current members of the armed forces of the United States, including members of a reserve component of the Pennsylvania National Guard. Applications would have to be accompanied by a fee of \$20, which would be in addition to the registration fee, and documentation that may be required by the Department. The vehicle would have to belong to the applicant and the plate could only be used on a passenger car or truck with a registered gross weight of not more than 14,000 pounds. [Concurrence in House Amendments: 45-0.](#)

[Senate Resolution 424](#) (Bartolotta) recognizes the week of September 17 through 23, 2016 as “Constitution Week” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 425](#) (Tartaglione) recognizes September 10, 2016 as “World Suicide Prevention Day” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 426](#) (Vance) designates November 17, 2016 as “Children’s Grief Awareness Day” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 427](#) (Killion) designates the week of September 19 through 25, 2016 as “CPA Week of Service” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 428](#) (Farnese) recognizes September 21, 2016 as “International Day of Peace” in Pennsylvania and supports the ideals observed for this worldwide event. [Adopted by Voice Vote.](#)

[Senate Resolution 429](#) (Fontana) recognizes the month of October 2016 as “Italian-American Heritage Month” in Pennsylvania. [Adopted by Voice Vote.](#)

[House Bill 380](#) (Toohil) would amend Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes to reduce the length of the separation period required prior to entry of a no-fault divorce because of the irretrievable breakdown of a marriage from two years to one year. An additional change would permit a court to enter a divorce decree prior to settlement of all economic and custody issues if, both parties agree, and the court determines that there are sufficient economic protections in place for any minor children of the marriage. [Passed: 43-2.](#)

[House Bill 665](#) (M. K. Keller) would amend Title 20 (Decedents, Estates and Fiduciaries) and Title 57 (Notaries Public) of the Pennsylvania Consolidated Statutes to correct drafting errors contained in Act 95 of 2014, which re-wrote Chapter 56 of Title 20 regarding powers of attorney and inadvertently subjected commercial powers of attorney to the requirements applicable to non-commercial powers of attorney. The changes would clarify that notice, acknowledgement,

and witness requirements for powers of attorney executed by individuals in a non-commercial setting would not be required for powers of attorney executed by corporations, partnerships, or other legal entities in a commercial setting. Additional provisions would also eliminate conflicts between provisions in the Notary Law and provisions governing commercial powers of attorney. **Passed: 45-0.**

**House Bill 1990** (Major) would authorize the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to convey Old Mill Village and 29.10 acres in New Milford Township, Susquehanna County to Associate Members of Old Mill Village Museum, Inc., for \$1. No portion of the conveyance could be used for a licensed gaming facility or it would revert to the Commonwealth. The conveyance would be made with the restrictive covenants outlined in the legislation for the historic preservation and integrity of the property. The restrictive covenants would be binding in perpetuity on the grantee and its successors. Costs and fees incidental to the conveyance would be borne by the grantee. If the conveyance is not effectuated within one year, the authority for the transfer would expire. **Passed: 45-0.**

### **Tuesday, September 27, 2016**

**Senate Bill 1086** (Rafferty) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to provide for the display of registration plates, the surrender of registration plates and cards and the reinstatement of a vehicle registration. Among other provisions, the bill would make it unlawful to obscure a registration plate in any manner which inhibits the proper operation of an automated enforcement system authorized by the Vehicle Code or an electronic toll collection system, or to obscure a plate in a manner which inhibits the visibility of the issuing jurisdiction.

The legislation would also authorize the Department of Transportation to seize registration plates and cards upon imposition of a suspension relating to unpaid tolls until all tolls, administrative fees and costs have been paid, dismissed, reversed or canceled, or if the registrant enters into an agreement with the tolling entity to make installment payments. Section 1380 would be added regarding the suspension of registration by the Department upon notification from a tolling entity that the registrant has: 1) failed to pay or defaulted in the payment of six or more toll violations; or 2) incurred unpaid tolls or administrative fees or costs that collectively total a minimum of \$500, regardless of the number of violations. This suspension by the Department would not limit a tolling entity's ability to recoup unpaid tolls or administrative fees or costs by any lawful means. Prior to notifying the Department, the tolling entity would have to notify the registrant of its intent to seek suspension of registration. Thirty days after notification of the registrant, the tolling entity could notify the Department.

After the suspension, when all the violations are paid, dismissed, reversed on appeal or canceled, the tolling entity would be required to notify the Department of the disposition of the violation so the suspension could be released. The suspension could be released if the registrant enters into an agreement with the tolling entity to make installment payments. However, if the registrant fails to make regular installment payments, the suspension would be re-imposed. The Department could impose an additional period of suspension if the registrant is under suspension

but has failed to pay, failed to respond or defaulted in the payment of an additional violation. The bill provides for reciprocal agreements with other states and implements a three year statute of limitations on imposing a vehicle registration suspension for failure to pay a toll. A fee of \$88 would be charged by the Department to restore a person's registration which had been suspended due to unpaid tolls. [Passed: 48-0.](#)

[Senate Bill 1235](#) (Baker) would amend the Underground Utility Line Protection Law (Act 287 of 1974) to extend the sunset date of the act and update its provisions. Among other modifications, the measure would:

- Extend the sunset date from December 31, 2016 to December 31, 2021;
- Give oversight of the One Call System to the Public Utility Commission (PUC);
- Modify various definitions including the definition of "line" or "facility" which now includes crude oil or natural gas production and gathering lines or facilities;
- Establish the lawful start date for a project as three through ten business days following notification to the One Call System;
- Add the following facility owner duties: 1) maintain existing records of abandoned main lines and mark, locate or identify the main lines if possible based upon the records; 2) communicate directly with the excavator within two hours after re-notification with information about its facility location when the facility owner has failed to respond to a locate request or a re-notification from the One Call System, and go to the proposed work site to mark, stake or locate its underground lines or verify that the lines are not within the area of the proposed worksite; 3) submit a report of alleged violation to the PUC through the One Call System within 30 business days of the receipt of notice that the facility owner's lines have been damaged where the cost to repair the lines is over \$2,500 or there has been repeat damage by the same person; and 4) ensure participation in the One Call System's Member Mapping Solutions as determined by the One Call System's board of directors;
- Allow the One Call System to require the mapping of a line or facility, installed prior to the effective date of the act, only if the facility owner has existing maps of the line or facility which meet the requirements of the One Call System's Member Mapping Solutions;
- Amend the following One Call System duties: 1) eliminate the requirement that the county recorder of deeds maintain municipal lists and make them available for public inspection; 2) require the One Call System to provide reports of alleged violations and related information per memoranda of understanding between the PUC and the One Call System which may also be made available to PEMA; 3) require notification to a facility owner as soon as possible when an excavator has identified an unmarked or incorrectly marked facility and provide information about the facility owner's responsibilities; 4) remove the Secretary of Labor and Industry as a member of the One Call System's

board of directors; and 5) change the fee structure for excavator, designer or operator use of One Call services from a fee per service to an annual fee. Failure to pay the fee would result in a nonpayment enforcement action by the PUC;

- Add the following designer duties: 1) report an alleged violation to the PUC not more than 30 days after becoming aware of the violation; and 2) pay a request fee to the One Call System when requesting line and facility information;
- Modify the following excavator duties: 1) report, within 10 days, any incident where a facility owner's line is struck or damaged during excavation or demolition or belief that a violation of the act has been committed; 2) re-notify the One Call System of an unmarked or incorrectly marked facility; and 3) make a locate request to the One Call System prior to excavation or demolition and to pay the applicable fee;
- Repeal Section 7.2 of the act, regarding violations and penalties;
- Establish a damage prevention committee consisting of certain members outlined in the bill, who are appointed by the commission. The committee would be charged with advising the PUC on damage prevention matters for underground facilities. In addition, the committee would review reports of alleged violations and the damage prevention investigator's findings and recommendations, issue warning letters, issue informal determinations that impose an administrative penalty, require a person to attend a damage prevention educational program and issue informal determinations;
- Require a person determined to have committed an alleged violation to provide a written acknowledgement of the findings and administrative penalty contained in the report issued by the damage prevention investigator and appear before the commission. The person could accept or reject the findings. Unless the alleged violation involved injury or death, rejection of the findings would result in returning the issue to the damage prevention investigator for further action with the possibility of referring the matter to the PUC prosecutor staff for issuing a formal complaint;
- Charge the PUC with employing individuals, issuing orders and promulgating regulations to carry out the purposes of this act;
- Permit the PUC to issue warnings, order compliance and levy administrative penalties for violations;
- Authorize the PUC to issue subpoenas and compel the production of necessary materials; and
- Allow the enforcement costs to be included in the PUC's budget, subject to review and approval of the Governor and the General Assembly. **Passed: 34-14.**

**Senate Resolution 430** (Tartaglione) recognizes the month of September 2016 as "National Spinal Cord Injury Awareness Month" in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 431](#) (Rafferty) recognizes November 10, 2016 as “Marine Corps Day” in Pennsylvania in honor of the United States Marine Corps’ 241<sup>st</sup> anniversary of its founding. [Adopted by Voice Vote.](#)

[Senate Resolution 432](#) (Sabatina) designates the month of October 2016 as “Polish American Heritage Month” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 433](#) (Schwank) recognizes the month of September 2016 as “Recovery Month” in Pennsylvania and encourages relatives and friends of individuals suffering with mental illness or substance abuse issues to take preventive steps, be alert to warning signs and assist those in need to seek appropriate treatment and recovery support services. [Adopted by Voice Vote.](#)

[Senate Resolution 434](#) (Fontana) designates the week of October 16 through 22, 2016 as “Homeless Children’s Awareness Week” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 435](#) (Eichelberger) designates the month of September 2016 as “Brain Aneurysm Awareness Month” and September 24, 2016 as “Brain Aneurysm Awareness Day” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 436](#) (Teplitz) recognizes the month of September 2016 as “Thyroid Cancer Awareness Month” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 437](#) (Costa) designates the month of September 2016 as “Campus Fire Safety Month” in Pennsylvania. [Adopted by Voice Vote.](#)

[House Bill 1711](#) (Regan) would designate the bridge located on Sheep Bridge Road in Newberry Township, York County over I-83 as the Staff Sgt. Jason M. Faley Memorial Bridge. [Passed: 48-0.](#)

[House Bill 1787](#) (White) would designate the section of State Route 1013 in Philadelphia County from Byberry Road to Nanton Drive as the Michael R. Goodwin, Sr. Memorial Highway. [Passed: 48-0.](#)

### **Wednesday, September 28, 2016**

[Senate Bill 340](#) (Eichelberger) would amend Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes to provide additional regulatory oversight and enforcement of the provisions of the Local Government Unit Debt Act. Among other provisions, the measure would:

- Amend the definition of “self-liquidating debt” to prohibit reimbursements for payments made under a guarantee;

- Add a definition of “working capital” to prohibit the inclusion of other non-project-related costs;
- Add a definition of “financial advisor” and provide for the fiduciary duty of those advisors who represent local governments;
- Limit the ability of municipalities to provide unlimited guarantees for other entities’ debts;
- Require a local government unit to conduct its own public due diligence to determine the risks involved in a transaction before issuing a guarantee;
- Prohibit the guarantee of another entities’ debt for sums due under a swap agreement or for projects that compete directly with the private sector or that do not otherwise constitute a traditional government function;
- Prohibit a local government unit from collecting a fee to guarantee the debt of an authority or another local government unit;
- Clarify the allowable costs of a project for which debt may be issued;
- Establish a more comprehensive review process by the Department of Community and Economic Development (DCED) in which borrowings are examined in a timely fashion to ensure that the debt is issued in accordance with the intent of the Local Government Unit Debt Act;
- Limit the number of transactions subject to DCED’s review process by excluding small borrowings (\$250,000 or less) and borrowings that consist strictly of a refunding of an already approved prior debt, so long as the refunding does not include a swap;
- Specify the information and documentation required for preliminary and final approvals;
- Require DCED to conduct its preliminary review within 10 days;
- Clarify that the term “fiduciary duty” would mean the duty to perform loyally, in good faith and in a manner the financial advisor believes to be in the best interests of the local government unit;
- Improve the review of debts claimed to be self-liquidating by requiring updated filings;
- Require appropriate retention of public records; and
- Provide for the treatment of false filings under Local Government Unit Debt Act, including penalty provisions. [Passed: 50-0.](#)

[Senate Bill 341](#) (Blake) would amend Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes to prohibit a municipal authority from using the proceeds from borrowing for a purpose unrelated to the project for which the debt was incurred or placing them in an account used by the authority or another local government unit for an unrelated purpose. The measure would also clarify that a violation under Section 5614 of Title 53 regarding conflicts of interest in the awarding of contracts would constitute a violation under the Public Official and Employee Ethics Act. An additional provision would incorporate a reference to Section 5614 into the Ethics Act as a prohibited act and empower the appropriate agencies with enforcement and prosecution powers. **Passed: 50-0.**

[Senate Bill 344](#) (Eichelberger) would amend the Public Works Contractors' Bond Law of 1967 to clarify the requirements governing proof of financial security from a contractor prior to the award of a contract exceeding \$10,000. The changes would require a performance bond, letter of credit, or a restrictive or escrow account equal to one hundred percent of the contract amount as security for the performance of the contract. Additional provisions would require a payment bond, letter of credit, or a restrictive or escrow account equal to one hundred percent of the contract amount as security for the protection of claimants supplying labor or materials to the prime contractor or to any of its subcontractors. **Passed: 50-0.**

[Senate Bill 869](#) (Folmer) would amend Title 4 (Amusements), Title 18 (Crimes and Offenses), Title 30 (Fish), Title 42 (Judiciary and Judicial Procedure) and Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to further provide for the seizure and forfeiture of property related to criminal activity. The legislation would create a new Chapter 58 (Forfeiture of Assets) in Title 42 to govern the forfeiture of property and repeal provisions in other statutes addressing this activity. The newly-enacted provisions would:

- Outline the property and assets subject to forfeiture for offenses related to controlled substances;
- Establish criteria that would have to be met in order for a law enforcement authority to seize assets under the statute;
- Provide for annual reports from counties to the Attorney General and an annual report to the Appropriations Committee and the Judiciary Committee of the Senate of Pennsylvania and the Appropriations Committee and the Judiciary Committee of the House of Representatives;
- Establish forfeiture procedures, including information that would have to be contained in the forfeiture petition filed with the court of common pleas and the requirements of the claimant filing an answer to the petition;
- Allow for a person aggrieved by a search and seizure of property to move for the return of the property seized by filing a motion in the court of common pleas in the judicial district where the property is located;

- Clarify that “acquittal” would not include acceptance of Accelerated Rehabilitative Disposition or any other form of preliminary disposition, including plea agreements; and
- Provide for exceptions to forfeitures allowed under the new Chapter 58 in Title 42.  
**Passed: 42-8.**

**Senate Bill 1048** (Vulakovich) would amend the Breach of Personal Information Notification Act to require a state agency that is the subject of a breach of security of its system to provide notice to the Office of Attorney General and the Governor’s Office of Administration within three business days following discovery of the breach. Within seven days of the discovery, the state agency would have to notify Commonwealth residents whose personal information could have been affected. If a county, school district or municipality is the subject of a breach of security, it would have to provide notice to the county district attorney within three business days and affected Commonwealth residents within seven days following discovery of the breach. The bill would allow notification with regard to a breach of security related to a user name or email address, in combination with a password or security question and answer, by providing electronic or other information directing the subject of the breach to change the password or take other steps to protect his or her online account. Employees and contractors of the Commonwealth would be required to use encryption to protect the transmission of personal information. The Governor’s Office of Administration would have to develop and maintain a policy to govern the proper encryption and transmission of personal information. The bill provides that any person or entity subject to and in compliance with the privacy and security standards for the protection of electronic health information under the Health Insurance Portability and Accountability Act of 1996 and the Health Information Technology for Economic and Clinical Health Act is deemed to be in compliance with this act. **Passed: 50-0.**

**Senate Bill 1212** (Wozniak) would amend the Public School Code to require each school entity, beginning with the 2017-18 school year, to develop an age-appropriate child opioid awareness and education program and incorporate the program into its existing curriculum for students in grades six through twelve. Each school entity would also be required to include training in child opioid awareness in its professional development plan and provide four hours of training every five years for professional educators assigned to teach courses into which child opioid awareness education has been incorporated. The Department of Education, in consultation with the Department of Health, the Department of Drug and Alcohol Programs and at least one organization addressing child opioid awareness and education, would be required to develop a model child opioid awareness and education curriculum for use by schools. The Department would also be directed to compile, develop and post on its website recommended guidelines and educational materials for the newly-required professional educator training. **Passed: 49-0.**

**Senate Bill 1341** (Mensch) would create the Performance-Based Budgeting Act to establish a performance-based budget component to the annual budget development process. The legislation would:

- Require the Budget Secretary to initiate a program of performance-based budget reviews as part of the annual budget preparation and program evaluation processes beginning in Fiscal Year 2018-19;



- Require the Budget Secretary, in conjunction with the Executive Director of the Independent Fiscal Office (IFO), to establish a schedule of performance-based budget reviews for all agencies under the Governor's jurisdiction. The schedule would have to ensure that all agencies are subject to review at least once every five years;
- Establish that the General Assembly could direct the conduct of a performance-based budget review by adoption of a concurrent resolution;
- Require the Budget Secretary, when an agency is scheduled for review, to direct the agency to provide such information as the IFO may require to prepare a performance-based budget plan. The information would also be submitted to the Budget Secretary and the chairmen and minority chairmen of the House and Senate Appropriations Committees;
- Direct the IFO to develop performance-based budget plans and performance measures, such as outcome-based measures, efficiency measures, activity cost analysis, measures of status improvement of recipient populations, economic outcomes and performance benchmarks against similar state programs or similar programs of other states. The IFO would have to complete the reviews in a timely manner and submit the plans to the Performance-Based Budget Board for review and approval;
- Establish the Performance-Based Budget Board as an independent board to review and approve performance-based budget plans and to make recommendations. The Board would include the Budget Secretary and the chairmen and minority chairmen of the House and Senate Appropriations Committees;
- Require plans to be considered at open meetings and provide for participation by the subject agency to respond to any questions regarding the proposed plan and performance measures; and
- Require the Governor and the General Assembly to consider approved plans during budget development, review and enactment. [Passed: 33-17.](#)

[Senate Bill 1352](#) (McGarrigle) would provide a rate increase for the river pilots who navigate trade vessels along the Delaware River and its navigable tributaries. The rate adjustments would represent a one percent increase in 2018 a two percent increase in 2019. [Passed: 50-0.](#)

[Senate Bill 1353](#) (McGarrigle) would permit the Navigation Commission for the Delaware River and its Navigable Tributaries to increase the limit on fees for the issuance of original and renewed pilots licenses from \$250 annually to \$400 annually. If the fees established by the Navigation Commission are inadequate to cover expenditures or meet the minimum enforcement efforts required, the Commission could increase the fee up to \$525 annually. [Passed: 50-0.](#)

[Senate Bill 1367](#) (Yaw) would amend Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes to prohibit a medical professional from prescribing an opioid to a minor

unless the prescriber complies with the requirements outlined in the legislation. The prescriber would have to assess whether the minor has taken or is currently taking prescription drugs for treatment of a substance abuse disorder, discuss with the minor and the minor's parent or guardian the risks of addiction and overdose, and the dangers of taking a controlled substance containing an opioid with other types of substances. The medical care provider would also have to obtain the written consent of the minor's parent or guardian on the form outlined in the legislation with certain required information. The prescriber would be prohibited from prescribing more than a seven-day supply of an opioid unless an additional supply would be required to stabilize the minor's acute medical condition. In such cases, the prescriber would have to document the acute medical condition in the minor's record and indicate the reason why a non-opioid alternative would not be appropriate to address the condition. The limit would also not apply to prescriptions for the management of pain associated with cancer, use in palliative or hospice care, or the management of chronic pain not associated with cancer. A violation of these provisions would subject a prescriber to administrative sanctions by the provider's licensing board under the applicable statute. **Passed: 49-0.**

**Senate Bill 1368** (Killion) would amend Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes to require the medical licensing boards, by joint regulation, to implement a safe prescription of a controlled substance containing an opioid curriculum with the information listed in the legislation. The curriculum could be offered in medical colleges or by providers approved by the licensing board. The education required by the bill would not be considered part of the college's curriculum necessary for graduation. In order to facilitate the prompt implementation of the curriculum, each licensing board could issue temporary regulations. **Passed: 49-0.**

**Senate Resolution 438** (Tartaglione) designates September 15 through October 15, 2016 as "Hispanic Heritage Month" in Pennsylvania and recognizes the achievements of Hispanic Americans in the Commonwealth. **Adopted by Voice Vote.**

**Senate Resolution 439** (Vance) recognizes the month of October 2016 as "National Principals Month" in Pennsylvania and honors the contribution of principals in elementary schools, middle schools and high schools. **Adopted by Voice Vote.**

**Senate Resolution 440** (Dinniman) designates the week of October 2 through 8, 2016 as "Juvenile Detention Centers and Alternative Programs Week" in Pennsylvania. **Adopted by Voice Vote.**

**Senate Resolution 441** (Teplitz) recognizes the holiday beginning with Rosh Hashanah and concluding with Yom Kippur. **Adopted by Voice Vote.**

**Senate Resolution 442** (Mensch) designates the week of October 16 through 22, 2016 as "Community College Completion Week" in Pennsylvania. **Adopted by Voice Vote.**

**Senate Resolution 443** (Leach) designates the week of September 26 through October 2, 2016 as "Diaper Need Awareness Week" in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 444](#) (Boscola) recognizes the month of September 2016 as “Vertebral Subluxation Awareness Month” in Pennsylvania. **Adopted by Voice Vote.**

(2016-114)