

# WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – DAVID G. ARGALL, CHAIRMAN

**Monday, December 11, 2017**

[Senate Bill 458](#) (Argall) would amend Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes to expand the definitions of “common carrier by motor vehicle” and “contract carrier by motor vehicle” to include any person or corporation that holds itself out to provide or furnish transportation of household property between residential dwellings within the Commonwealth by motor vehicle for compensation, owns or operates the motor vehicle, and provides or furnishes a driver of the motor vehicle. The failure of a mover to comply with the provisions of the title would be punishable by an administrative fine of \$5,000 for a first offense and \$10,000 for subsequent offenses. The mover could also be subject to vehicle registration suspension and forfeiture of the motor vehicle. All costs and fines collected would be deposited into the General Fund and deemed an augmentation to any appropriation to the Public Utility Commission for contract carrier enforcement. **Concurrence in House Amendments: 49-0.**

[Senate Bill 798](#) (Alloway) would amend Title 12 (Commerce and Trade) of the Pennsylvania Consolidated Statutes to change the membership qualifications for the Pennsylvania Military Community Enhancement Commission by allowing the one member at the “senior level of the military” to be a one-star or two-star military officer. Currently, the individual must be a three-star or four-star military officer. An additional change would require this individual to be a resident of Pennsylvania. **Passed: 49-0.**

[Senate Resolution 250](#) (Vulakovich) designates December 16, 2017 as “Wreaths Across America Day” in Pennsylvania. **Adopted by Voice Vote.**

[House Bill 1388](#) (Irvin) would amend the Insurance Company Law of 1921 to extend the expiration date of the Children’s Health Insurance Program until December 31, 2019. If federal law authorizes funding for the program for a period that extends beyond December 31, 2019, the program would expire 90 days after the date on which federal funding for the programs ceases to be available. **Concurrence in House Amendments to Senate Amendments: 43-6.**

[House Bill 1431](#) (Masser) would designate:

- The portion of State Routes 54 and 901 in Northumberland County and Schuylkill County from the intersection of State Route 54, State Route 901 and State Route 2023, also known as the Mount Carmel Merriam Highway, in Mount Carmel Township, Northumberland County, to the intersection of State Route 901, also known as Fairgrounds Road, and High Road in Butler Township, Schuylkill County as the Honorable Robert E. Belfanti, Jr., Memorial Highway;
- Exit 18 of State Route 43, known as the Searights Road Interchange, in Fayette County as the Staff Sgt. John P. Wanto Vietnam Veteran Exit;

- Exit 15 of State Route 43, known as the Old Pittsburgh Road Interchange, in Fayette County as the Lance Corporal Russell W. Naugle Vietnam Veteran Exit;
- The bridge located on State Route 2003 over the Yellow Breeches Creek, South Middleton Township, Cumberland County as the Sgt. Adam C. Schoeller Memorial Bridge;
- The section of State Route 18 in West Fallowfield Township, Crawford County, from the intersection with State Route 322 to the Crawford/Mercer County line as the Staff Sergeant James Douglas Mowris Memorial Highway;
- The section of State Route 100 from the intersection of Main Street and Tilghman Street in Upper Macungie Township, Lehigh County, to the intersection of Claussville Road and Kernsville Road in Lowhill Township, Lehigh County as the Captain Mark T. Resh Memorial Highway;
- The bridge located on State Route 18 (College Avenue) in Greenville Borough, Mercer County over the Little Shenango River as the Greenville Veterans Memorial Bridge;
- The portion of State Route 3078 and State Route 3090 in York County from the intersection with State Route 116 to the intersection with State Route 3042 as the Private First Class Donald R. Gise Memorial Road;
- The bridge located on State Route 1005, known as Church View Road, over Beaver Creek in South Woodbury Township, Bedford County as the PFC/POW William G. Koontz Memorial Bridge; and
- The bridge located on State Route 588 over Interstate 376 in Chippewa Township, Beaver County as the TFC Blake T. Coble Memorial Bridge. [Concurrence in House Amendments to Senate Amendments: 49-0.](#)

State System of Higher Education Property Request No. 1 of 2017 (Resolution A).  
[Adopted: 49-0.](#)

State System of Higher Education Property Request No. 2 of 2017 (Resolution A).  
[Adopted: 49-0.](#)

### *Executive Session*

Francis C. Peitz, Jr. – Constables' Education and Training Board. [Confirmed: 49-0.](#)

### **Tuesday, December 12, 2017**

[Senate Bill 196](#) (Hughes) would amend Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes to allow a judge, when granting a PFA order, to include a requirement that

an electronic monitoring device be placed on the defendant if the defendant is found to present a substantial risk of violating the final PFA order or committing a crime against the victim punishable by imprisonment. **Passed: 50-0.**

**Senate Bill 354** (Tomlinson) would amend Act 48 of 1993 to require an individual who holds a license, registration, certificate or permit with a licensing board or commission under the Bureau of Professional and Occupational Affairs in the Department of State to report to the appropriate licensing board or commission a disciplinary action taken against them by a licensing agency in another jurisdiction or a conviction or admission of guilt for certain crimes. A licensing board or commission could take disciplinary action against a licensee, certificate holder or registrant who does not report the required information. The board or commission could temporarily suspend a license, certificate, registration or permit under circumstances determined to be an immediate clear and present danger to the public health and safety.

The licensing board or commission would be required to provide notice to the individual and commence formal action to suspend, revoke or restrict the license, certificate or registration as provided by law. Within 30 days, the licensing board or commission would have to hold a preliminary hearing to determine that there is a prima facie case supporting the suspension. The licensee, certificate holder or registrant could be present at the preliminary hearing and be represented by counsel, cross-examine witnesses, inspect physical evidence, call witnesses, offer evidence and testimony and make a record of the proceedings. If it is determined that there is not a prima facie case, the suspended license, certificate, registration or permit would have to be immediately restored. The temporary suspension would remain in effect until vacated by the board or commission, but in no event longer than 180 days. Restoration of a license, certificate or registration would be made as provided by law. An additional provision would provide for the expungement of the disciplinary record of a licensee if the imposition of discipline was for a violation involving failure to complete continuing education requirements or practicing for six months or less on a lapsed license, registration, certificate or permit. **Concurrence in House Amendments, as Amended: 50-0.**

**Senate Bill 764** (Gordner) would amend the Board of Vehicles Act to add Chapter 5 governing recreational vehicle dealers, manufacturers and suppliers. Under the bill, a manufacturer or distributor could not sell a recreational vehicle in the Commonwealth without first having entered into a signed manufacturer/dealer agreement with a dealer. The manufacturer/dealer agreement would have to designate the area of sales responsibility exclusively assigned to a dealer. A manufacturer could not change the area or contract with another dealer for sale of the same line-make in the designated area during the agreement. The area of sales responsibility could be reviewed or changed with the consent of both parties not less than 12 months after the execution of the agreement. Dealers would also be prohibited from selling a new recreational vehicle without a manufacturer/dealer agreement signed by both parties.

A manufacturer or distributor could terminate, cancel or fail to renew a manufacturer/dealer agreement with just cause and at least 90 days of prior written notice stating all of the reasons for the decision. After notice is received, the dealer would have 30 days to provide written notice of intent to correct the claimed deficiencies. The dealer would have 90 days from the original notice to rectify the deficiencies. Correcting the deficiencies within the

90 days would void the notice to terminate or cancel. If the dealer fails to submit the notice of intent to address the deficiencies, termination, cancellation or failure to renew would take effect.

A dealer could terminate or cancel the manufacturer/dealer agreement with or without just cause by giving 30 days written notice. If the reason is for just cause, the dealer would have to state the reasons in the written notice. The manufacturer or distributor would have 30 days following the receipt of the notice to provide notice of intent to fix the claimed deficiencies and 90 days from the original notice to rectify the deficiencies. If the deficiencies are rectified in the 90 days, the notice would be void. Failure to provide notice of intent to rectify or failure to rectify the deficiencies would result in the termination or cancellation as provided in the original notice. Among other provisions, the legislation would establish additional standards governing repurchase of inventory, transfer of a dealership, warranty obligations and indemnification.

**Passed: 50-0.**

**Senate Bill 844** (White) would amend Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes to grant standing to any individual to file an action for any form of physical or legal custody of a child if no biological or adoptive parent has custody of the child, if the individual establishes by clear and convincing evidence that he or she:

- Assumes or is willing to assume responsibility for the child, and
- Has a sustained, substantial, and sincere interest in the welfare of the child, which may be demonstrated by factors involving the nature, quality, extent, and length of involvement by the individual in the child's life, including financial support or a previous in loco parentis relationship to the child.

The third party standing would not apply in certain cases as listed in the legislation. The measure would also allow grandparents and great-grandparents to file an action for partial physical custody or supervised physical custody if the parents of the child have commenced a proceeding for custody, and the parents do not agree as to whether the grandparents or great-grandparents should have custody. The provisions regarding third party standing would apply to all custody proceedings irrespective of whether the proceeding was commenced before, on, or after the effective date of the section. **Passed: 50-0.**

**Senate Resolution 251** (Vulakovich) designates November 16, 2017 as "Children's Grief Awareness Day" in Pennsylvania. **Adopted by Voice Vote.**

**House Bill 561** (Saccone) would amend Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes to eliminate the sunset provision relating to the authority of the Attorney General and District Attorneys to serve administrative subpoenas during investigations of child sexual exploitation. **Passed: 50-0.**

**House Bill 1139** (Topper) would amend Title 18 (Crimes and Offenses) and Title 23 (Domestic Relations) to further provide for the acceptance of newborns. Title 18 would be amended to permit parents of a newborn to leave the baby in the care of an emergency services provider without being criminally liable. In addition, parents would be permitted to leave a newborn in an

incubator which is located at a hospital, police station or emergency services location. Title 23 would be amended to permit an emergency services provider to take a child into protective custody. An emergency services provider who accepts a newborn would have to ensure the baby is transported to a hospital. Proper signage would have to be placed on the grounds of an emergency services entity for at least 18 months stating that emergency services providers may accept newborns. The bill would allow hospitals, police stations and emergency service provider locations to provide an incubator for the care of newborns. The Department of Health would be required to promulgate incubator regulations to include provisions outlined in the bill. The bill would provide immunity for emergency services providers who accept newborns. **Passed: 50-0.**

**House Bill 1234** (Fabrizio) would amend the Health Care Facilities Act to modify the definition of “ambulatory surgical facility” to permit outpatient surgical treatment that is not expected to exceed 24 hours following an admission at such a facility. The legislation would also repeal the current regulation in the Pennsylvania Code which limits these surgical procedures to those which do not exceed 8 hours. **Passed: 50-0.**

### **Wednesday, December 13, 2017**

**Senate Bill 446** (McGarrigle) would amend the Administrative Code of 1929 to require the Department of Drug and Alcohol Programs to license or certify drug and alcohol recovery houses. All referrals from state agencies or state-funded facilities would have to be to licensed or certified recovery houses and only licensed or certified facilities would be eligible to receive federal or state funding to deliver recovery housing services. In addition, individuals whose treatment is funded with state or federal funds could only be referred to a certified drug and alcohol recovery house. A state or county court would be required to give first consideration to a certified drug and alcohol recovery house when residential recommendations are made for individuals under their supervision. The Department would be required to establish and maintain on its website a registry of all licensed or certified recovery houses in the Commonwealth.

The Department would be required to promulgate regulations as outlined in the legislation for the licensure or certification of drug and alcohol recovery houses that receive funds or referrals from a governmental agency. The Department would be required to establish fees to be paid by recovery houses adequate to carry out the provisions of the legislation. Licensure or certification would have to occur no later than two years from the effective date of the act. Licensure or certification under the act would last for one year. A person operating a recovery house receiving public funds that fails to attain and maintain licensure or certification would be required to pay a \$1,000 fine for each violation. The Department would also be required to refer suspected violations of other laws to the appropriate agency for investigation. The legislation would establish the Drug and Alcohol Recovery House Fund in the State Treasury for all fines and fees collected to be used for the enforcement of the licensing provisions. **Concurrence in House Amendments: 48-0.**

**Senate Bill 921** (Browne) would authorize the Department of General Services (DGS), with the approval of the Governor, to convey the Allentown State Hospital to TCA Properties, L.P. for fair market value as established through an independent appraisal. No portion of the property could be used for a licensed gaming facility or it would revert to the Commonwealth. The

Secretary of General Services could impose any covenants, conditions, restrictions or reservations on the sale of the property that is deemed in the best interests of the Commonwealth. All costs and fees incurred by the Department would be borne by the grantee. If the Department of General Services and the grantee have not executed an agreement of sale within three years of the effective date of the act, the authority for the conveyance would expire.

The bill would also authorize DGS, with the approval of the Department of Military and Veterans Affairs and the Governor, to convey:

- Two tracts of land totaling 0.34 acres and improvements in Kane Borough, McKean County for a price to be determined through competitive bidding. The Secretary of General Services could impose any covenants, conditions, restrictions or reservations on the sale of the property that is deemed in the best interests of the Commonwealth. The proceeds from the sale would be deposited in the State Treasury Armory Fund; and
- Five tracts of land in Kane Borough, McKean County for a price to be determined through competitive bidding. The proceeds from the sale would be deposited in the State Treasury Armory Fund. **Concurrence in House Amendments: 48-0.**

**Senate Bill 892** (Resenthaler) would amend the Chiropractic Practice Act to permit a student enrolled in a chiropractic education program to engage in the practice of chiropractic without a license if the student is conducting chiropractic activities incidental to the student's course of study, under the direct supervision of a chiropractor licensed by the State Board of Chiropractic, and is enrolled in a Board-approved program at a chiropractic college. **Passed: 49-0.**

**House Bill 411** (Klunk) would amend the Bingo Law to make a number of changes. Among other modifications, the legislation would:

- Increase the prize limits for bingo games as follows:
  - From \$250 to \$500 for any one game;
  - From \$2,000 to \$4,000 for a jackpot game; and
  - From \$4,000 to \$8,000 total prize allocation for a single calendar day;
- Allow associations to conduct "predraw bingo" games as defined in the bill, to advertise any prize (including its dollar value and any guaranteed prize dollar value) of bingo games being held, and to allow guest bingo callers as long as the guest has not been convicted of a felony or a violation of the Bingo Law and is under the supervision of a bona fide member of the association hosting the game;
- Remove the provision limiting the operation of bingo by an association to two days per week;
- Eliminate the provision prohibiting a person from participating in the operation of bingo games on more than four days per calendar week;

- Remove the provision that requires a licensed association in Allegheny County to only conduct bingo in the municipality where the association's headquarters is located;
- Amend the definition of "bona fide member" by eliminating the requirement that the individual be a member of the association for at least one year;
- Remove the two-year waiting period requirement for license applications for bona fide consolidated volunteer fire companies provided that before the merger one of the companies held a valid and current bingo license;
- Allow consolidated volunteer fire companies to conduct bingo at two locations in the county; and
- Remove the provision which establishes that any person who permits the conduct of bingo on the same premises on more than five days in one week, or by more than one association on any calendar day, except for bingo being played at an exposition, carnival or fair, is guilty of a misdemeanor of the first degree. **Passed: 49-0.**

**House Bill 1175** (Cutler) would amend Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes to further provide for lobbying disclosure. The bill would require all registration and reporting requirements to be completed electronically using the computerized filing system developed by the Department of State. The maximum administrative penalty amount that could be imposed by the Ethics Commission for unlawful acts by a lobbyist or principal would be increased from \$2,000 to \$4,000. The administrative penalty for negligent failure to register or report as required by law would be changed from the current penalty of \$50 for each late day to: 1) \$50 per late day for the first 10 late days; 2) \$100 for each late day after the first 10 days through day 20; and 3) \$200 for each late day after 20 late days. The Department would be required to post all filings on its website within seven days of receipt of the filing. **Passed: 49-0.**

**House Bill 1231** (Solomon) would amend Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes to require the Department of Military and Veterans Affairs to establish a registry of veterans residing in the Commonwealth in order to provide information on federal, state and local government benefits, programs and services available to veterans and to link veterans with resources that can provide assistance. Upon registration, if permission is granted by the registrant, the individual's information would be shared with county directors of veterans affairs and other state agencies. The Department would be required to coordinate with other state agencies that have contact with veterans to establish a paper and online registration form to enable state agencies to assist the Department in registering veterans who wish to be included in the registry. Information collected could not be sold, used for commercial purposes or used for purposes not specified in the legislation. Information in the registry would also be exempt from being disclosed under the Right to Know Law. By January 1, 2018, and each January 1 thereafter, the Department would be required to submit a report on the registry to the chairmen of the Senate and House Veterans Affairs and Emergency Preparedness Committees. The Adjutant General could adopt and promulgate guidelines necessary to carry out the provisions of the act. **Passed: 49-0.**

[House Bill 1420](#) (Greiner) would amend the Solicitation of Funds for Charitable Purposes Act to set new auditing thresholds for charitable organizations that receive a certain amount in annual contributions. The new thresholds would require an organization that receives:

- \$750,000 or more to be audited by an independent certified public accountant or public accountant;
- \$250,000 but less than \$750,000 to have a review or audit of their financial statements performed by an independent certified public accountant or public accountant; or
- \$100,000 but less than \$250,000 to have a compilation, review or audit of their financial statements performed by an independent certified public accountant or public accountant.

A compilation, audit, or review would be optional for an organization that receives less than \$100,000 in annual contributions. The changes included in the bill would align Pennsylvania's law with federal law. [Passed: 49-0.](#)

[House Bill 1421](#) (Greiner) would amend the Solicitation of Funds for Charitable Purposes Act to clarify that an organization's registration form that is postmarked on or before a renewal date would be considered timely filed and would not accrue late fees. Additionally, the legislation would extend various deadlines in the law as follows:

- The Department of State would be required to review registration statements and notify entities within 15 days (previously 10 days) if the statement is approved or if any requirements are not satisfied;
- If any registration requirements are not met, a charitable organization, professional fundraising counsel, or professional solicitor could request a hearing within 15 days (previously 7 days); and
- A requested hearing would have to be held within 15 days (previously 7 days) after the Department receives the request. [Passed: 49-0.](#)

[House Bill 1602](#) (Gillespie) would designate:

- The bridge located on State Route 1008 over the Codorus Creek in East Manchester Township, and Hellam Township, York County as the SPC Martin Wilson Kondor Memorial Bridge;
- The bridge to be constructed on State Route 119 over the Pine Run Creek in Rayne Township, Indiana County as the PFC Frank Enzer Weiss United States Marine Corps Bridge;
- The bridge on State Route 125 before Ridge Road in Pitman Township, Schuylkill County as the Abner Yoder Memorial Bridge;



- The portion of State Route 562 in Berks County from the intersection with State Route 73 in the Borough of Boyertown to the intersection with State Route 662 at the township line between Amity Township and Oley Township as the General Carl A. Spaatz Memorial Highway;
- The section of Interstate 176 in New Morgan Borough, Caernarvon Township, Berks County from the Morgantown Interchange of the Pennsylvania Turnpike at Mile Marker 0.4 to Mile Marker 3.7 as the Vietnam War Veterans Memorial Highway;
- The section of Interstate 176 in Robeson Township, Berks County from Mile Marker 3.7 to Mile Marker 7.0 as the Persian Gulf War Veterans Memorial Highway;
- The section of Interstate 176 in Robeson Township and Cumru Township, Berks County from Mile Marker 7.0 in Robeson Township to Mile Marker 10.3 at or near the intersection of U.S. Route 422 in Cumru Township as the Iraq and Afghanistan War Veterans Memorial Highway; and
- The portion of Pennsylvania Route 611 beginning at Mile Marker 391 and ending at the Pennsylvania Route 940 intersection as the Roy J. Gross, Sr., Memorial Highway.  
**Passed: 48-0.**

**House Bill 1778** (Dawkins) would designate the bridge located on the portion of State Route 1005, also known as Castor Avenue, over the Frankford Creek in the City of Philadelphia as the Officer Gary Frank Skerski Memorial Bridge. **Passed: 49-0.**

**House Bill 1902** (A. Harris) would amend Section 211 of the Liquor Code to authorize the use of underage enforcement buyers in the Bureau of Liquor Control Enforcement for compliance checks. This subsection would sunset on December 31, 2022. Sections 411 and 493 would also be amended to permit the holder of a retail license to act as a landlord to a manufacturing license. In addition, a person who has an ownership interest in a limited winery license would be permitted to be employed by an entity that holds a hotel, restaurant, eating place or club license as long as the person does not serve alcohol or act as a manager. Sections 446 and 492 would be amended to address malt and brewed beverages brewed out-of-state under a contract brewing arrangement. **Passed: 49-0.**

**House Bill 1915** (Kauffman) would amend the Unemployment Compensation Law to provide a process to end reliance on the Service and Infrastructure Improvement Fund (SIIF) and to support the unemployment compensation system administration and upgrades. The legislation would:

- Provide for transfers of a portion of employee contributions to the Service and Infrastructure Improvement Fund (SIIF) for operational purposes in the following amounts:
  - \$30 million for 2018;
  - \$25 million for 2019;

- \$20 million for 2020; and
- \$10 million for 2021;
- Express the General Assembly's intent for the Department of Labor and Industry to end its reliance on transfers to the SIIF, and provide that the supplemental funding is intended to support UC operations and maintain adequate service to claimants and employers during the implementation and initial deployment of technological upgrades to the UC benefit delivery system;
- Require the Department to maintain a separate accounting for SIIF;
- Direct the Department to submit an annual report to the House and Senate Labor and Industry Committees with the information listed in the legislation;
- Provide additional funding for benefit modernization, as requested by the Department, for costs incurred in the following amounts:
  - \$5 million for 2017;
  - \$7.2 million for 2018;
  - \$12.1 million for 2019; and
  - \$5.9 million for 2020;
- Direct that certain information be certified to the Governor before each deposit of any additional funding into the SIIF is made;
- Require that benefit modernization be implemented and deployed in a manner that will result in significant cost savings and end the Department's reliance on the SIIF, while maintaining adequate service for claimants and employers;
- Establish the Benefit Advisory Committee as outlined in the bill to advise the Department on benefit modernization implementation; and
- Provide that any money in the SIIF that is not expended or obligated by December 31, 2023 would be transferred to the UC Fund. **Passed: 43-5.**

(2017-182)