

# WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – EDWIN B. ERICKSON, CHAIRMAN

Tuesday, October 14, 2014

[Senate Bill 27](#) (Mensch) would amend Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes by adding a section to further provide for the exchange of information between certified medical practitioners and county agencies in cases of suspected child abuse. In circumstances which negatively affect the medical health of a child, a certified medical practitioner would be required to provide the county agency with: relevant medical information known to the practitioner regarding the child's prior or current health; information from a subsequent examination of the child; information regarding treatment of the child; and relevant medical information known regarding any other child in the child's household where the information may contribute to the assessment or investigation. The consent of the child's parent would not be required for the medical practitioner to provide the information. If requested, a county agency would be required to provide a certified medical practitioner who is the child's primary care physician or is providing ongoing care to the child with the following: the final status of any assessment of general protective services or an investigation of child abuse, if the report is indicated or founded; information on an unfounded report of child abuse if the certified medical practitioner made the report as a mandated reporter; any service provided, arranged for or to be provided by the county agency; and the identity of other certified medical practitioners providing medical care to the child in order to obtain the child's medical records. [Concurrence in House Amendments: 49-0.](#)

[Senate Bill 1268](#) (Eichelberger) would create the Navigator and Exchange Assister Accessibility and Regulation Act to provide the framework for the regulation of navigators and assisters in health insurance exchanges. The proposed legislation would:

- Provide various definitions including “exchange,” exchange assister,” and “navigator;”
- Establish that an individual or organization could not advertise a service as a navigator or exchange assister or operate as such in Pennsylvania without first registering with the Department of Insurance;
- Require the Department to develop an application and issue a registration if the Department determines the applicant has met stipulated requirements;
- Require the Department to maintain and make available to the public a searchable list of all registrants on its internet website;
- Prohibit a navigator or exchange assister from engaging in activities as outlined in the legislation for which a license as a producer would be required except as permitted by federal law or regulation;

- Provide for enforcement of the act by the Department, along with the notice requirements, a hearing process, and penalties; and
- Authorize the Department to promulgate regulations and forms as necessary to carry out the act. **Passed: 27-22.**

**Senate Bill 1302** (Folmer) would authorize the use of paper ballots, absentee ballots, electronic ballots, internet-based ballots and other methods made available by the board of a planned community in order to increase participation. **Passed: 49-0.**

**Senate Resolution 430** (Greenleaf) urges the President and Congress of the United States to publicly denounce the crimes against humanity occurring in Iraq and to take prudent action to protect Iraqi Christians and other religious minorities from persecution by the Islamic State of Iraq and the Levant. **Adopted by Voice Vote.**

**House Bill 402** (Pickett) would create the Recording of Surrender Documents from Oil and Natural Gas Lease Act to require a lessee to an oil or natural gas lease to deliver a recordable surrender document to the lessor upon termination, expiration or cancellation of the lease. The surrender document would have to be delivered not more than 30 days after the termination, expiration or cancellation of the lease and include a statement indicating that the lessee surrenders all interests under the lease. A lessor could serve notice on a lessee that fails to provide a timely surrender document. A lessee who disputes that the lease will be terminated, expired or cancelled has 30 days to deliver a written challenge to the lessor. A lessor who has served notice and who does not receive a timely challenge from the lessee could record an affidavit of termination, expiration or cancellation of the lease in the office of the recorder of deeds in the county where the land is situated. **Passed: 49-0.**

**House Bill 1565** (Hahn) would amend the Clean Streams Law to provide for limitations on riparian buffers. A person proposing or conducting earth disturbance activities, when the activity requires a storm water discharge permit, would be permitted to use or install either a riparian buffer, riparian forest buffer or another option among available best management practices, that collectively are substantially equivalent to a riparian buffer or riparian forest buffer in effectiveness, to minimize the potential for accelerated erosion and sedimentation. The legislation would also require projects in special protection watersheds that propose any earth disturbance within 100 feet of a surface water to offset any reduction in a buffer zone with a replacement buffer elsewhere along special protection waters in the same drainage list as close as feasible to the area of disturbance and to utilize other best management practices to manage post-construction storm water. Any regulations inconsistent with the act would be abrogated. **Passed: 27-22.**

**House Bill 1567** (Scavello), the Pertussis Education Act, would allow health care facilities to educate parents of a newborn about pertussis disease. Under the proposed legislation, a health care facility that provides pregnancy services to a woman could provide her with educational information on pertussis disease and the availability of a vaccine to protect against pertussis. The information could be provided before the woman's hospital discharge after giving birth. The bill would require the Department of Health to make printable publications available on its

website which include information on vaccination against pertussis. The bill would not require health care facilities to provide or pay for vaccination against pertussis or for a pregnant woman to receive vaccination against pertussis. [Passed: 49-0.](#)

[House Bill 1907](#) (Saylor) would create the Hospital Observation Status Consumer Notification Act. Under the proposed act, a hospital would be required to provide written and oral notice to a patient when the patient is in outpatient or observation status if: 1) the patient receives on-site services for more than 23 consecutive hours; 2) these services include a bed and meals in a location other than the Hospital Emergency Room; and 3) the patient has not been formally admitted as an inpatient. The notice would have to include a statement that the patient's outpatient observation status could impact any Medicare or other insurance coverage of hospital and post-hospital services. (Currently, three days of inpatient hospital care are required before Medicare covers subsequent nursing home care.) The notice would also have to state that final decisions concerning outpatient observation status versus inpatient status could be made following discharge, and that the patient should contact his or her insurance provider with questions concerning insurance coverage. If a patient's status is changed, the hospital would not be responsible for insurance coverage implications or notice requirements. If the federal government amends its regulations which make the notification required under the legislation unnecessary, the act would expire upon notice in the *Pennsylvania Bulletin*. [Passed: 49-0.](#)

[House Bill 2120](#) (Masser) would amend the Neighborhood Blight Reclamation and Revitalization Act to expand the extradition provisions to include persons responsible for property in Pennsylvania who face criminal charges relating to maintenance code violations or public nuisances. Under current law, only owners of property facing charges can be extradited. An additional change would authorize municipalities to provide notice for municipal code violations to corporations to the registered office on file with the Department of State. [Passed: 49-0.](#)

### *Executive Session*

Nominations to Various Boards and Commissions. [Confirmed: 49-0.](#)

### **Wednesday, October 15, 2014**

[Senate Bill 1440](#) (Tomlinson) would amend the State System of Higher Education Intellectual Property Act to change the name of the act to the State-Owned University Intellectual Property Act and to repeal the Public Official and Employee Ethics Act insofar as it is inconsistent with the act. [Passed: 48-0.](#)

[Senate Bill 1491](#) (Erickson) would amend the Cemetery and Funeral Merchandise Trust Fund Law regarding future need sales of cemetery merchandise and services. The bill would require the deposit of 70 percent of the retail sale price of future need property or personal services into a merchandise trust fund. The deposit would have to be made within 30 business days after any funds are received by the seller as provided for under a contract, including periodic payments. Sellers would not be permitted to retain any amount from the merchandise trust fund if the

purchaser defaults in making payments prior to the final payment, and would have to refund to the purchaser the entire balance paid into the fund pursuant to the contract within 60 days.

A seller would be required to provide a detailed price list and detailed description of a vault and casket and would have to adhere to Federal Trade Commission rules regarding the sale of the merchandise. If a purchaser moves out of the state after making the final payment on future need services and cancels the contract, he or she would be entitled to receive the principal amount of money on deposit, including the interest, within 60 days. Delivery of merchandise or products, except markers or mausoleums, prior to need would be prohibited. Trustees would have to file a financial report of the merchandise trust fund with the real estate commission and include in the report the recipient of any payment or disbursement. The accounts could be audited by a forensic accountant on probable cause of a financial discrepancy. **Passed: 32-16.**

**Senate Resolution 480** (Scarnati) honors the life of former Senator Mike Waugh and extends condolences to his family. **Adopted by Voice Vote.**

**Senate Resolution 481** (Wiley) designates the month of November 2014 as “Epilepsy Awareness Month” in Pennsylvania. **Adopted by Voice Vote.**

**Senate Resolution 482** (Tartaglione) designates October 2014 as “National Physical Therapy Month” in Pennsylvania. **Adopted by Voice Vote.**

**Senate Resolution 483** (Tartaglione) designates the week of October 19 through 25, 2014 as “Brachial Plexus Injury Awareness Week” in Pennsylvania. **Adopted by Voice Vote.**

**Senate Resolution 484** (Kitchen) recognizes the month of October 2014 as “American Pharmacists Month” in Pennsylvania. **Adopted by Voice Vote.**

**Senate Resolution 485** (Alloway) designates the week of October 19 through 25, 2014 as “Respiratory Care Week” in Pennsylvania and commends respiratory therapists for their outstanding contributions to health care. **Adopted by Voice Vote.**

**Senate Resolution 486** (Alloway) designates the month of November 2014 as “Pancreatic Cancer Awareness Month” in Pennsylvania. **Adopted by Voice Vote.**

**Senate Resolution 487** (Yudichak) designates October 23, 2014 as “Lights on Afterschool Day” in Pennsylvania. **Adopted by Voice Vote.**

**Senate Resolution 488** (Fontana) designates the week of October 19 through 26, 2014 as “Homeless Children’s Awareness Week” in Pennsylvania. **Adopted by Voice Vote.**

**Senate Resolution 489** (Solobay) recognizes the week of October 19 through 25, 2014 as “National Massage Therapy Awareness Week” in Pennsylvania. **Adopted by Voice Vote.**

**Senate Resolution 490** (Solobay) designates October 25, 2014 as “Make a Difference Day” in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 491](#) (Teplitz) recognizes October 15, 2014 as “Pennsylvania Career Development Day.” [Adopted by Voice Vote.](#)

[Senate Resolution 492](#) (Teplitz) recognizes the week of October 19 through 25, 2014 as “Safe Schools Week 2014” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 493](#) (Teplitz) designates the month of November 2014 as “Adoption Awareness Month” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 494](#) (Kasunic) recognizes the 100<sup>th</sup> anniversary of the unifying convention of the Veterans of Foreign Wars of the United States. [Adopted by Voice Vote.](#)

[Senate Resolution 495](#) (Mensch) recognizes Rolling Thunder Incorporated’s effort to prominently place a prisoners of war/missing in action chair of honor in the Main Capitol Rotunda area during the days surrounding National POW/MIA Recognition Day and Veteran’s Day. [Adopted by Voice Vote.](#)

[Senate Resolution 496](#) (Mensch) designates the week of October 25 through November 1, 2014 as “Pennsylvania Education for Youth Experiencing Homelessness Awareness Week.” [Adopted by Voice Vote.](#)

[Senate Resolution 497](#) (Browne) designates the week of October 13 through 19, 2014 as “No Place for Hate Week” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 498](#) (Browne) designates October 24, 2014 as “Acupuncture and Oriental Medicine Day” in Pennsylvania and honors the more than 700 licensed acupuncturists in the Commonwealth. [Adopted by Voice Vote.](#)

[Senate Resolution 499](#) (Greenleaf) recognizes October 21, 2014 as “Biomedical Research Day” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 500](#) (Greenleaf) recognizes the week of October 19 through 25, 2014 as “National Chemistry Week” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 501](#) (Vulakovich) designates the week of October 20 through 24, 2014 as “Juvenile Detention Centers and Alternative Programs Week” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 502](#) (Dinniman) recognizes October 29, 2014 as the 153<sup>rd</sup> anniversary of the 97<sup>th</sup> Pennsylvania Volunteer Infantry Regiment being commissioned into service by Governor Andrew Curtin to preserve and protect the Union during the Civil War. [Adopted by Voice Vote.](#)

[Senate Resolution 503](#) (Boscola) designates November 11, 2014 as “Main Street Lehigh Valley Day” in Pennsylvania. [Adopted by Voice Vote.](#)

[House Bill 46](#) (Godshall) would repeal the Organ and Bone Marrow Donor Act and reenact its provisions in the Tax Reform Code of 1971. The sunset provision of December 31, 2010 for the organ and bone marrow donor tax credit would also be eliminated. The provisions added to the Tax Reform Code of 1971 would apply to taxable years beginning after December 31, 2010. **[Passed: 48-0.](#)**

[House Bill 91](#) (Evankovich) would amend the Tax Reform Code of 1971 to further provide for education tax credits and the establishment of a contracting authority in a city revitalization and improvement zones. Among other changes, the legislation would:

- Combine the Educational Improvement Tax Credit (EITC) and the Opportunity Scholarship Tax Credit in Article XVII-F of the Tax Code;
- Add the Malt Beverage Tax to the definition of “applicable taxes;”
- Include career and technical schools in the definition of “public school;”
- Expand the definition of “pass-through entity;”
- Include five and six-year old students in pre-kindergarten programs;
- Require the Department of Community and Economic Development to advise a business firm that it could elect that its application for a particular credit should, in the alternative, be deemed an application for a different authorized tax credit;
- Allow a business firm to make a two-year commitment for a contribution to a pre-kindergarten scholarship organization with at least the same amount for two consecutive years;
- Provide for a waiting list of business firms for tax credits when all tax credits in a particular credit program are awarded;
- Clarify that a scholarship from any category of organization received by a student would not constitute an appropriation or financial assistance to the school attended by the scholarship participant; and
- Modify the provisions governing city revitalization and improvement zones to provide that a contracting authority could be established by a borough or township and that the contracting authority could designate a zone. **[Passed: 48-0.](#)**

[House Bill 803](#) (Stevenson) would create a new section in the Public School Code, School Access to Emergency Epinephrine, allowing public and nonpublic schools to designate trained school employees to maintain and provide epinephrine auto-injectors to students. The bill would permit a physician or certified registered nurse practitioner to prescribe epinephrine auto-injectors in the name of a school to be maintained for use in a safe, secure location. One or more

individuals at each school would have to be designated as responsible for the storage and use of the auto-injectors and complete a training program to be developed and implemented by the Department of Health. An epinephrine auto-injector from the school's supply could be provided to and utilized by a student authorized to self-administer, if the injector meets the student's prescription on file. A trained school employee could also administer an epinephrine auto-injector to a student with a prescription on file that matches the school's auto-injector supply. If a student does not have an epinephrine auto-injector or a prescription on file, a trained school employee could utilize a school epinephrine auto-injector to respond to an anaphylactic reaction under a standing protocol. The school employee would be required to contact 911 as soon as possible. A parent or legal guardian could exempt a child from being administered an epinephrine-auto injector. The bill would provide civil immunity to a school employee that administers an epinephrine auto-injector pursuant to this section. **Passed: 48-0.**

**House Bill 1013** (Gillen) would amend the Public School Code to make changes to the Home Education Program section regarding diplomas and appropriate home education. The bill would permit a home instruction supervisor or an approved diploma-granting organization to award a diploma to a home education student which is to be considered equal to a diploma granted by the Commonwealth. In order to receive a diploma, the student would have to complete all the minimum high school course requirements for graduation in a home education program. The diploma would have to be on a standardized form developed by the Department of Education and available on the Department's website. For diplomas awarded by an approved diploma-granting organization, the diploma would have to be awarded to the student on a standardized form to be developed by the organization. The Department would be responsible for establishing eligibility criteria and an application process for approving diploma-granting organizations. A list of approved diploma-granting organizations would have to be posted and maintained on the Department's website.

By June 30 of each year, a home instruction supervisor would have to provide an evaluator's certification of appropriate education for the school year to the superintendent of the public school district of residence. If the supervisor fails to submit the certification, the superintendent would be required to send a certified letter to the supervisor stating that the certification is past due and must be submitted within 10 days. If the certification is still not submitted, the school board would be directed to hold a hearing. If the superintendent has a reasonable belief, at any time during the school year, that the appropriate education is not occurring in a home education program, he or she could send a certified letter to the supervisor, which includes the basis for the reasonable belief, requiring an evaluation to be conducted and certification that appropriate education is occurring. If a superintendent has a reasonable belief that a home education program is out of compliance with any provision of the law, the superintendent would be required to send a certified letter, which includes the basis for the reasonable belief, to the supervisor requiring a certification to be submitted within 30 days showing that the program is in compliance. The bill would add an additional appeal avenue, the court of common pleas, for a decision of an impartial hearing examiner. The home education program could continue during the time of any appeal. **Passed: 37-11.**

**House Bill 1067** (Brooks) would amend the Taxpayer Relief Act to provide that individuals who, as of December 31, 2012, were eligible for the property tax or rent rebate program would remain

eligible if their household income limit is exceeded due solely to a Social Security cost-of-living adjustment. Eligibility in the property tax and rent rebate program pursuant to this provision would expire on December 31, 2016. [Passed: 48-0.](#)

[House Bill 1135](#) (Gabler) would designate:

- The bridge that carries State Route 153 over the Bennett Branch in Huston Township, Clearfield County as the Huston Township Veterans Memorial Bridge;
- U.S. Route 219 in Johnsonburg Borough, Elk County, from the intersection of State Route 1009, Center Street, starting at roadway segment 0502 offset 0000 to the intersection of State Route 1009, Center Street, ending at roadway segment 0522 offset 1159, as the Veterans of Johnsonburg Bypass;
- The section of Pennsylvania Route 1001 between Rhawn Street, 0100/0000 and Kendrick Street, 0100/2784 in the City of Philadelphia, Philadelphia County as the Firefighter Daniel Sweeney Memorial Highway;
- The portion of Pennsylvania Route 611 in Montgomery County, between Maple Avenue and Meetinghouse Road, as the Lieutenant Joseph C. Park II Memorial Highway;
- The section of State Route 272 in Lancaster County, south of State Route 372 and before Osceola Road, as the Staff Sergeant Keith A. Bennett Memorial Highway;
- The portion of U.S. Route 1, City Avenue in Philadelphia and Montgomery Counties from its intersection with Presidential Boulevard to its intersection with Monument Road as Ed Bradley Way;
- The portion of Pennsylvania Route 191 in Washington Township, Northampton County, from the Bangor Borough line to the Plainfield Township line as the World War II Homefront Heroes Highway;
- The bridge in Lehigh County, known as Hokendauqua Bridge, as the Lieutenant Colonel Thomas J. Lynch Memorial Bridge;
- The bridge in Brockway Borough, Jefferson County, known as the Main Street Bridge, as the Ensign USN Connie Rita Esposito Memorial Bridge;
- State Route 1008, known as Pompey Hill Road over the Stoneycreek River in Quemahoning and Stonycreek Townships, Somerset County as the Private John W. Mostoller Memorial Bridge;
- The bridge located on State Route 271 in Nanty Glo Borough, Cambria County over the South Branch Blacklick Creek as the Platoon Sergeant Alfred McCullough Memorial Bridge;



- The bridge located on State Route 181 over the Conewago Creek between Newberry Township and East Manchester Township, York County as the SP4 Randy Stephen Schell Memorial Bridge; and
- The section of Pennsylvania Route 144 in Centre County from Old Fort to Potters Mills as the PFC Donald Ray Lucas Memorial Highway.

The legislation would also direct the Executive Director of the Delaware River Joint Toll Bridge Commission to designate the U.S. 22 Bridge crossing the Delaware River between Easton, Pennsylvania and Phillipsburg, New Jersey, known as the Easton-Phillipsburg Toll Bridge, as the Sergeant William John Cahir Memorial Bridge. The Secretary of the Commonwealth would be required to publish a notice in the *Pennsylvania Bulletin* when the General Assembly of the State of New Jersey enacts a law designating the bridge as the Sergeant William John Cahir Memorial Bridge. No state or other public funds could be used for producing, purchasing or erecting signs bearing the designation. **Passed: 48-0.**

[House Bill 1655](#) (Baker) would establish the Patient-Centered Medical Home (PCMH) Advisory Council for the purpose of advising the Department of Human Services (DHS) on measures that would increase the quality of care for Medical Assistance recipients while containing costs through PCMH model approaches outlined in the bill. A patient-centered medical home approach would be defined as a team approach to providing health care that originates in a primary care setting and utilizes a partnership of the patient, the patient's health care providers and, where appropriate, the patient's family to access medical and nonmedical health-related services to achieve maximum health potential and to maintain a comprehensive record of all health-related services to promote continuity of care.

The Secretary of DHS would appoint members of the council, in consultation with the President Pro Tempore, and Majority and Minority Leaders of the Senate, as well as the Speaker and Majority and Minority Leaders of the House. The council would be chaired by the Secretary of DHS and consist of individuals representing various health care professions as listed in the legislation. The council would have the following duties:

- Recommend to DHS an organizational model for the PCMH, including possible pilot projects. The model would provide a strategy to coordinate health care services and provide for monitoring and data collection, for training and education to health care professionals and families, and for transition of children to the adult medical care system. The model could include the use of telemedicine and provide for partnering with pediatric and family practice residency programs to improve access to preventive care for children;
- Recommend to DHS standards and a process to certify PCMHs and recommend education and training standards for health care professionals participating in the PCMH system; and
- Recommend to DHS a reimbursement methodology and incentives for participation in the PCMH to ensure that providers enter and remain in the system and to promote

wellness, prevention, chronic care management, immunizations, health care management and the use of electronic health records.

The council would be required to submit a report of recommendations to the Governor, the Senate and the House by December 31, 2015. Additional reports would be provided on December 31 of odd-numbered years as long as the council is in existence. The council would expire on June 30, 2020. **Passed: 48-0.**

**House Bill 1750** (Maher) would amend Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes by adding provisions relating to cruelty to animals. A person would be prohibited from killing or processing the meat of a dog or cat for the purpose of human consumption or from breeding, keeping, selling, transferring, or offering for sale a dog or cat for human consumption. An initial violation would constitute a first degree misdemeanor punishable by a fine of between \$1,000 and \$10,000 and/or up to five years imprisonment. A second or subsequent offense would be considered a third degree felony punishable by a fine of between \$2,500 and \$15,000 and/or up to seven years imprisonment. Additionally, the legislation would prohibit the use of dogs, cats or other live animals or fowl for targets at trap or block shoots. A person operating such a trap or block shoot would commit a summary offense. **Passed: 36-12.**

**House Bill 1846** (Quinn) would amend the Workers' Compensation Act to limit the reimbursement rate for certain drugs dispensed by physicians. The proposed legislation would:

- Require the reimbursement rate for the drug to be 110 percent of the average wholesale price of the product, calculated on a per unit basis, as of the date of dispensing;
- Require a physician to include the original manufacturer's National Drug Code (NDC) number, as assigned by the Food and Drug Administration, on required bills and reports;
- Prohibit the use of a repackaged NDC number;
- Limit reimbursement to a physician not including the original manufacturer's NDC number to 110 percent of the least expensive clinically equivalent drug, calculated on a per unit basis;
- Prohibit an outpatient provider, other than a licensed pharmacy, from seeking reimbursement for the following:
  1. A drug listed on Schedule II of the "Controlled Substance List," dispensed in excess of a seven-day supply, provided that if a medical procedure is required one additional 15-day supply could be dispensed;
  2. A drug listed on Schedule III of the "Controlled Substance List," dispensed in excess of a seven-day supply, provided that if a medical procedure is required one additional 15-day supply could be dispensed; or
  3. For any other drug dispensed in excess of an initial 30-day supply.

- Provide that if one health care provider has dispensed drugs at the limitation, no other health care provider could submit for reimbursement for drugs dispensed to an employee under the same claim;
- Prohibit an outpatient provider, other than a pharmacy, from seeking reimbursement for an over-the-counter drug;
- Direct the Workers' Compensation Advisory Council to annually conduct a study of the impact of the changes, including a calculation of achieved savings; and
- Require the Pennsylvania Compensation Rating Bureau to calculate the savings achieved by the act and, for calendar year 2016, those savings would be used to provide an immediate reduction in rates, equal to the savings, applicable to employers' workers compensation policies. **Passed: 48-0.**

**House Bill 1874** (Farry) would amend Title 42 (Judiciary and Judicial Procedure) of Pennsylvania Consolidated Statutes to revise the rules covering confidentiality between a client and counsel. Current statute states that the confidentiality rules cover communications from the client to counsel. The legislation would specify that the confidentiality rules also cover communications from counsel to the client. The bill would further establish that an attorney could not be compelled to testify regarding confidential communications with a client. The privilege could only be waived by the client and would not apply if the communication was made to receive or give advice for the commission of a crime or fraud.

Further, attorneys could not be compelled to disclose, and would not be permitted to disclose via testimony or other means, work product materials. Included within the work product material protection would be the attorney's mental impressions, conclusions, opinions, memoranda, notes, summaries, legal research or theories. Clients also could not be compelled to disclose work product materials. The privilege could be waived by the client or the attorney, and would not apply if the material was prepared for the purpose of giving advice for the commission of a crime or fraud. The bill would define counsel to include counsel employed by or under contract with a government unit.

The bill would also require a provider of counseling services to notify the county district attorney and local chief law enforcement officer in writing that he or she is providing services to sexually violent predators. The provider would have to give the notice to the district attorney of the county where the provider is located, and the chief law enforcement officer of the municipality where the provider is located. The notification would have to be submitted by January 15 of each year and include the counselor's address. **Passed: 48-0.**

**House Bill 2110** (Benninghoff) would amend the State Lottery Law to:

- Prohibit the Secretary of Revenue from authorizing the game of Keno or an internet instant game unless authorized by law;

- Prohibit any internet-based or monitor-based interactive lottery game or simulated casino style lottery game, including video poker, video roulette, slot machines or video blackjack;
- Beginning June 30, 2014, reduce from 30 percent to 25 percent the amount of total revenues accruing from the sale of lottery tickets that would be dedicated for property tax relief and free or reduced fare transit services for the elderly; and
- Make permanent the Department's annual reporting requirement relating to profits, change the reporting date from June 1 to September 1 of each year, and add the majority and minority chairmen of the House and Senate Finance Committee to the recipient list of the report. **Passed: 48-0.**

[House Bill 2178](#) (Moul) would amend Title 30 (Fish) and Title 34 (Game) of the Pennsylvania Consolidated Statutes to include waterways conservation officers, Game Commission officers and wildlife conservation officers under the law enforcement officer exception to the Wiretapping and Electronic Surveillance Control Act so that the officers could wear body cameras in the performance of their official duties. The officers would have to receive training on the use of body cameras in a course approved by the Pennsylvania State Police. The provisions would not apply to deputy waterways conservation officers, deputy Game Commission officers or deputy wildlife conservation officers. **Passed: 48-0.**

[House Bill 2234](#) (Turzai) would amend Title 15 (Corporations and Unincorporated Associations) and Title 54 (Names) of the Pennsylvania Consolidated Statutes by modernizing the law on corporations and unincorporated associations. The proposed legislation, which is based on model legislation, the Model Entity Transactions Act, prepared by the National Conference of Commissioners on Uniform State Law and the American Bar Association, would:

- Create the Associations Transactions Act to provide a framework for business entities to change their organizational form and engage in five fundamental transaction types: mergers, interest exchanges, conversions, divisions, and domestications, and allow these transactions to take place without dissolving an entity first;
- Define and delineate the steps necessary for each of the five types of transactions, including the regulatory oversight, conditions, required notices for approval of entity transactions, dissenters rights and liabilities;
- Consolidate provisions relating to the registration of out-of-state business entities that conduct business in Pennsylvania; and
- Add a new section to sunset Chapter 74 (Generation Choice for Customers of Electric Cooperatives) on December 31, 2014. **Passed: 48-0.**

[House Bill 2278](#) (Pickett) would establish the Unconventional Well Report Act to require unconventional natural gas well operators to file a monthly production report on the most well-specific basis available. The report would be filed with the state Department of Environmental

Protection (DEP). The bill would define “unconventional well” as one in which the natural gas is from an “unconventional formation,” defined as a geologic shale formation where hydraulic fracturing or other techniques are used to expose more of the formation. The initial monthly report would have to be filed by March 31, 2015 and specify the status of each well. Information in the report could be used for enforcement, statistical purposes, and in making designations or determinations under the Administrative Code. Subsequent reports would have to indicate changes in status only and would have to include production data from the preceding reporting period. Reports would be posted on DEP’s publicly accessible internet website. Departmental costs to administer the act would be paid from well permit fee revenue. The act would repeal current law providing for semiannual production reports. **Passed: 48-0.**

**House Bill 2345** (Marsico) would amend Title 42 (Judiciary and Judicial Procedure) and Title 13 (Commercial Code) of the Pennsylvania Consolidated Statutes to further provide for rental-purchase agreements. The legislation would amend Title 42 to require that a rental-purchase agreement specify a price or a formula or method for calculation of the purchase price and that a fee schedule, in chart form, setting forth the amount to purchase the property after each rental payment be attached to the agreement. The measure would also add Section 1109 to Title 13 to establish that any provisions relating to particular rights and immunities provided in the Rental-Purchase Agreement Act could not be superseded by the provisions of the Commercial Code. **Passed: 48-0.**

**House Bill 2354** (Snyder) would create the Pennsylvania Greenhouse Gas Regulation Implementation Act to require the Department of Environmental Protection (DEP) to receive approval from the General Assembly for a state plan regulating carbon dioxide emissions for existing stationary sources prior to submitting the plan to the Environmental Protection Agency (EPA) for approval. The legislation would require DEP to develop a state plan and outline the actions the Department would take in developing the plan. DEP would be required to transmit the plan to the General Assembly at least 100 days prior to submitting it to the EPA. Once transmitted to the General Assembly, the plan would have to be proposed as a resolution in each chamber, placed on the calendar and considered within 20 days after transmission. DEP could submit the plan to EPA if both chambers adopt the resolution. If either chamber disapproves the resolution, DEP could not submit the plan to EPA and DEP would have to determine the reasons for disapproval; modify the plan; resubmit the plan to the General Assembly and, if necessary, request an extension of time from the EPA. The legislation would provide for default approval if the General Assembly does not meet stipulated time deadlines. **Passed: 31-17.**

**House Bill 2377** (James) would amend Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes to provide out-of-state businesses and employees with an exemption from the payment of specific taxes and fees when they perform disaster emergency-related work in Pennsylvania for a limited period during a disaster emergency declared by either the Governor or the President. The proposed legislation would:

- Provide a definition for “disaster emergency-related work,” “out-of-state business,” and “out-of-state employee;”

- Provide that an out-of-state business performing disaster emergency-related work for not more than ten days before and not more than 60 calendar days after the end of the emergency period would qualify;
- Allow the governor to extend the exemption time period for up to 30 days for each declared emergency;
- Provide that qualifying out-of-state businesses would not be subject to:
  1. State or local business licensing or registration requirements;
  2. The filing or remitting of state or local taxes and fees, such as unemployment insurance taxes, sales and use tax or property tax on equipment brought into the Commonwealth on a temporary basis during the disaster, state or local occupational licensing fees, or local services taxes;
  3. State or local taxes on or measured by, in whole or in part, net or gross income or receipts; or
  4. Pennsylvania Public Utility Commission or regulatory requirements.
- Provide that qualifying out-of-state employees would not be required to:
  1. File and pay Pennsylvania or local income taxes;
  2. Be subject to income tax withholding; or
  3. File and pay any other state or local tax or fee for disaster emergency-related work performed during the designated period.
- Clarify that qualifying out-of-state businesses and employees would have to pay transaction taxes and fees, including but not limited to fuel taxes, sales and use taxes, hotel taxes or car rental taxes or fees during the designated period unless the taxes and fees are otherwise exempted; and
- Provide that out-of-state businesses are not relieved from liability for damages associated with acts of negligence. **Passed: 48-0.**

[House Bill 2481](#) (Mentzer) would create the Supplemental Security Income State Supplement Payments for Out-of-State Payors Act. Under the proposed legislation, the Treasury Department would be authorized to process supplemental security income state supplement payments for other states and could enter into contracts, on a contingent fee or other basis, for that purpose. A restricted SSP Processing Account would be established in the General Fund and all funds received from processing activities would be deposited in the account. The General Assembly would be required to annually appropriate funds from the account to support the processing activities. Any funds remaining in the account as of July 31 of each year would be transferred to the General Fund. By May 31 of each year, the Department would be required to issue a report to the Governor and designated legislative leaders containing, at a minimum, certain specified information. Nothing in the act could be construed to permit or authorize the waiver of sovereign immunity. Further, the Department or the Commonwealth would be prohibited from indemnifying another party for a loss, damage or shortfall associated with a contract to process

payments. For Fiscal Year 2014-15, \$4.5 million would be appropriated on a continuing basis from the account to support the Department's activities under the act. [Passed: 48-0.](#)

#### **Thursday, October 16, 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, the trust provides that any money remaining in a beneficiary's account upon the death of the beneficiary that is not retained by the trust would be paid to the Commonwealth up to the amount of medical assistance paid on behalf of the beneficiary.

[Concurrence in House Amendments: 48-0.](#)

[Senate Bill 508](#) (Prime Sponsor Withdrew) would amend the Crimes Victims Act to provide that in addition to any other right of action and any other remedy provided by law, a victim of a personal injury crime could bring a civil action against an offender in any court of competent jurisdiction to obtain injunctive and other appropriate relief, including reasonable attorney fees and other costs associated with the litigation, for conduct which perpetuates the continuing effect of the crime on the victim. Further, the district attorney of the county in which a personal injury crime took place, or the Attorney General after consulting with the district attorney, could institute a civil action against an offender for injunctive or other appropriate relief for conduct which perpetuates the continuing effect of the crime on the victim. Upon a showing of cause for the issuance of injunctive relief, a court could issue special, preliminary, permanent or any other injunctive relief as may be appropriate. [Concurrence in House Amendments: 37-11.](#)

[Senate Bill 720](#) (Baker) would amend Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes to add Chapter 79, known as the Disaster Emergency Assistance Act. The legislation would create a program to provide assistance to political subdivisions and municipal authorities directly affected by natural and man-made disasters. Assistance would be limited to grants for projects that do not qualify for federal assistance to help repair damage to public facilities that is not covered by insurance. Grants would only be made available in a disaster emergency area when a presidential disaster declaration is not covering the area. A political subdivision or municipal authority would apply to the Pennsylvania Emergency Management Agency (PEMA) for the grants. Within 30 days, PEMA would be required to make an eligibility determination. For each political subdivision or municipal authority determined to be eligible, PEMA would be required to verify the adjusted loss, which is defined as the difference between eligible loss and covered loss. The maximum grant allowed under the program would be 50 percent of the adjusted loss. Grant funds issued under the program would be used to assist in the repair or replacement of public facilities, for disaster-related debris removal or to demolish a public facility if it was made unsafe by the disaster.

Grants would be made from funds appropriated by the General Assembly for the program and from other federal or state funds PEMA receives for the program. PEMA could use up to three percent of available program funds for administrative costs. No single grant could be for an amount in excess of 25 percent of available funds. If the amount of approved grant applications exceeds available program funds, grants would be awarded on a pro rata basis. PEMA would be responsible for promulgating any regulations necessary to implement and

administer the program, including the development of a methodology to prioritize projects based on the potential impact to the health and safety of the citizens of the affected community.

As amended in the House, the legislation would also confer arrest powers on out-of-state law enforcement personnel during operations in the Commonwealth pursuant to a declaration of a disaster emergency. The law enforcement personnel would be under the operational control of the Commissioner of the Pennsylvania State Police and would have to comply with the terms and conditions of the Emergency Management Assistance Compact under Chapter 76 of Title 35. The arrest powers would expire when the declaration of a disaster emergency is terminated by executive order, proclamation or operation of law, if the arrest powers have not previously been terminated. [Concurrence in House Amendments: 48-0.](#)

[Senate Bill 1135](#) (Hughes) would amend the Housing Authorities Law to require public housing authorities to provide a preference for any active duty United States service member or veteran when selecting tenants for public housing. The preference would extend to the household of which the service member or veteran is a member and the surviving household members of a deceased service member or veteran who died of service-connected causes, provided the death occurred during active duty service or within five years of discharge from service or not more than five years from the date of application for housing. The preference would be cumulative with any other preference allowed by the housing authority for which the applicant qualifies, so that service members or veterans have priority over non-service members and nonveterans within each preference category. Nothing in the section could be construed to supersede any federal law or regulation relating to or local preferences adopted pursuant to federal law or any federal law or regulation concerning tenant eligibility and selection or local criteria adopted pursuant to federal law. [Concurrence in House Amendments: 48-0.](#)

[Senate Bill 1180](#) (Vance) would create the Achieving Better Care by Monitoring All Prescriptions Program (ABC-MAP) Act to increase the quality of patient care by giving prescribers, dispensers and patients access to a patient's prescription medication history through an electronic system and to aid regulatory and law enforcement agencies in the detection and prevention of fraud, drug abuse, and the criminal diversion of controlled substances. The legislation would create the ABC-MAP Board in the Department of Health to establish and oversee the program. The Board would consist of the Secretaries of Health, Human Services, Drug and Alcohol Programs, State, and Aging; the Insurance Commissioner; the Commissioner of the Pennsylvania State Police; the Attorney General; and the Physician General, if the Secretary of Health is not a physician. The Secretary of Health would serve as the chairperson. The program would have to provide an electronic system of controlled substances prescribed and dispensed in the Commonwealth; be easily accessible by prescribers, dispensers and patients; provide an accessible website where a patient could electronically request or download a form to request a copy of their program record; provide support for those using the data system; and contain processes for prescribers to refer patients to substance abuse treatment. The program would have to maintain a record of system queries that records the information delineated in the legislation.

The Board would be required to remove from the program all identifying information more than seven years old from the date of collection. The information would be destroyed



unless a law enforcement agency or a professional licensing or certification agency or board for prescribers or dispensers has submitted a written request to the Department for retention of specific information for cause. The information could be kept for an additional period of one year. The Department could not grant more than two extensions regarding the retention of the same information unless required to do so by court order. The program would have to contain a good cause exception for dispensers and prescribers who are unable to submit the required data electronically and would have to allow for the manual submission of data if the dispenser or prescriber does not have Internet access. Current pharmacy reporting requirements to the Attorney General would expire and would no longer be enforceable upon full implementation of the program. Any data reported to the Attorney General that satisfies the retention requirements of the bill would be transferred to the program.

A dispenser or pharmacy would be required to electronically submit information to the system regarding each controlled substance dispensed no later than 72 hours after dispensing a controlled substance. Dispensers could designate other pharmacy employees for purposes of accessing the system according to standards established by the Board. A prescriber would be required to query the system for each patient the first time a patient is prescribed a controlled substance by the prescriber for the purpose of establishing a base line and a thorough medical record, or if the prescriber believes, or has reason to believe, that a patient may be abusing or diverting drugs. Prescription information submitted to the system would be confidential and not subject to disclosure under the Right-to-Know Law. The legislation would provide both criminal and civil penalties for releasing information from the system for purposes other those specified or attempting to obtain information by misrepresentation or fraud. A prescriber or dispenser violating provisions of the act would also be subject to sanctions under the individual's appropriate licensing board.

All civil penalties assessed under the act would be deposited in the General Fund and appropriated to the Department to implement the program. All costs associated with recording and submitting data would be assumed by the submitting dispenser, but a dispenser or prescriber could not be required to pay a fee or tax specifically dedicated to the establishment and operation of the program. In addition, no fee could be assessed to the patient by a dispenser or prescriber due to the need to submit information to the system. The Board could direct the Department to pursue federal funding and grants, both public and private. Within two years of the effective date of the act, and annually thereafter, the Department would be required to submit a report to the General Assembly on the program with the information listed in the bill. The report would also have to be made available on the Department's website. The Attorney General, in conjunction with law enforcement, would also have to report annually to the General Assembly. The act would expire on June 30, 2022. [Concurrence in House Amendments: 46-2.](#)

[Senate Bill 1239](#) (Rafferty) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes regarding sentencing for certain repeat DUI offenders. The proposed legislation would:

- Allow PENNDOT to issue a limited occupation license to an individual whose license had previously been suspended due to a conviction of an offense involving the possession, sale, deliver, offering for sale, holding for sale or giving away a controlled substance if the notification of conviction had not been sent to PENNDOT in a timely

fashion. This change would be applied retroactively to January 1, 2004, in cases where the record of a judgment of conviction, adjudication of delinquency or a granting of a consent decree was sent to PENNDOT prior to the effective date of the section, but not within the statutorily required timeframe;

- Correct a drafting error in current law related to the grading of the offense of driving under the influence of alcohol or a controlled substance when the offender has more than one prior offense;
- Require repeat DUI offenses within the past 10 years to be included as prior offenses whether or not judgment of sentence has been imposed for the violation;
- Clarify that county clerks of court must, within ten days after final judgment of conviction for a drug-related offense, send notification to PENNDOT;
- Require each county clerk of courts, by January 1, 2016, to send to PENNDOT each record, within the retroactive period, that was not sent within ten days after final judgment for either of the following:
  1. A conviction, adjudication or delinquency or a granting of a consent decree under Section 13 of the Controlled Substance, Drug, Device and Cosmetic Act; or
  2. A conviction, adjudication, or delinquency or a granting of a consent decree for a conviction of any offense involving the possession, sale, delivery, offering for sale, holding for sale or giving away of any controlled substance. [Concurrence in House Amendments: 48-0.](#)

[Senate Bill 1355](#) (Yaw) would amend the Radiation Protection Act to increase from \$550,000 to \$650,000 the annual fee that operators of current nuclear power reactor sites must pay to the Department of Environmental Protection. This increase would apply to fees due on and after July 1, 2015. An additional change would also increase from \$200,000 to \$275,000 the annual fee paid by operators of current nuclear power reactor sites to the Pennsylvania Emergency Management Agency for its radiological emergency response preparedness, planning and recovery program. [Concurrence in House Amendments: 48-0.](#)

[House Bill 80](#) (Metcalf) would amend the Crimes Code (Title 18) of the Pennsylvania Consolidated Statutes by adding the offense of theft of secondary metal, requiring the Pennsylvania State Police to send mental health data to the National Instant Criminal Background Check System (NICS), and to provide remedies for the unlawful regulation of firearms and ammunition.

A person would commit the offense of theft of secondary metal if he or she unlawfully takes or attempts to take possession, carries away or exercises unlawful control over any secondary metal with the intent to deprive the rightful owner of the property. “Secondary metal” would be defined as “wire, pipe or cable commonly used by communications, gas and electrical utilities and railroads and mass transit or commuter rail agencies, copper, aluminum or other metal, or combination of metals, that is valuable for recycling or reuse as raw material.” An

offense would be graded based on the value of the material stolen as provided for in the legislation. A third or subsequent offense would be graded as a third degree felony. The bill would also provide for the offense of simple trespass if a person enters or remains in any place for the purpose of “unlawfully taking secondary metal from the premises.” This offense would be graded as a first degree misdemeanor.

An additional provision would require the Pennsylvania State Police to send mental health data relevant to a determination of whether a person is disqualified from firearm possession or ownership under federal firearms statutes to the NICS. The bill would also require ongoing submissions of this data to the NICS within 72 hours of the State Police receiving it. After such disclosure to federal authorities, the State Police would be required to expunge all records of one whose mental health commitment or incompetence has been rejected or overturned by a court.

The legislation would also add a section to provide remedies for unlawful regulation of firearms and ammunition. A person adversely affected by any regulation promulgated or enforced in violation of Title 18 Pa. C. S. §6120 (relating to limitation on the regulation of firearms and ammunition) or Title 53 Pa. C. S. §2962(g) (relating to limitation on municipal powers) could seek injunctive and declarative relief, as well as damages. A person adversely affected who brings or maintains a civil action against a county, municipality, or township that has regulated the lawful ownership, possession, transfer, or transportation of firearms, ammunition, or ammunition components would be entitled to reasonable expenses, provided that a final determination on the challenge is made in their favor or the regulation is rescinded, repealed, or abrogated after a challenge is brought and before it is resolved. The term “reasonable expenses” would be defined as attorney fees, expert witness fees, court costs and compensation for loss of income. The term “person adversely affected” would be defined to include any resident of the Commonwealth who could legally possess a firearm under federal and state law, in addition to any person who otherwise has standing pursuant to the laws of the Commonwealth to bring an action. The term would include any membership organization in which such a person is a member. [Passed: 34-14.](#)

[House Bill 1773](#) (Ross) would amend the Municipalities Financial Recovery Act (Act 47 of 1987) to make a number of modifications. The legislation would:

- Add a definition for “authority” to include a municipal authority, parking authority or any other authority that is directly or indirectly controlled by a municipality;
- Expand the definition of “municipal record” to include the financial records of an authority or other corporate entity directly or indirectly performing a function on behalf of or controlled by the municipality;
- Require the Department of Community and Economic Development (DCED), by January 1 of each year, to notify all Commonwealth agencies of the priority funding requirement for distressed municipalities;
- Provide for a limited waiver of regulatory mandates if certain conditions are met;

- Add language allowing a distressed municipality to petition the court to increase the rate of a local services tax and levy a payroll preparation tax;
- Provide that if a distressed municipality petitions the court for an increase in the rate of the earned income tax, no increase could be authorized on nonresidents unless a rate increase is authorized for residents at a rate equal to or greater than the increase on nonresident;
- Clarify that a distressed municipality could petition the court for an increase in the earned income tax or for an increase in the local services tax, but not both;
- Provide that if the city of Scranton petitions the court for an increase in the rate of the earned income tax, no increase could be authorized on nonresidents unless a rate increase is authorized for residents at a rate equal to or greater than the increase on nonresidents;
- Provide that a distressed municipality, with court approval, could impose a local services tax at a rate not to exceed \$156. A municipality adopting a LST would be prohibited from imposing any additional tax on earned income. The option would be limited only to those municipalities who are not restricted by law from levying an EIT on non-residents. A municipality levying the LST at a rate in excess of \$52 would have to exempt from the tax any person whose total income and net profits from all sources is less than \$15,600;
- Provide that for a distressed municipality, which also has a distressed pension system, the increase of the LST would be limited to \$104 in any fiscal year the municipality levies an enhanced EIT under the Municipal Pension Plan Funding Standard and Recovery Act;
- Provide that a distressed municipality, with court approval, could impose a payroll preparation tax (PPT). The tax could not exceed a rate that is sufficient to produce revenues equal to revenues collected from the municipality's mercantile and business privilege tax in the previous fiscal year. After initial court approval, the municipality could levy the PPT in any subsequent year, including after termination of the municipality's distressed status. A municipality adopting a PPT would be prohibited from levying a business privilege tax or mercantile tax;
- Add a new chapter to codify the Early Intervention Program that provides matching grants to assist municipalities experiencing financial difficulties to develop long-term financial management and economic development strategies as preemptive steps in averting a financial crisis. Grants could not exceed \$200,000 in the initial year and the municipality would be required to meet basic training requirements as well as match requirements. Additional provisions outline how the grant could be used, the application process, the evaluation criteria, the establishment of guidelines, and a requirement for a financial audit;
- Require a coordinator, within 45 days of appointment by DCED, to issue a list of preliminary findings on the financial condition of the distressed municipality and to

solicit comments in writing from designated persons and entities, require DCED to do an annual performance review of the coordinator, add additional areas to be analyzed in formulating a fiscal recovery plan, extend from 90 days to 120 days the time period for filing a complete recovery plan, and set a time frame for a municipality subject to a plan to prepare its annual budget and have it reviewed by the coordinator;

- Create a new subchapter that provides a timetable for the duration of distressed status, impose a five-year termination period which could be extended for three years if recommended by the coordinator, and require the coordinator, in the fifth year, to complete a report on the financial condition of the municipality and issue findings;
- Replace the existing termination of status section with a new section outlining the timeframe, process, factors to be considered, and right of appeal;
- Provide for an exit plan to be prepared by the coordinator, including timeframe, contents and adoption;
- Add a subchapter on the disincorporation of nonviable municipalities, provide the criteria for determination of non-viability, outline the procedure for disincorporation, provide for judicial review, create unincorporated service districts to provide essential services to the residents and property owners and provide for the powers, duties, procedures and processes of the unincorporated service districts;
- Extend the provisions of Chapter 6 (Fiscal Emergencies in Municipalities) and Chapter 7 (Receivership) to all distressed municipalities (except for Philadelphia);
- Amend the criteria for the Governor's declaration of fiscal emergency to include: (1) the municipality is insolvent and is unable to provide vital and necessary services, or (2) the municipality has failed to adopt or implement a coordinator's plan or alternative plan;
- Provide that DCED's termination of a fiscal emergency under Chapter 6 would also constitute termination of receivership under Chapter 7; and
- Add a new provision relating to the transition of a municipality from receivership.  
**Concurrence in House Amendments to Senate Amendments: 43-5.**

[House Bill 1796](#) (Stephens) would amend Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes to add a section clarifying that no ordinance enacted by a municipality could penalize a resident, tenant or landlord for contact made for police or emergency assistance by or on behalf of a victim of abuse, a crime victim, or an individual in a medical emergency situation if the contact was made based upon the reasonable belief of the person making the contact that intervention or emergency assistance was necessary to prevent the perpetration or escalation of the abuse, crime or emergency or if the intervention or emergency assistance was actually needed in response to the abuse, crime or emergency. If a municipality enforces or attempts to enforce an ordinance in violation of these provisions, the resident, tenant or landlord could bring a civil action for a violation and seek an order from a

court of competent jurisdiction for any of the following remedies: an order requiring the municipality to cease and desist the unlawful practice; payment of compensatory damages provided the resident, tenant or landlord made a reasonable effort to mitigate any damages; payment of reasonable attorney fees; payment of court costs; and other equitable relief.

The section would preempt any local ordinance or regulation insofar as it is inconsistent with its provisions, irrespective of the effective date of the ordinance or regulation. In addition, the section would not affect or apply to enforcement of the Expedited Eviction of Drug Traffickers Act or to the enforcement of 18 Pa. C. S. §7511 (relating to control of alarm devices and automatic dialing devices). **Passed: 48-0.**

*Executive Session*

Michael Negra, Pennsylvania Liquor Control Board. **Confirmed: 48-0.**

(2014-060)