

# WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – DAVID G. ARGALL, CHAIRMAN

## Monday, January 22, 2018

[Senate Bill 817](#) (Rafferty) would authorize the Department of General Services (DGS), with the approval of the Governor and the Department of Military Affairs, to extend the original term of the lease agreement for a portion of the Southeastern Pennsylvania Veterans' Center in East Vincent Township, Chester County. The lease would be extended to a 15-year term.

[Passed: 49-0.](#)

[Senate Bill 827](#) (Killion) would amend Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes by adding a new chapter to provide for the Revised Uniform Fiduciary Access to Digital Assets Act. The chapter would provide the legal authority for fiduciaries to manage the digital assets of an individual user in accordance with the user's direction, while protecting a user's private communications from unwarranted disclosure. The act would be applicable to a custodian if the user resides in this Commonwealth or resided in this Commonwealth at the time of the user's death. The legislation would:

- Provide various definitions including a definition of "digital asset" as an electronic record in which an individual has a right or interest. The term would not include an underlying asset or liability unless the asset or liability is itself an electronic record;
- Enable a user to direct how digital assets may or may not be disclosed. A user's instructions with an online tool or with a will, trust, power of attorney, or other record would override a contrary provision in a terms-of-service agreement;
- Provide custodians with the procedure for disclosure of digital assets. The custodian would not have to disclose digital assets that were deleted by the user and could assess a reasonable fee for the cost of disclosing digital assets;
- Require fiduciaries, in order to gain access to digital assets, to send a written request to the custodian along with a certified copy of the death certificate of the user and a certified copy of a letter granting fiduciary authority;
- Impose the same legal duties on a fiduciary charged with management of digital assets as a fiduciary charged with managing tangible property;
- Stipulate that a fiduciary's authority over digital assets would be limited by federal law; and,
- Provide a timeframe for custodians to comply and grant custodians immunity from liability for an act or omission done in good faith in compliance with the provisions of the chapter. [Passed: 49-0.](#)

[Senate Resolution 256](#) (Killion) designates the week of January 28 through February 3, 2018 as “Catholic Schools Week” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 257](#) (Gordner) designates the week of January 21 through 27, 2018 as “Nurse Anesthetists Week” in Pennsylvania. [Adopted by Voice Vote.](#)

### *Executive Session*

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

### **Tuesday, January 23, 2018**

[Senate Bill 373](#) (Eichelberger) would amend the Insurance Company Law of 1921 to allow an insured to authorize payment of dental benefits directly to the provider of the dental services. Insurance contracts issued 120 days after the effective date of this act could not prohibit, and claim forms issued after that date must provide an option for, the payment of benefits directly to the specified provider of dental services. Payment to the provider from the insurer could not be more than the amount the insurer would otherwise have paid without the assignment of payment. The dental claim form would have to clearly and conspicuously state whether the provider seeking authorization for the direct payment will bill the patient for any balance above the direct payment assigned to the provider. The insured could be required to pay any applicable copayments, coinsurances or deductibles at the time of service. However, the provider could not require the insured to pay any other amount above the direct payment assigned to the provider at the point of service. The measure would require the Legislative Budget and Finance Committee to conduct a study to examine the impacts associated with the direct reimbursement of nonparticipating providers by health insurance carriers under a valid assignment of benefits. The report would have to be provided to the chairmen and minority chairmen of the House Insurance Committee and the Senate Banking and Insurance Committee no more than 36 months after the effective date of the subsection. [Passed: 35-15.](#)

[Senate Bill 851](#) (Argall) would amend the Real Estate Tax Sale Law to provide that ownership responsibilities for a delinquent property would remain with the owner of record until the property is sold and the deed is transferred to the new owner. Under the provisions of the legislation, if a property remains unsold after an upset sale and on the docket of a county tax claim bureau, the bureau could accept full payment for the property from or on behalf of the owner. The bureau could not accept partial payments or installment payments. Receipt of full payment would discharge the tax claims, tax liens or tax judgments entered against the property.

A county or tax bureau would hold property subject to sale only as a trustee and would exercise only such control over the property as necessary in order to convey the property or further the purposes of the act. A county or tax bureau could not be civilly or criminally liable or have any obligation for maintenance or nuisance remediation of tax-delinquent property, regardless of whether the property has been exposed to an upset sale, unless the county or bureau purchases the property. The trusteeship under this act would not be considered care, custody or control of real property for purposes of the exceptions to governmental immunity. A county or tax bureau could, at its discretion, rehabilitate and maintain property for which it is a trustee

without consent of the delinquent property owner. These actions would not diminish the responsibilities of the delinquent property owner. Nothing in the act could be construed to relieve a delinquent property owner of civil or criminal liability, or for an obligation for maintenance or nuisance remediation of the tax-delinquent property to the extent the liability is imposed by law or ordinance. **Passed: 50-0.**

**Senate Bill 978** (Baker) would create the Hospice and Home Health Prescription Medication Disposal Act. The measure would authorize a home health agency or hospice, upon the death or discharge of a patient and with the permission of the patient or the patient's family or representative, to accept for disposal a patient's unused prescription medications that were prescribed, dispensed or otherwise used by the patient while under the care of the agency or hospice. A home health care agency would have to establish a written policy setting forth procedures for accepting and disposing of unused prescription medications. The medications would have to be surrendered to a nurse employed by the agency and disposed of as outlined in the legislation. A home health agency or hospice would be required to maintain documentation of the surrender and disposal of unused prescription medications for five years. **Passed: 50-0.**

**Senate Resolution 259** (Mensch) designates the week of January 1 through 7, 2018 as "First Responder Appreciation Week" in Pennsylvania. **Adopted by Voice Vote.**

**House Bill 1608** (Ward) would designate the bridge carrying U.S. Route 22 over the Juniata River, Norfolk Southern Corporation rail tracks and State Route 1010 (Penn Street) in Smithfield and Henderson Townships, Huntingdon County as the Trooper Landon E. Weaver Memorial Bridge. **Passed: 50-0.**

### **Wednesday, January 24, 2018**

**Senate Bill 977** (Gordner) would amend the Regulatory Review Act to require committee chairpersons to provide copies of proposed regulations, public comments and any Independent Regulatory Review Commission (IRRC) comments to each committee member of the chairperson's caucus within five business days of the receipt of the information. The chairpersons could distribute an electronic copy of the information in lieu of a paper copy. The statement of need or purpose for the regulation could be submitted to IRRC and the committees, but could not be submitted to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin. An additional provision would require a committee member making a comment, recommendation or objection to the proposed regulation to also submit the comments to each committee chairperson. The majority chairperson could convene a meeting of the committee to adopt any comment, recommendation or objection to the proposed regulations or could conduct an informational hearing on the regulations. The majority committee chairperson would be required to conduct an informational hearing if petitioned to do so by a majority of the committee members.

At any time prior to 24 hours before the commission's meeting to consider a regulation, a committee may notify the Commission and the agency that it disapproves or intends to further review a final-form regulation. If notified by a committee that it disapproves or intends to further review a regulation, the Commission could not approve or disapprove the regulation for a

period of 30 days or until the Commission's next scheduled meeting, whichever is longer. If the Commission is notified that a committee intends to further review a final-form regulation, the Commission could not approve or disapprove the regulation for a period of 14 days or six legislative days, whichever is longer. If the Commission approves a regulation that has been disapproved by or is being reviewed by a committee, the agency could not promulgate the regulation for 14 days or six legislative days, whichever is longer. If at the end of this period the committee has not taken action, the agency could promulgate the regulation. The legislation would also further provide for the time periods for a concurrent resolution relating to a rulemaking. **Passed: 29-21.**

**Senate Resolution 209** (Rafferty) directs the Joint State Government Commission to conduct a thorough and comprehensive analysis of the potential consolidation of interstate operations at the Department of Transportation and the Pennsylvania Turnpike Commission. **Adopted by Voice Vote.**

**Senate Resolution 228** (Eichelberger) is a concurrent resolution establishing a Global Education Task Force. **Adopted: 50-0.**

**House Bill 1448** (Cutler) would establish a new Article XX-H (Higher Education Accountability and Transparency) in the Public School Code to require the Pennsylvania Department of Education (PDE) to provide information on its website that compares institutions of higher education. The Department would be required to provide a link on its website to the United States Department of Education's College Navigator website and a link to the Pennsylvania Department of Labor and Industry's High Priority Occupations website. In addition, the Pennsylvania Higher Education Assistance Agency would have to provide a link on its website to the information on PDE's site. If the College Navigator Website ceases operation in the future, PDE would be required to develop a tool to allow for the comparison of institutions of higher education in Pennsylvania. **Passed: 50-0.**

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