

WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – EDWIN B. ERICKSON, CHAIRMAN

Monday, June 16, 2014

[Senate Bill 602](#) (Wozniak) would designate the Piper J-3 Cub as the official airplane of the Commonwealth. **Passed: 48-0.**

[Senate Bill 1253](#) (Robbins) would amend Title 37 (Historical and Museums) of the Pennsylvania Consolidated Statutes to modernize the History Code regarding property on loan, state archives, Commonwealth records and local government records. The changes to the code would:

- Remove the requirement for the Historical and Museum Commission (HMC) to issue an annual report on the operation of the Conservation Center;
- Remove the provision requiring the commission to contact the original donor of artifacts prior to their sale or disposition;
- Provide for the sale or disposition of abandoned property on loan to the commission;
- Give the HMC the power and duty to administer the State Archives, maintain and preserve Commonwealth records, maintain and preserve local government records and ensure access to older public records;
- Provide the commission with the authority to demand the return of Commonwealth archival records, petitioning the court if necessary, if the removal of the record from Commonwealth possession was not authorized;
- Provide the commission with the authority to act on behalf of local governments, if requested, to demand the return of a local archival record if the removal of the record was not authorized by the local government agency;
- Provide access to public records 75 years or older unless prohibited by state or federal law; and
- Remove historic properties no longer under HMC jurisdiction. **Passed: 48-0.**

[Senate Bill 1337](#) (Mensch) would eliminate certain recurring projects completed by the Legislative Budget and Finance Committee. These projects would include: the annual study of the impact of slots gaming on the State Lottery; the performance audit of the Pennsylvania Department of Transportation completed every six years; and, the biennial cost benefit study of mental health insurance coverage required under Act 150 of 1998. **Passed: 47-1.**

[Senate Bill 1389](#) (Corman) would appropriate \$22,303,000 from the State Employees' Retirement Fund to the State Employees' Retirement Board for its operational and administrative expenses for the 2014-2015 Fiscal Year. **[Passed: 48-0.](#)**

[Senate Bill 1390](#) (Corman) would appropriate \$41,689,000 from the Public School Employees' Retirement Fund to the Public School Employees' Retirement Board for its operational and administrative expenses for the 2014-2015 Fiscal Year. **[Passed: 48-0.](#)**

[Senate Bill 1391](#) (Corman) would appropriate \$39,207,000 from the Professional Licensure Augmentation Account within the General Fund to the Department of State for the operation of the Bureau of Professional and Occupational Affairs, including the State Board of Auctioneer Examiners, during the 2014-2015 Fiscal Year. Other appropriations listed in the bill for operational costs during the 2014-2015 Fiscal Year include: \$7,559,000 to the State Board of Medicine; \$1,250,000 to the State Board of Osteopathic Medicine; \$225,000 to the State Board of Podiatry; and \$536,000 to the State Athletic Commission. **[Passed: 48-0.](#)**

[Senate Bill 1392](#) (Corman) would appropriate \$70,666,000 from the Workmen's Compensation Administration Fund to the Department of Labor and Industry for the administration of the Workers' Compensation Act and the Pennsylvania Occupational Disease Act for Fiscal Year 2014-2015. The bill would also appropriate \$194,000 from a restricted revenue account within the Workmen's Compensation Administration Fund to the Office of Small Business Advocate for Fiscal Year 2014-2015. **[Passed: 48-0.](#)**

[Senate Bill 1393](#) (Corman) would appropriate \$1,163,000 from a restricted revenue account within the General Fund to the Office of Small Business Advocate in the Department of Community and Economic Development for its operational expenses for the 2014-2015 Fiscal Year. **[Passed: 48-0.](#)**

[Senate Bill 1394](#) (Corman) would appropriate \$5,165,000 from a restricted revenue account in the General Fund to the Office of Consumer Advocate in the Office of Attorney General for its operational expenses for the 2014-2015 Fiscal Year. **[Passed: 48-0.](#)**

[Senate Bill 1395](#) (Corman) would appropriate \$64,571,000 to the Public Utility Commission (PUC) for the operation of the commission for the 2014-2015 Fiscal Year. The bill would also appropriate \$1,897,000 in federal funds to the PUC to enforce the regulations of the Natural Gas Pipeline Safety Act and \$1,888,000 in federal funds for motor carrier safety. **[Passed: 48-0.](#)**

[Senate Bill 1396](#) (Corman) would establish the Gaming Control Appropriation Act of 2014. The bill would appropriate monies from the State Gaming Fund for salaries, wages, and necessary expenses related to gaming, as follows:

- Pennsylvania Gaming Control Board, \$37,990,000;
- Pennsylvania State Police, \$22,995,000;
- Department of Revenue, \$9,513,000; and

- Attorney General, \$1,141,000. **Passed: 48-0.**

Senate Bill 1397 (Corman) would appropriate \$7,072,000 from the Philadelphia Taxicab and Limousine Regulatory Fund and \$500,000 from the Philadelphia Taxicab Medallion Fund to the Philadelphia Parking Authority for the 2014-2015 Fiscal Year. **Passed: 48-0.**

Senate Bill 1400 (Corman) is the Capital Budget Act of 2014-2015. The bill would authorize the maximum bond 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: \$725,000,000 for buildings and structures; \$50,000,000 for furniture and equipment; \$175,000,000 for transportation assistance projects; \$335,000,000 for redevelopment assistance projects; and \$10,000,000 for flood control projects. **Passed: 48-0.**

Senate Resolution 409 (Hutchinson) celebrates the 25th anniversary of the Anthracite Region Independent Power Producers Association (ARIPPA) and designates the week of August 18 through 24, 2014 as “ARIPPA – 25 Years of Producing Environmentally Beneficial Alternative Energy – Recognition Week” in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 410 (Mensch) designates the month of June 2014 as “National Post-Traumatic Stress Disorder Awareness Month” in Pennsylvania. **Adopted by Voice Vote.**

House Bill 1429 (M. K. Keller) would amend Chapter 56 of Title 20 (Decedent, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes to make changes relating to powers of attorney. Among other modifications, the bill would:

- Require the signature of a principal or other person signing a power of attorney (POA) to be notarized and witnessed by two individuals;
- Expand the limitation on applicability of a health care POA to include a mental health care POA;
- Add Section 5601.3 to provide a list of actions that an agent would be required to perform on behalf of the principal; provide language addressing the non-liability of the agent; and provide that, unless otherwise provided in the POA or ordered by a court or other designated entity, an agent could not be required to disclose receipts, disbursements or transactions conducted on behalf of the principal;
- Add Section 5601.4 to delineate those actions that an agent under a power of attorney may do on behalf of the principal only if the POA expressly grants the authority and the exercise of the authority is not otherwise prohibited;
- Clarify that an act performed by an agent pursuant to a power of attorney has the same effect as if the principal had performed the act;
- Provide for the filing and recording of a POA in electronic form;

- Provide language relating to the agent’s power to make limited gifts;
- Add annuity and annuity contracts to the transactions an agent can undertake;
- Delete the existing law dealing with immunity granted to third parties who rely upon a POA;
- Provide that a person who in good faith accepts a POA under certain circumstances is not liable and has immunity; and
- Provide when acceptance of a POA is required and not required; and for penalties if a person refuses to accept a power of attorney. **Passed: 48-0.**

House Bill 1646 (Murt) would designate the section of Pennsylvania Route 232 in Bryn Athyn, Montgomery County as the SPC Tristan C. Smith Memorial Highway. **Passed: 48-0.**

House Bill 1989 (Hanna) would designate the Piper J-3 Cub as the official aircraft of the Commonwealth and the Pennsylvania Long Rifle as the official firearm of the Commonwealth. **Passed: 48-0.**

House Bill 2093 (Miccarelli) would designate 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 John Horace Callaghan Memorial Highway. **Passed: 48-0.**

Tuesday, June 17, 2014

Senate Bill 428 (Costa) would amend Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes to modify the definition of “pooled trust” to clarify that, in addition to other requirements, amounts remaining in a beneficiary’s account upon the death of the beneficiary, which are not retained by the trust, are to be used to pay the Commonwealth and any other state that provided medical assistance an amount equal to the total amount of medical assistance paid on behalf of the beneficiary. **Passed: 50-0.**

Senate Bill 1401 (Scarnati) would rename two bridges. The legislation would rename:

- The bridge in Coudersport Borough, Potter County, known as the West Chestnut Street Bridge, as the Private Edwin Tubbs Memorial Bridge; and,
- The State Route 872 Bridge near the Coudersport Borough/Eulalia Township Border, Potter County, as the Specialist Donald Stiles Memorial Bridge. **Passed: 50-0.**

Senate Resolution 284 (Greenleaf) expresses support for the democratic and European aspirations of the people of Ukraine and their right to choose their own future free of intimidation and fear. **Adopted by Voice Vote.**

[House Bill 43](#) (Harper) would amend the Volunteer Health Services Act to increase the availability of mental health services to military personnel and their families by establishing a procedure through which physicians and other health care practitioners who are retired from active practice could provide mental health services within their scope of practice as a volunteer upon referral from approved organizations. Under the provisions of the bill, any nonprofit organization whose purpose it is to refer United States military personnel and their families to licensed volunteers who provide mental health services without remuneration could submit an application to the Department of Military and Veterans Affairs to sponsor persons who hold mental health volunteer licenses as provided under the chapter. The application would have to contain the following information:

- The name and address of the organization and a copy of its corporate filing;
- The charitable purpose for which it is operating;
- The latest filing with the Department of State;
- The level of insurance obtained by the organization;
- The location, hours, facilities and staff who will oversee the volunteer effort;
- The confirmation of the organization's tax-exempt status;
- The most recent federal tax return filed by the organization; and
- Any other information the Department deems necessary.

The Department would be required to provide the appropriate licensing board with a list of the organizations it approves. A holder of a volunteer license, who in good faith, renders professional health services within his scope of practice under the act would not be liable for civil damages arising as a result of any act or omission in the rendering of care unless the individual's conduct falls substantially below professional standards generally practiced and accepted. In order for the exemption from liability to apply, the volunteer licensee providing mental health services would have to provide the military personnel or family member being treated with a written explanation of the exemption. **Passed: 50-0.**

[House Bill 1831](#) (Regan) would name a number of bridges and roadways. The bill would designate:

- The bridge located on State Route 15 in Carroll Township, York County, over the Yellow Breeches Creek as the Glen Bowers Memorial Bridge;
- The bridge on 17th Street in the City of Altoona, Blair County over the 10th Avenue Expressway as the Blair County Veterans Memorial Bridge;
- The bridge located on State Route 764 in the City of Altoona, Blair County over 31st Street as the Alvin E. Morrison Memorial Bridge;
- West Erie Avenue from its intersection with North Second Street in Philadelphia to the point where it meets North Front Street in Philadelphia as Roberto Clemente Way;
- The interchange at the crossing of State Route 33 and Main Street (State Route 1022) in Palmer Township, Northampton County as the Charles Chrin Interchange;

- The intersection between the portion of State Route 3009 and State Route 119 in South Union Township, Fayette County as the Fred L. Lebder Interchange; and,
- The bridge located on State Route 711, known as Crawford Avenue, in the City of Connellsville, Fayette County as the Officer Robb McCray Memorial Bridge.

Passed: 50-0.

House Bill 2013 (Stern) would amend the Public School Code of 1949 to require a school board to declare a temporary vacancy when a school director is called to active duty in the military or naval forces of the United States. Under existing law, a temporary vacancy is filled by the remaining members of the board or the court with a qualified elector from the district until the member returns or the term expires. **Passed: 50-0.**

House Bill 2026 (Maher) would amend Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes to increase the grading of the offense of willfully or maliciously injuring or killing a police animal from a third degree felony to a second degree felony. **Passed: 50-0.**

House Bill 2068 (S. H. Smith) would designate the bridge carrying State Route 119 over Big Run Creek in Big Run Borough, Jefferson County as the SFC Scott R. Smith Memorial Bridge. **Passed: 50-0.**

Executive Session

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

Wednesday, June 18, 2014

Senate Bill 177 (Greenleaf) would create the Lyme and Related Tick-Borne Disease Surveillance, Education, Prevention and Treatment Act. The legislation would require the Department of Health to establish a task force to investigate and make recommendations to the Department regarding the surveillance and prevention of Lyme disease and related tick-borne diseases and increasing awareness about the long-term effects of misdiagnosis. The Department would also be required to develop a general public information and education program regarding Lyme disease and to cooperate with various agencies to disseminate the information to, among others, licensees of the Pennsylvania Game Commission, visitors to state parks, school administrators, school nurses, and associations of health care professionals. The Department would be directed to cooperate with Penn State University's Department of Entomology to disseminate educational resources about ticks, related diseases, and integrated pest management. The Department would also be required to develop an active tick collection and testing program in cooperation with the Department of Environmental Protection. **Concurrence in House Amendments: 50-0.**

Senate Bill 403 (Hutchinson) would amend Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes to establish a Medical Officer or Health Officer Incentive Program in the Department of Military and Veterans Affairs to provide educational stipends to eligible medical

officers or health officers. Under the program, a resident physician, physician or physician assistant could receive a stipend of \$1,000 per month for no more than 48 months of medicine residency or the first 36 accession months of service to the Pennsylvania National Guard. Further, a behavioral health officer, public health officer or environmental science officer could receive a stipend of \$500 per month for no more than the first 36 accession months of service to the Pennsylvania National Guard. An area of concentration for a medical or health officer would have to be approved by the National Guard through a predetermination request. In order to qualify for a stipend, a medical officer or health officer would have to be a member in good standing with the Pennsylvania National Guard, be assigned to an appropriate medical or health position in the National Guard, and agree to serve as a military officer or health officer in the Guard after completion of residency or initial service obligation for a period of one month for each monthly stipend received. This service obligation would be concurrent with any other military obligation. Stipends would be paid at the completion of each month of residency or service.

The Adjutant General would be authorized to place a cap on the number of medical or health officers eligible to receive stipends or to adjust the amount of the stipend based on the amount of funds available for the program. The Adjutant General could, by military regulation, establish additional incentives to aid in the recruitment and retention of military physicians in the Guard. A recipient would have to sign a promissory note promising to repay all funds received if he or she fails to complete the service obligation. In addition, the Adjutant General could forgive recoupment of all or part of a recipient's stipend or other incentive payment under certain circumstances and could adjust the amount of the stipends by an amount equal to the change in the applicable Consumer Price Index beginning January 1, 2016 and every two years thereafter. An additional provision included in the bill would limit the amount of funds appropriated for the educational assistance program for National Guard members that could be used for administrative purposes to 3.5 percent of the funds appropriated to the program beginning July 1, 2014, and each fiscal year thereafter. **Concurrence in House Amendments: 50-0.**

Senate Bill 1090 (Baker) would amend Title 34 (Game) of the Pennsylvania Consolidated Statutes to provide free hunting or furtaking licenses to disabled veterans who have a disability incurred in any war or armed conflict which consists of the loss of one or more limbs, or the loss of the use of one or more limbs, or who are 100 percent disabled as certified by the U. S. Department of Veterans Affairs and are otherwise mentally and physically fit. The bill would also provide resident hunting or furtaking licenses for \$1 to disabled veterans who have a disability incurred in any war or armed conflict, possess a disability rating between 60 percent and 99 percent as certified by the United States Department of Veterans Affairs and are otherwise mentally and physically fit. The issuing agent or the Game Commission could require the production of the discharge papers of the applicant. **Concurrence in House Amendments: 50-0.**

Senate Bill 1102 (Scarnati) would amend Title 30 (Fish) of the Pennsylvania Consolidated Statutes to provide resident fishing licenses for \$1 to veterans who have a disability rating between 60 percent and 99 percent as certified by the U.S. Department of Veterans Affairs and otherwise meet the requirements to obtain a license. An application submitted by a disabled veteran would have to contain a statement that the applicant is a war or armed conflict veteran

and that the qualifying disability was service incurred. The issuing agent or the Fish and Boat Commission could require the production of the discharge papers of the applicant. **Concurrence in House Amendments: 50-0.**

Senate Bill 1115 (Robbins) would amend Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes to require an approved institution of higher learning to consider first any federal tuition assistance received by an eligible member before awarding a grant through the Pennsylvania National Guard Educational Assistance Program. Grants authorized under the program would have to be reduced so that the total of all federal or state military education benefits, as administered by the Pennsylvania National Guard, do not exceed 100 percent of the costs of attendance as defined in the bill. **Concurrence in House Amendments: 50-0.**

Senate Resolution 411 (Kitchen) observes June 19, 2014 as “Juneteenth National Freedom Day” in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 412 (Williams) honors Ruby Dee, trailblazing actress and civil rights activist, celebrating her life and mourning her death. **Adopted by Voice Vote.**

House Bill 1945 (Helm) would authorize the Department of General Services (DGS) to:

- Conduct a comprehensive survey of the tract or tracts of land and all improvements thereon in the City of Harrisburg and Susquehanna Township, Dauphin County, which was formerly known as the Harrisburg State Hospital and Harrisburg State Hospital Farm and is now known in part as the DGS Annex Complex. The survey would exclude the Commonwealth-owned facilities delineated in the legislation, including suitable grounds and easements necessary for current and future operation of the facilities, which are currently located on a portion of the property, including any other portion of the property required for Commonwealth operations as determined by DGS. DGS would be required to consult with each state entity having jurisdiction and control over the facilities on the property before establishing final property boundaries to ensure that adequate property is retained for current and future operations. The subdivision of the property would be exempt from the Pennsylvania Municipalities Planning Code and local subdivision and land development ordinances. DGS would be authorized to seek a zoning variance from Susquehanna Township during the conduct of the survey. DGS would be required to prepare other facilities to receive Commonwealth employees who will be displaced by the sale of the property. When the survey is completed, DGS would be required to present a plan for conveyance to both Houses of the General Assembly that includes a recommended division of the property and the fair market value of each parcel. Following the receipt of the plan, the General Assembly would convey the property within 18 legislative days;
- Convey to the Philadelphia Technician Training School 1.53 acres of land with improvements in the 29th Ward of the City of Philadelphia for \$2,200,000. A condition would be placed on the sale of the property, and placed in the deed, that no portion of the property could be used as a gaming facility or title would revert to the Commonwealth. DGS and the Philadelphia Technician Training School would have one year from the

effective date of the act to reach a mutually acceptable agreement of sale or the property could be disposed of in accordance with the Disposition of Commonwealth Surplus Land provisions contained in the Administrative Code;

- Convey to the Coatesville Area Senior Center a tract of land known as the Department of Labor and Industry's Office of Employment Security (or CareerLink) containing approximately 0.362 acres with buildings and improvements in the City of Coatesville, Chester County, for \$281,000. A condition would be placed on the sale of the property, and placed in the deed, that no portion of the property could be used as a gaming facility or title would revert to the Commonwealth. If the conveyance is not executed per the terms and conditions of an agreement of sale, the property could be disposed of in accordance with the Disposition of Commonwealth Surplus Land provisions as contained in the Administrative Code. The proceeds from the sale would be deposited in the General Fund;
- Remove and release the restrictive use covenants imposed on an 8.766 acre tract of land formerly known as the Blossburg State General Hospital which was conveyed to North Penn Comprehensive Health Services, predecessor to Laurel Health Systems, in the Borough of Blossburg, Tioga County. The covenants would be released for fair market value based on an appraisal. Proceeds received from the release of the restrictive use covenants would be deposited into the General Fund;
- Convey two tracts of land containing approximately 1.839 acres, together with any buildings or improvements, in the City of Pittsburgh at a price to be determined through a competitive bid process. DGS would be further authorized to convey to the successful bidder the perpetual easement associated with the property. The oil, gas and mineral rights associated with the property could be retained by the Commonwealth. The proceeds from the sale would be deposited in the State Treasury Armory Fund;
- Convey a tract of land containing approximately 0.35 acres of land together with any buildings or improvements in the Borough of Pine Grove, Schuylkill County, at a price to be determined through competitive bidding. The oil, gas and mineral rights associated with the property could be retained by the Commonwealth. The proceeds from the sale would be deposited in the State Treasury Armory Fund;
- Convey Washington Monument Park, the Fort LeBoeuf Museum, and the Judson House all located in the Borough of Waterford, Erie County to the Fort LeBoeuf Historical Society for \$1 each. A condition would be placed on the sale of the properties, and placed in the deeds, that no portion of the properties could be used as a gaming facility or title would revert to the Commonwealth. A number of other restrictive covenants would be included in the deed of conveyance related to standards for historic preservation and requirements and standards for archaeological investigation. In the event that the conveyances are not effectuated within one year of the effective date of the act, the authority would expire;

- Convey 0.8907 acres in the Borough of Millersville, Lancaster County to the Penn Manor School District in exchange for 2.328 acres in the Borough of Millersville. The Secretary of General Services would be authorized to grant or reserve any easements on Commonwealth-owned real property at Millersville University of Pennsylvania as may be necessary to effectuate the purposes of the conveyance or to otherwise protect the interests of the Commonwealth;
- Remove and release restrictive and reversionary covenants imposed on 0.50 acres and improvements in the City of Scranton, Lackawanna County previously conveyed to Scranton Primary Health Care Center, Inc., according to a legally binding agreement acceptable to the Secretary of General Services. Proceeds received by DGS for the release of the covenants would be deposited into the General Fund; and,
- Allow a partial removal and release of restrictive covenants on two tracts of land totaling 18.6033 acres in Benner Township, Centre County previously conveyed to Benner Township under terms and conditions and for consideration acceptable to the Department of General Services. Any proceeds received by the Department of General Services for the partial release of the covenants would be deposited into the General Fund.

The bill would also authorize the Department of Transportation to convey 0.0473 acres and improvements in the City of Pittsburgh, Allegheny County to East Liberty Development, Inc., for fair market value based on an appraisal and under terms and conditions to be established in an agreement of sale. A condition would be placed on the sale of the property, and placed in the deed, that no portion of the property could be used as a gaming facility or title would revert to the Commonwealth. Proceeds from the sale would be deposited into the Motor License Fund. An additional provision would authorize the Commonwealth to lease land within the Delaware River bed in the Fifth Ward of Philadelphia to the City of Philadelphia for rent to be determined by the Secretary of General Services. **Passed: 50-0.**

(2014-044)