

# WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – DAVID G. ARGALL, CHAIRMAN

Monday, June 11, 2018

[Senate Bill 1129](#) (DiSanto) would amend Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes to further provide for the termination of parental rights during the adoption process. Among other changes, the measure would:

- Amend the general rule regarding a hearing on the termination of parental rights to require courts to hold a hearing not sooner than 10 days but not more than 30 days after the filing of the petition for relinquishment of parental rights to an agency or adult wishing to adopt the child, or not more than 40 days if the petitioner requests additional time;
- Require that notice be provided to the birth father or putative father that his rights will be terminated if he fails to appear at the hearing to object to the termination or file a written objection to the termination before the hearing. A “putative father” is defined as an alleged birth father of a child conceived or born outside of wedlock whose parental status has not been legally established;
- Require that a diligent search be made when the whereabouts of the birth father or putative father are unknown including notice by publication in a newspaper and county legal journal. The court could waive the requirements of a diligent search and notice by publication if the putative father or birth father has reason to know of the birth of the child but has failed to maintain substantial contact with the child or provide substantial financial support for the child;
- Permit the court to terminate the parental rights of the putative father, regardless of whether the putative father has filed a claim of paternity, if the putative father fails to file a written objection to the termination of parental rights or appear at the hearing to object to the termination of parental rights;
- Direct the court to notify the parent, in writing, and provide them with copies of the department’s name redaction request at the time the decree of termination is transmitted to the parent whose rights are terminated;
- Add to the list of criminal offenses that provide grounds for involuntary termination the offenses of rape, statutory sexual assault, involuntary deviate sexual intercourse, sexual assault, aggravated indecent assault, indecent assault, or an attempt, solicitation, or conspiracy to commit any of these offenses; and
- Allow a birth parent or putative father who has consented to an adoption to execute a waiver of notice of all legal proceedings concerning the child. [Passed: 49-0.](#)

[Senate Resolution 385](#) (Vulakovich) celebrates the 70<sup>th</sup> anniversary of the Pennsylvania Wing of the Civil Air Patrol and designates June 12, 2018 as “Pennsylvania Wing Day” in Pennsylvania.

[Adopted by Voice Vote.](#)

[Senate Resolution 386](#) (Street) observes June 15, 2017 as “Eid al-Fitr Day” in Pennsylvania.

[Adopted by Voice Vote.](#)

### **Tuesday, June 12, 2018**

[Senate Bill 299](#) (Alloway) would amend the Pennsylvania Election Code to allow incumbent magisterial district judges to file a certificate of nomination for reelection, as opposed to filing a nominating petition with at least 100 signatures as is currently required. The nominating petition and signature requirements would remain for a candidate’s primary election when the candidate does not already hold the office of magisterial district judge. If a sitting magisterial district judge files a certificate of nomination for reelection, the sitting magisterial district judge could not challenge the nominating petition of another candidate for magisterial district judge.

[Passed: 49-0.](#)

[Senate Bill 655](#) (Yaw) would amend the Controlled Substance, Drug, Device and Cosmetic Act to establish the Pennsylvania Safe and Effective Opioid Prescribing Advisory Council composed of the individuals delineated in the legislation. The advisory council would be located within the Department of Health and would examine and make recommendations regarding opioid prescribing and dispensing practices and related policies implemented by the Department. The council would be required to report annually on its activities and recommendations to the Governor, certain legislative committees and various cabinet secretaries. The Department of Health would provide administrative support, office space and any other technical assistance required by the advisory council to carry out its duties. The legislation would also direct the Department of Health to promulgate, in accordance with the Commonwealth Documents Law, regulations relating to the prescription of opioids consistent with the prescribing guidelines issued by the advisory council and addressing the areas listed in the bill. The regulations, upon being promulgated pursuant to law, would have the force and effect of law and would be subject to sanctions by the appropriate licensing boards. [Passed: 49-0.](#)

[Senate Bill 1156](#) (Mensch) would designate:

- The bridge on the portion of Pennsylvania Route 100 over the Schuylkill River in Pottstown Borough, Montgomery County as the Newstell Marable, Sr., Memorial Bridge;
- The bridge on Stoughstown Road in Cumberland County over Interstate 81 as the Private Raymond Lafayette Naugle Memorial Bridge;
- The section of Maple Avenue over the Yellow Breeches Creek in Walnut Bottom Township, Cumberland County as the Sergeant Kenneth Lee “Buck” Devor Memorial Bridge;

- The bridge located on U.S. Route 219 South, over U.S. Route 22, also known as Admiral Peary Highway, in Cambria Township, Cambria County as the PFC Nick Kozorosky Memorial Bridge;
- The portion of Pennsylvania Route 54 in West Mahanoy Township, Schuylkill County as the Francis V. “Angie” McAndrew Memorial Highway; and
- The section of State Route 2026 in Upper Moreland Township, Montgomery County, from Pennsylvania Route 611 to Pennsylvania Route 63 as the Corporal Michael Dennis Cooke Memorial Highway. **Passed: 49-0.**

**Senate Resolution 387** (Martin) congratulates the Pennsylvania State University wrestling team on its seventh National Collegiate Athletic Association Division I Wrestling Championship in the past eight years. **Adopted by Voice Vote.**

**Senate Resolution 388** (Yaw) recognizes the Loyalsock Creek, flowing from the Endless Mountain region of Pennsylvania in Sullivan and Bradford Counties through Lycoming County to the West Branch of the Susquehanna River, as the “2018 River of the Year.” **Adopted by Voice Vote.**

**Senate Resolution 389** (Vulakovich) designates November 23, 2018 as “State Partnership Program with Lithuania Day” in Pennsylvania. **Adopted by Voice Vote.**

**House Bill 1641** (Cutler) would create the Employment First Act to establish that it will be the policy of the Commonwealth that competitive integrated employment will be the preferred outcome for all individuals with a disability eligible to work under federal or state law, regardless of severity of disability and assistance required, and work-based learning experiences for all youth with a disability in collaboration with the Department of Labor and Industry. Employment services and opportunities would have to be offered to all individuals with a disability receiving publicly funded services, regardless of whether they live in their home or in a residential setting. State and county agencies and entities providing publicly funded education, training, employment and related services would be required to ensure that Employment First principles are incorporated into their activities and policies. State agencies would be authorized to share general, non-individualized data and information across systems to track the implementation of Employment First. State agencies would have to make an effort to employ individuals with a disability in no less than seven percent of the overall state workforce.

No later than one year after the effective date of the act, the Office of the Governor would be required to develop an initial three-year plan based on information provided by state agencies for implementing Employment First for submission to the General Assembly. The plan would identify the specific policies and implementation dates for state agency compliance with the act. The Office of the Governor would also have to report annually to the General Assembly on state agency compliance with the act. The legislation would establish the Governor’s Cabinet for People with Disabilities to review existing policies related to competitive integrated employment for individuals with a disability and to make recommendations for improvement to the Governor, where necessary. The bill would also establish the Employment First Oversight Commission

composed of the individuals delineated in the legislation. At least 51 percent of the individuals serving on the Commission would have to have a disability. The Commission would be charged with establishing measurable goals and objectives governing the implementation of the act.

**Passed: 49-0.**

### **Wednesday, June 13, 2018**

**Senate Bill 22** (Boscola) proposes amendments to the Pennsylvania Constitution to provide for the election of appellate court judges from judicial districts and to provide for the use of an Independent Reapportionment and Redistricting Commission. The number of judges and justices of the Supreme Court, Superior Court and Commonwealth Court elected from each judicial district would provide every resident of the Commonwealth with approximately equal representation on a court, and each judicial district would be established consistent with the requirements for reapportionment and redistricting of congressional districts. The General Assembly would provide, by law, for the transition to elections using the districts and for retention elections.

As proposed, an Independent Reapportionment and Redistricting Commission would be constituted for the purpose of reapportioning and redistricting the Commonwealth's congressional, senatorial, representative and any other districts authorized by the Constitution. The Commission would consist of 11 members. The General Assembly would prescribe, by law, the qualifications to serve as a member of the Commission, the manner by which the Secretary of the Commonwealth would receive applications for appointment as a member of the Commission, and the manner by which the Secretary of the Commonwealth would submit a list of qualified candidates to the General Assembly. From the list of qualified applicants, the Governor would recommend three individuals who are not registered with either of the two largest political parties in the Commonwealth based on registration, for approval by a two-thirds vote of each chamber of the legislature. The Majority and Minority Leader of the Senate and House of Representatives would each recommend two individuals for approval by a two-thirds vote of their respective chamber. If the members of the Commission are unable to select a chairman within the time prescribed, the General Assembly would appoint a chairman within 30 days.

A reapportionment and redistricting plan would have to be approved by seven affirmative votes that would have to include at least two votes of members registered from each of the two largest political parties in the Commonwealth based on registration and two votes of members not registered with either of the two largest parties. The commission would be required to schedule and conduct at least six public hearings on the plans in different geographic regions throughout the Commonwealth. The proposed changes would also establish additional requirements for senatorial, representative and congressional districts, including that they contain the fewest number of divisions to counties and municipalities as possible. Additional provisions would establish the manner in which maps and plans would be considered by the General Assembly and the courts if the Commission is unable to agree on a final plan. As a proposed constitutional amendment, legislation must pass two consecutive legislative sessions and be approved by the electorate. **Passed: 35-14.**

[Senate Bill 667](#) (Stefano) would amend Chapter 21 (Land Banks) of Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes to allow a “land bank jurisdiction” in a second class A through eighth class county to adopt an ordinance to designate a redevelopment authority as a land bank for the jurisdiction. The ordinance would have to designate the authority as the land bank and comply with certain statutory provisions found in the chapter as outlined in the legislation. The authority as land bank could only acquire, hold and dispose of property in accordance with the chapter. The finances of the authority as land bank would be retained and accounted for separately from finances held for other authority purposes and would be subject to audit. The designation of the authority as land bank could be revoked in the same manner as the dissolution of a land bank under Section 2114 of the chapter. [Concurrence in House Amendments: 49-0.](#)

[Senate Bill 780](#) (Vogel) would create the Telemedicine Act to provide for the regulation of telemedicine in the Commonwealth. The legislation would require each health licensure board to promulgate regulations, within 24 months, that are consistent with the act to provide for and regulate telemedicine within the scope of practice and standard of care regulated by the board. The measure would specifically authorize a health care provider that holds a valid license, certificate or registration from a Commonwealth professional licensure board to practice telemedicine. The licensure boards would promulgate temporary regulations within 120 days of the effective date of the act to facilitate prompt implementation. Additional provisions would establish evaluation and treatment requirements for telemedicine, such as verifying the location and identity of the person receiving treatment and obtaining informed consent. A health insurance policy could not exclude a health care service for coverage solely because the service is provided through telemedicine. A health insurer would be required to reimburse a participating network provider for telemedicine if the health insurer reimburses the same provider for the same service through an in-person encounter. Medical assistance payments would be made on behalf of eligible individuals for telemedicine, consistent with federal law, if service would be covered through an in-person encounter. [Passed: 49-0.](#)

[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 entered against the property.

A county or tax bureau would hold property subject to sale only as a trustee for the purpose of exercising 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 or other sale under the act, 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. [Concurrence in House Amendments: 49-0.](#)

[Senate Bill 934](#) (Baker) would amend the Administrative Code of 1929 to create the Elevator Safety Board consisting of the individuals listed in the legislation. The Board would recommend regulations to the Secretary of Labor and Industry relating to the construction, maintenance inspection and safe operation of elevators. The Board could consult with engineering authorities and other appropriate organizations regarding the application of elevator industry codes and standards. The Secretary of Labor and Industry would review any recommendations for regulations submitted by the Board and, if approved, would promulgate regulations consistent with the recommendations. The Board could grant exceptions and variances from the requirements of applicable codes and standards or regulations if the changes would not jeopardize the safety and welfare of the general public or individuals employed in the elevator industry. The Department of Labor and Industry would have to accept applications for all exceptions and variances and make recommendations on the applications to the Board. The Board could hold hearings and hear appeals on matters relating to elevator safety. [Passed: 49-0.](#)

[Senate Bill 1087](#) (Baker) would create the Interbranch Commission on the Child-Welfare System composed of the individuals identified in the legislation. The Commission would investigate and analyze the child welfare system in the Commonwealth and report to the Governor, the General Assembly and the Supreme Court within 24 months. The Commission would be directed to make recommendations to improve the child welfare system, to prevent the occurrence of events of abuse of children in the child-welfare system, and to change state statutes and state and local practices, rules, policies and procedures. The Commission could hold public hearings as necessary to obtain the information required to conduct its investigation and review. The Department of Human Services would provide administrative services to the Commission. The Administrative Office of the Pennsylvania Courts and the Juvenile Court Judges' Commission would be required to collaborate with the Commission. The act would expire two years from its effective date. [Passed: 49-0.](#)

[Senate Resolution 391](#) (Street) observes June 19, 2018 as “Juneteenth National Freedom Day” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 392](#) (Vulakovich) recognizes June 14, 2018 as “National Flag Day” in Pennsylvania. [Adopted by Voice Vote.](#)

[House Bill 152](#) (Quinn) would amend the Insurance Company Law of 1921 by repealing Section 429 (relating to surplus or safety fund) and amending Article IV (relating to life insurance) to establish a database of life insurers. The changes to Article IV would:

- Require the Insurance Department to maintain an electronic database of contact information for each life insurer that has life insurance policies or annuity

contracts in force in Pennsylvania and to provide the Department with a valid e-mail address;

- Require all life insurers to participate in the life policy locator service in providing for and responding to search requests for life insurance policies or annuities in force in Pennsylvania covering a decedent;
- Require an insurance producer, when making a recommendation to a consumer for the purchase or replacement of an annuity, to have reasonable grounds for believing that the recommendation is suitable for the consumer; the consumer would benefit from certain features of the annuity; the particular annuity as a whole is suitable for the consumer; or, in the case of a replacement of an annuity, the replacement is suitable;
- Add language to state that the “reasonable basis of suitability” standard does not apply to an annuity transaction if no recommendation is made; if a recommendation was made and was later found to have been prepared based on materially inaccurate information provided by the consumer; a consumer refuses to provide suitability information; or the consumer decides to enter into a transaction that is not based on a recommendation of the insurer or insurance producer;
- Require insurance producers or responsible insurer representatives to: make a record of each annuity recommendation, obtain a customer-signed statement documenting a customer’s refusal to provide suitability information if applicable, and obtain a customer-signed statement acknowledging that an annuity transaction is not recommended if the customer decides to enter into an annuity transaction that is not based on the insurer’s or producer’s recommendation;
- Update the requirements for establishing a supervision system to ensure compliance with the provisions of Article IV-B;
- Add a section which requires an insurance producer who has the authority to sell annuities to complete at least four continuing education credits in an annuity training course or courses covering certain annuity topics outlined in the bill;
- Prohibit continuing education courses from containing marketing information, providing training on sales techniques, or providing specific information about a particular insurer’s products;
- Provide that the training requirements of another state substantially similar to Pennsylvania requirements will satisfy the training requirements for resident and non-resident producers; and
- Authorize the department to promulgate regulations. **Passed: 49-0.**

(2018-062)