

WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – EDWIN B. ERICKSON, CHAIRMAN

Monday, June 23, 2014

[Senate Bill 1155](#) (Scarnati) would amend the Surface Mining Conservation and Reclamation Act to create an Aggregate Advisory Board to assist the Secretary of Environmental Protection in expending the funds for the purposes provided for in Section 17 of the Noncoal Surface Mining Conservation and Reclamation Act. The Board would also advise the Secretary on all matters related to surface mining, as defined in the Noncoal Surface Mining Conservation and Reclamation Act, to include, but not be limited to, experimental practices, alternate methods of backfilling, obligations for preexisting pollution liability, alteration of reclamation plans, reclamation fees, and bonding rates and methods. The Board would include the Secretary of Environmental Protection, three aggregate surface mining operators, four public members from the Citizens Advisory Council, one member from the county conservation districts and four legislators. The Aggregate Advisory Board would be required to prepare an annual report on its activities and to submit the report to the Senate and House Environmental Resources and Energy Committees. **Passed: 50-0.**

[Senate Bill 1207](#) (Pileggi) would amend Act 53 of 1973 to add a section to include certain money market instruments, such as commercial paper, negotiable certificates of deposit, bankers' acceptances, and corporate notes, to the list of authorized investments for local governments. Nothing in the new provisions could be construed to supersede or preempt other investment powers of public corporations or municipal authorities as authorized by law. The bill would also add a definition of "public corporation" to the law to include a county, city, borough, township, school district, or other municipality or incorporated district of the Commonwealth. **Passed: 50-0.**

[Senate Bill 1422](#) (Tomlinson) would amend Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes to limit the asbestos-related liability of a successor business entity to the fair market value of the total gross assets of the "transferor" at the time of the merger or consolidation with the successor business entity. The legislation would further provide for the liability associated with subsequent mergers or consolidations and require the use of the two methods included in the bill for determining fair market value. Intangible assets would be included in the valuation. A showing by the successor business entity of a reasonable determination of the fair market value of total gross assets would be prima facie evidence of their fair market value. Following a reasonable determination of fair market value of total gross assets by the successor business entity, a claimant disputing that determination would have the burden of establishing a different fair market value of the total gross assets. The bill would also provide for those entities that have liability insurance prior to the effective date and establish provisions for an annual increase in the fair market value of the total gross assets of a transferor. The act would not apply to certain types of claims as listed in the legislation, including workers' compensation benefits paid to an employee, obligations arising under the National Labor Relations Act or under a collective bargaining agreement, or claims against successor businesses that, after a merger or consolidation, continued in an asbestos-related business. **Passed: 50-0.**

[Senate Resolution 62](#) (McIlhinney) directs the Legislative Budget and Finance Committee to study new approaches to family work support programs. [Adopted by Voice Vote.](#)

[Senate Resolution 413](#) (Browne) designates September 25, 2014 as “International Ataxia Awareness Day” in Pennsylvania. [Adopted by Voice Vote.](#)

Executive Session

Nominations to Various Boards and Commissions. [Confirmed: 50-0.](#)

Tuesday, June 24, 2014

[Senate Bill 405](#) (Vance) would amend the Generic Equivalent Drug Law to allow a pharmacist to substitute a “biosimilar product” for a prescribed biological product only if:

- The biosimilar product has been determined by the United States Food and Drug Administration to be interchangeable with the prescribed product;
- The prescriber does not designate verbally or in writing on the prescription that substitution is prohibited;
- The person presenting the prescription receives notification of the substitution;
- The pharmacist notifies the prescriber, either verbally, in writing, or by facsimile, e-mail, or other electronic transmission as soon as practicable but no later than 72 hours after dispensing, except that the notification would not be required for a refill when the refilled biological product is the same as the product last dispensed by the pharmacist; and
- The pharmacy and the prescriber retain a written or electronic record of the biosimilar substitution for a period of no less than two years.

These provisions would not apply to a biological product which could be dispensed without a prescription. In addition to other definitions, the bill would define “biosimilar” as a biological product licensed by the United States Food and Drug Administration pursuant to 42 U.S.C. § 262(k) (relating to regulation of biological products) or approved based on an application filed under 21 U.S.C. § 355 (b)(2) (relating to new drugs) that is highly similar to the prescribed biological product. [Passed: 44-6.](#)

[House Bill 1144](#) (Haluska) would amend Title 34 (Game) of the Pennsylvania Consolidated Statutes to amend the definition of “bow” to insert language stating that the term includes a device held in place by a brace secured around the body of the hunter and a crossbow which, when used for hunting deer, bear, or turkey, has to draw a weight of no less than 125 pounds and uses arrows tipped with broadheads of a cutting edge design. The bill would also delete outdated provisions providing for the use of a crossbow by a disabled person. [Passed: 50-0.](#)

[House Bill 1574](#) (Killion) would amend the Health Maintenance Organization Act to allow a health maintenance organization to be structured as a limited liability company. **[Passed: 50-0.](#)**

[House Bill 1575](#) (Killion) would amend Title 15 (Corporations and Unincorporated Associations) of the Pennsylvania Consolidated Statutes to allow a health maintenance organization to be structured as a limited liability company. **[Passed: 50-0.](#)**

[House Bill 1929](#) (Causer) would designate the bridge located on State Route 6 at Segment 0730 Offset 1125 in Smethport Borough, McKean County over the Marvin Creek as the Bucktail Regiment Memorial Bridge. **[Passed: 50-0.](#)**

Wednesday, June 25, 2014

[Senate Bill 1409](#) (Rafferty) would amend the Board of Vehicles Act to permit a manufacturer of electric vehicles to own and operate up to five dealerships within the Commonwealth, as long as each dealership only sells the manufacturer's product and the dealerships are otherwise in compliance with the act. The manufacturer must have sold electric vehicles without interruption for at least 12 months prior to the bill's effective date and could not hold a controlling interest in another manufacturer or distributor licensed under the act. If it does have a controlling interest in either of those entities, it could not control or operate a new vehicle dealership for more than 12 months after it acquired the controlling interest. The changes to the act would permit Tesla to sell its electric vehicles directly to customers in Pennsylvania, as it is doing in other states. The legislation would also allow the manufacturer to own and operate a warranty facility to repair its vehicles and to sell or lease vehicles obtained by trade-ins. An additional provision would repeal an outdated section of the act that allowed a manufacturer (General Motors) to own dealerships selling conventional vehicles that weighed less than 8,500 pounds (Saturns). **[Passed: 50-0.](#)**

[Senate Resolution 415](#) (Dinniman) designates the month of September 2014 as "Mushroom Month" in Pennsylvania. **[Adopted by Voice Vote.](#)**

[Senate Resolution 416](#) (Dinniman) recognizes the month of September 2014 as "Senior Center Month" in Pennsylvania. **[Adopted by Voice Vote.](#)**

[Senate Resolution 417](#) (Tartaglione) recognizes the month of September 2014 as "National Spinal Cord Injury Awareness Month" in Pennsylvania. **[Adopted by Voice Vote.](#)**

[Senate Resolution 418](#) (Tartaglione) recognizes September 10, 2014 as "World Suicide Prevention Day" in Pennsylvania. **[Adopted by Voice Vote.](#)**

[House Bill 1090](#) (Youngblood) would amend Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes to permit a police officer at a police station to accept newborns from parents under the newborn protection, or safe haven, provisions of the law. The police officer would be required to take the newborn into protective custody and to ensure that the newborn is transported to a hospital. The legislation would provide the same immunity for police officers that is currently provided to health care workers who accept a newborn. The Department of Public Welfare would be required to provide educational materials to police departments

regarding newborn protection. The bill would also amend Title 18 (Crimes and Offenses) to clarify that a parent would not be held criminally liable for leaving a newborn with a police officer at a police station, as long as the newborn is not the victim of abuse or criminal conduct.

Passed: 50-0.

House Bill 1271 (Readshaw) would authorize the release of Project 70 restrictions on 3.68 acres in Brentwood Borough, Allegheny County in exchange for the imposition of Project 70 restrictions on 8.5 acres in Brentwood Borough. **Passed: 50-0.**

House Bill 2072 (Murt) would make a number of highway and bridge designations. The bill would designate:

- The section of County Line Road separating Montgomery and Bucks Counties from Maple Avenue to Easton Road as the SP4 Ronald C. Smith Memorial Highway;
- The section of Pennsylvania Route 233 from the northern corporate limits of Newville Borough to the Cumberland County and Perry County line as the Sergeant Timothy L. Hayslett Memorial Highway;
- The bridge located on US 22/US 322 eastbound over Interstate 81 in Susquehanna Township, Dauphin County as the Chief Warrant Officer Matthew Ruffner Memorial Bridge;
- The section of Pennsylvania Route 12 in Alsace Township, Berks County as the Special Warfare Operator Chief (Seal) Lance M. Vaccaro Highway;
- The bridge located on State Route 3023, Johns Street, over Little Conemaugh River in Johnstown, Cambria County as Clara Barton Memorial Bridge;
- The bridge located on State Route 1003, Old York Road, over the Pennsylvania Turnpike, in Fairview Township, York County as the Staff Sergeant Guy E. Shelley Memorial Bridge;
- The section of State Route 51, known as Fleming Park Road, that intersects with Coraopolis Road in Kennedy Township, Allegheny County as the Captain Sean M. Ruane Memorial Highway; and
- The bridge crossing the Lackawanna River along 8th Avenue, also known as U.S. Business Route 6, in downtown Carbondale, Lackawanna County as the 109th Infantry Bridge. **Passed: 50-0.**

Thursday, June 26, 2014

Senate Bill 1332 (Kasunic) would amend Title 34 (Game) of the Pennsylvania Consolidated Statutes to stipulate that the prohibition against the disturbance of game or wildlife, except while engaged in lawful hunting, would include intentionally driving or disturbing game or wildlife by

means of an unmanned aircraft. An additional change would further clarify that the prohibition would not apply to any duly accredited representative of the U.S. Fish and Wildlife Service, any member of the armed forces of the United States, any reserve component, element or component thereof, or the Pennsylvania military forces.

The legislation would also prohibit the use of an unmanned aircraft in a manner that interferes with another person's lawful taking of game or wildlife or other activities permitted by law. This provision would not include the lawful activities of any representative of the Game Commission, any duly accredited representative of the U.S. Fish and Wildlife Service, any law enforcement officer, any member of the armed forces of the United States, any reserve component, element or component thereof, or the Pennsylvania military forces. A violation under this provision would be graded as a first degree summary for a first offense and a misdemeanor for a second or subsequent offense. The bill would define an "unmanned aircraft" as an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft. The term would also include the equipment associated with the aircraft that provides communication links and the components that control it. **Passed: 50-0.**

Senate Bill 1334 (Kasunic) would prohibit the use of an unmanned aircraft in a manner that interferes with another person's lawful fishing or boating. The prohibition would not include the lawful activities of any representative of the Fish and Boat Commission, any duly accredited representative of the U.S. Fish and Wildlife Service, any law enforcement officer, any member of the armed forces of the United States, any reserve component, element or component thereof, or the Pennsylvania military forces. A first offense would be graded as a first degree summary punishable by a fine of not less than \$1,000 nor more than \$1,500, or imprisonment not exceeding 90 days, or both. A second or subsequent offense would be graded as a third degree misdemeanor punishable by a fine not to exceed \$3,000 or imprisonment not exceeding 180 days, or both. The bill would define an "unmanned aircraft" as an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft. The term would also include the equipment associated with the aircraft that provides communication links and the components that control it. **Passed: 50-0.**

House Bill 1980 (Fee) would repeal the Employment Agency Law, Act 261 of 1941. **Passed: 50-0.**

Friday, June 27, 2014

Senate Bill 819 (Erickson) would amend the Pharmacy Act to allow pharmacists to administer influenza immunizations by injectable or needle-free delivery methods to persons seven years of age and older. For individuals under 18 years of age, parental consent would have to be obtained prior to administration and the immunizations would have to be in accordance with the immunization schedule established by the Centers for Disease Control and Prevention. The individual's primary care provider, if known, would have to be notified within 72 hours of administration. Pharmacists would have to maintain a level of professional liability insurance coverage in the minimum amount of \$1 million per occurrence or claims made. A pharmacy intern who has completed the education and training requirements under the act could administer injectable medications, biologicals and immunizations to persons who are more than 18 years of

age and influenza immunizations by injectable or needle-free delivery methods to persons seven years of age and older only under the direct, immediate and personal supervision of a pharmacist holding the authority to administer injectable medications, biologicals and immunizations.

Passed: 50-0.

Senate Bill 1078 (Wiley) would amend the County Pension Law to provide that a cost-of-living adjustment given to retired county employees would not have to be calculated retroactively to the date of the previous cost-of-living adjustment and would not have to apply to the cost-of-living index for each year since the previous cost-of-living increase. The bill would also add a definition of “cost-of-living index” to be the mean of the consumer price index for all urban consumers for the Pennsylvania, New Jersey, Delaware and Maryland area. **Passed: 50-0.**

Senate Bill 1188 (Vogel) would amend the Race Horse Industry Reform Act by repealing provisions related to the State Horse Commission and State Harness Racing Commission and establishing the State Racing Commission to regulate horse racing and pari-mutuel operations in Pennsylvania. The legislation would:

- Establish a five-member commission to be appointed by the Governor, with the consent of the Senate, to include a licensed veterinarian, a member recommended by the standardbred horse owners, a member recommended by the thoroughbred horse owners, and two at-large members;
- Delineate requirements for commissioners’ qualifications, conduct, compensation, and financial disclosure;
- Prohibit certain actions by commissioners and provide for the removal of a commissioner if a provision is violated;
- Direct the Department of Agriculture to provide administrative services, administrative staff and facilities to the Commission with reimbursement of the costs to the Department from the State Racing Fund;
- Establish, within the Commission, an Office of Horse Racing with a Bureau of Thoroughbred Horse Racing and a Bureau of Standardbred Horse Racing;
- Give the Commission jurisdiction over pari-mutuel wagering, a licensed person engaged in pari-mutuel horse racing activities, out-of-competition drug testing, and the conduct of horse racing in the Commonwealth;
- Provide for the powers and duties of the Commission in regulating horse racing where pari-mutuel wagering occurs;
- Extend the rules and regulations under the former Pennsylvania Thoroughbred Horse Racing Law, or the former Pennsylvania Harness Racing Law, but grant the Commission the authority to adopt, revise or alter the rules and regulations as it deems necessary;

- Provide that each license to conduct horse racing or other activity issued prior to January 1, 2015, would remain in effect for the remainder of the licensing term unless revoked or suspended;
- Require the Commission to issue reports on the general operations of the Commission and each licensee's performance, to make and keep a record of all proceedings held at public meetings of the Commission, post a monthly list of all itemized expenses of employees and commissioners that were or are to be reimbursed from the State Racing Fund, and publish an annual report of such information to be submitted to designated entities;
- Direct the Department of Revenue to provide financial administration of pari-mutuel wagering under the act;
- Provide for the allocation of racing days, licenses for horse race meetings, the adoption of a code of conduct, and the licensing for individuals;
- Give district attorneys the authority to investigate and to institute criminal proceedings for a violation of the act and give the Attorney General the authority to investigate and, following consultation with the appropriate district attorney, to institute criminal proceedings;
- Grant the Commission, the Attorney General and the Pennsylvania State Police the authority, without notice and without warrant, to inspect and examine all premises where horse racing is conducted or where records of such activities are prepared or maintained, inspect all equipment and supplies on such premises, seize equipment and supplies, inspect, examine and audit all books, records and documents pertaining to a licensee's operation, and seize, impound or assume physical control of records and documents;
- Establish the State Racing Fund within the State Treasury;
- Provide for the Commission to impose licensing fees and fines, with the funds collected to be deposited in the State Racing Fund;
- Eliminate the admission tax and require a licensed racing entity that conducts race meetings or a licensed advance deposit account wagering entity to pay a tax of 1.5 percent of the amount wagered each racing day and 2.5 percent of the total amount on an exacta, daily double, quinella and trifecta wager;
- Enact a new chapter entitled "Advance Deposit Account Wagering" and require a license for a person, other than a licensed racing entity, who offers advance deposit account wagering, provide for the application and licensing procedure and fees, and provide that a substantial change in ownership of a licensee would result in license termination unless prior written approval is obtained from the Commission;

- Direct the Department of Revenue to transfer funds from the Race Horse Development Fund to the Commission to pay for the costs associated with drug testing; and
- Provide for the transfer of existing employees from the State Horse Racing Commission and State Harness Racing Commission to the new State Racing Commission.

Passed: 50-0.

Senate Resolution 419 (Eichelberger) designates the week of July 6 through 13, 2014 as “Brain Aneurysm Awareness Week” and July 12, 2014 as “Brain Aneurysm Awareness Day” in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 420 (Erickson) recognizes the month of August 2014 as “National Immunization Awareness Month” in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 421 (Vogel) congratulates Bruster’s Real Ice Cream on its 25th anniversary. **Adopted by Voice Vote.**

House Bill 118 (Ellis) would amend the Whistleblower Law to extend coverage of the law to employees of private entities that report wrongdoing or waste related to public monies obtained by their employer to perform work or provide services for that public body. These employers would be prohibited from discharging, threatening, discriminating or retaliating against any employee who makes a good faith report to the employer or appropriate authority regarding waste or wrongdoing. The definition of “appropriate authority” would be expanded to include the Office of Inspector General as an entity to which a whistleblower can report. An additional provision would prohibit an appropriate authority to which a violation has been reported from disclosing the identity of the whistleblower without consent, unless such disclosure is an unavoidable result of investigating the alleged violation. The bill would require a court to award a complainant all or a portion of litigation costs should they prevail in a civil action. The bill would increase the maximum civil fine for individuals who violate the act from \$500 to \$10,000 and increase the maximum suspension from public office for those who prevent public disclosure of criminal activity from six months to seven years. The definition of “good faith report” would also be expanded to allow an employer to take action against an employee who submits a report in bad faith. **Passed: 50-0.**

House Bill 185 (Gibbons) would amend the Whistleblower Law to extend coverage of the law to the General Assembly and its agencies. The definition of “appropriate authority” would be expanded to include the Office of Inspector General as an entity to which a whistleblower can report. An additional provision would prohibit any appropriate authority to which a violation has been reported from disclosing the identity of the whistleblower without consent, unless such disclosure is an unavoidable result of investigating the alleged violation. The bill would increase the civil fine for individuals who violate the act from \$500 to \$10,000. The definition of “good faith report” would be expanded to allow an employer to take action against an employee who submits a report in bad faith. **Passed: 50-0.**

Saturday, June 28, 2014

There were no final passage votes taken in the Senate on Saturday.

Sunday, June 29, 2014

[Senate Bill 1266](#) (Solobay) would amend the Emergency Law Enforcement Personnel Death Benefits Act to extend, from 90 days to three years, the period of time in which a survivor has to apply for a benefit under act. **Passed: 50-0.**

[Senate Bill 1405](#) (Baker) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to make it a summary offense for a person to falsely represent himself as a veteran of the United States Armed Forces on a driver's license or identification card. The offense would be punishable by a fine of \$300, or imprisonment for not less than 30 days nor more than 90 days, or both. **Passed: 50-0.**

[Senate Bill 1443](#) (White) would amend the Indigenous Mineral Resources Development Act to modify the definition of "state-owned land" and "state system land." The change would clarify that the term includes surface and subsurface land and any rights therein, as well as coal, oil, natural gas, coal bed methane, limestone and other mineral rights regardless of whether the rights have been severed from the surface estate. **Passed: 49-1.**

[Senate Resolution 414](#) (Smucker) directs the Legislative Budget and Finance Committee to conduct a study of alternative methods of authorizing charter schools and regional charter schools. **Adopted by Voice Vote.**

[House Bill 272](#) (O'Neill) would amend the Dental Law by adding a "Restricted Faculty License" as a new category of license which would be granted to an individual for the limited purpose of teaching in a dental school in the Commonwealth. The bill would also modify the definition of "Practice of Dentistry" to include the practice of dentistry under a restricted faculty license. To receive a restricted faculty license, an applicant would have to:

- be not less than 25 years of age;
- be licensed to practice or teach dentistry in another state or United States territory;
- not be licensed to practice dentistry in the Commonwealth;
- have successfully completed a specialty dentistry program or advanced dental training in a clinical field that is approved by the Commission on Dental Accreditation of the American Dental Association;
- hold an appointment to the faculty of an approved dental school in the Commonwealth;
- have not failed an examination for a license to practice dentistry in the Commonwealth, and;

- meet the educational requirements set by the Board of Dentistry.

A restricted faculty license would entitle the licensee to engage in direct clinical teaching only within the education facilities of an approved dental school in the Commonwealth and not at a satellite or other off-campus site. A restricted faculty license could be renewed on a biennial basis, upon completion of 30 hours of continuing education and the payment of a renewal fee. A restricted faculty licensee would have to comply with the requirements for maintenance of malpractice insurance. **Passed: 50-0.**

House Bill 927 (Sankey) would reenact and amend the Community Services Block Grant Act of 2002 by retroactively extending the expiration date from December 31, 2011 to December 31, 2017 and by modifying the minimum funding formula. The existing funding level would be revised so that community service block grant funds would be set at an amount equal to 1.06 percent of the annual community service block grant allocation awarded to the Commonwealth, following the distribution of administrative and discretionary funds by the Department of Community and Economic Development. Each community action agency would receive no less than \$250,000 in any year, an increase from \$150,000. If insufficient funds are available to meet that amount, funds would be distributed on a pro rata basis. **Passed: 50-0.**

House Bill 1972 (Snyder) would designate:

- The bridge that carries State Route 18, Section D10, Segment 0070, Offset 0038, over Fish Creek in New Freeport Township, Greene County as the Lieutenant Colonel Cephus Lee Roupe Memorial Bridge;
- The bridges recognized as MF 195 and MF 196 carrying State Route 43 over the Dunlap Creek in Luzerne Township, Fayette County as the Fayette Expressway Completion Organization (FAECO) Bridges; and
- The bridge, known as State Route No. 53-0054-0290-0143, carrying S.R. 54 in Mahanoy Township, Schuylkill County, over the Reading and Northern Railroad, as the Cornelius McElhenny Memorial Bridge. **Passed: 50-0.**

House Bill 2242 (Toohil) would amend the Medical Practice Act to address licensure issues brought about by Act 90 of 2012. This act amended the Medical Practice Act to establish state licensure requirements for prosthetists, orthotists, pedorthists and orthotic fitters. The State Board of Medicine was directed to promulgate the regulations within two years of the effective date of Act 90. Those regulations have not been enacted, but under the act, on July 1, 2014, providers of durable medical equipment will not be able to sell diabetic shoes in Pennsylvania unless they have met the licensure requirements.

The bill would allow prosthetists, orthotists, pedorthists and orthotic fitters who are currently fitting diabetic shoes to receive a license without taking an examination, as long as they meet the conditions set forth in the bill on or before March 31, 2015. An individual would have to be a professional of good moral character; have submitted an application approved by the

State Board of Medicine, along with any Board-approved fees; maintain appropriate patient logs; not be addicted to alcohol or any drugs; not have a felony conviction under the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act, or a similar statute in another jurisdiction; and meet the other certification or experience requirements listed. The bill would also amend the act to exempt pharmacists, podiatrists and physicians from the licensure requirements for the dispensing of durable medical equipment. **Passed: 50-0.**

House Bill 2275 (Barrar) would amend Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes to extend the sunset date of the wireless E-911 surcharge and Chapter 53, which provides for emergency telephone service, from June 30, 2014 to June 30, 2015. **Passed: 50-0.**

(2014-045)