

# WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – DAVID G. ARGALL, CHAIRMAN

## Monday, September 24, 2018

[Senate Bill 891](#) (Argall) would amend the State Lottery Law to require the Department of Aging to establish a method to be used at least monthly to cross-reference its roster of claimants for the PACE and PACENET programs with the death records information from the Department of Health. A claimant who is found to have a death record would be subject to an immediate cancellation of benefits. [Passed: 49-0.](#)

[Senate Resolution 420](#) (Browne) designates the week of September 23 through 29, 2018 as “Clean Energy Week” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 422](#) (Killion) designates the month of September 2018 as “Sepsis Awareness Month” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 423](#) (Dinniman) recognizes the month of October 2018 as “National Principals Month” in Pennsylvania and honors the contribution of principals in the elementary schools, middle schools and high schools of our nation. [Adopted by Voice Vote.](#)

[Senate Resolution 424](#) (Dinniman) recognizes the week of September 23 through 29, 2018 as “Juvenile Detention Centers and Alternative Programs Week” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 425](#) (Dinniman) recognizes the month of September 2018 as “National Senior Center Month” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 426](#) (Vulakovich) designates the month of September 2018 as “Military Service Opportunity Month” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 427](#) (Martin) designates the month of September 2018 as “Childhood Cancer Awareness Month” in Pennsylvania and encourages all residents in the Commonwealth to join the fight against childhood cancer. [Adopted by Voice Vote.](#)

[Senate Resolution 428](#) (Bartolotta) recognizes the week of September 17 through 23, 2018 as “Constitution Week” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 429](#) (Tartaglione) observes September 15 through October 15, 2018 as “Hispanic Heritage Month” in Pennsylvania and recognizes the achievements of Hispanic Americans in the Commonwealth. [Adopted by Voice Vote.](#)

[Senate Resolution 430](#) (Tomlinson) designates the month of September 2018 as “#UTILITYCAREERS Month” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 431](#) (Eichelberger) designates the month of September 2018 as “Brain Aneurysm Awareness Month” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 432](#) (Scarnati) recognizes the 3<sup>rd</sup> Annual Capitol All-Stars Charity Softball Game. [Adopted by Voice Vote.](#)

[House Bill 1917](#) (Ryan) would amend Title 22 (Detectives and Private Police) of the Pennsylvania Consolidated Statutes to further provide for the appointment and training of humane society police officers. Among other provisions, the legislation would:

- Require a county clerk to forward information relating to the appointment of an individual as a humane society police officer to the Department of Agriculture to include in the statewide registry;
- Add a requirement for the society or association to provide proof that individuals under consideration as humane society police officers have not previously had their appointment as a humane society police officer revoked for cause in another county or another state;
- Increase the minimum number of training hours from 60 to 80 hours and include additional required areas of knowledge such as the proper procedure for filing citations and warrants and the proper care, treatment and handling of agricultural and other animals;
- Provide an exemption from the initial training requirements for individuals who have successfully completed initial training under this chapter prior to June 30, 2018, and can provide proof of such to the Secretary of Agriculture;
- Increase the minimum amount of training time for continuing education from 10 hours to 16 hours;
- Require the Department of Agriculture to notify the court of common pleas and district attorney of each county to which an individual is appointed as a humane society police officer within one week of a suspension for failure to complete the continuing education program;
- Require humane society police officers to submit an application that includes a confirmation of appointment by the court of common pleas, proof of completion of the necessary education, and a criminal history report from the Pennsylvania State Police to the Department of Agriculture for inclusion in the statewide registry;
- Add a section to require all officers to renew their inclusion in the registry every two years;

- Require one member of the Humane Society Police Officer Advisory Board to be a representative of an organization in the Commonwealth of societies or associations for the prevention of cruelty to animals; and
- Direct the Board to review and recommend programs related to training and continuing education programs. [Passed: 49-0.](#)

### **Tuesday, September 25, 2018**

[Senate Bill 31](#) (Scavello) would amend the Tobacco Settlement Act to establish the Spinal Cord Injury Research Program. The legislation would earmark an amount from the appropriations to the Department of Health from the Tobacco Settlement Fund for research projects on spinal cord injuries and related infrastructure. Funds appropriated to the Department for the program could also be used to conduct peer reviews and performance reviews. The legislation would establish the Spinal Cord Research Advisory Committee to obtain public input and to make recommendations to the Department regarding research priorities, evaluation and accountability procedures and related issues. No less than \$1 million of the research funds would be used to provide grants to eligible institutions to conduct research into new and innovative treatments and rehabilitative efforts for the functional improvement of individuals with spinal cord injuries. The Department would be authorized to solicit funds to supplement the grants awarded under the program. [Passed: 49-0.](#)

[Senate Bill 521](#) (Killion) would amend the Public School Code of 1949 to require the Department of Education, in conjunction with the Department of Health and a certified cardiopulmonary resuscitation (CPR) training organization, to develop a model curriculum and curriculum guidelines for instruction on CPR for public school students in grades nine through twelve. The model curriculum and guidelines would have to be posted on the Department's publicly accessible Internet website; be age appropriate; be revised regularly to remain current with national standards; provide guidance for integration into health courses or other appropriate curriculum requirements; be made available to all school entities; include recommended guidelines and educational materials from organizations with expertise in CPR and emergency care; and include information on the purpose of an automated external defibrillator. A school entity that offers instruction could utilize the model curriculum or develop its own. A teacher, instructor or community volunteer could provide, facilitate or oversee the instruction offered by a school entity and need not be a certified CPR trainer. An individual who in good faith provides instruction in CPR to a student under the section would not be liable for any civil damages as a result of any act or omission relating to instruction, except for an act or omission intentionally designed to harm or a grossly negligent act or omission that results in harm to an individual to whom the student administers CPR. [Passed: 49-0.](#)

[Senate Bill 668](#) (Gordner) would amend the Optometric Practice and Licensure Act to update its provisions. Among other modifications, the legislation would amend the definition of "examination and diagnosis" to clarify that optometrists may use pharmaceutical agents approved by Board of Optometry and update the terms by which a licensed optometrist could be identified to include "doctor" and "O.D." The definition of "practice of optometry" would be expanded to include the use of any and all means or methods for the examination, diagnosis and

treatment of all conditions of the human visual system, including all conditions of the anterior segment of the human eye. The term would include:

- The examination for, and adapting and fitting of, all kinds and types of lenses, including contacts;
- The administration and prescription of all legend and non-legend drugs approved by the Board for treatment of diseases and conditions of the eye and adnexa, including codeine and hydrocodone combinations which were reclassified from Schedule III to Schedule II prior to the effective date of the subparagraph. The prescription of Schedule II controlled substances containing codeine and hydrocodone combinations could not exceed a 72-hour supply;
- The removal of superficial foreign bodies;
- Drainage of superficial cysts of the eyelids;
- Epinephrine auto-injectors for anaphylaxis;
- The ordering of imaging tests appropriate for diagnosis and treatment of a disease or condition of the human visual system; and
- The treatment of glaucoma.

The practice of optometry would not include:

- Surgery with a scalpel or scissors, refractive or therapeutic surgery with a laser and surgery with a cryoprobe;
- Injection into the globe;
- The use of Schedule I and Schedule II controlled substances, except for the use of codeine and hydrocodone combinations which were reclassified from Schedule III to Schedule II prior to the effective date of the subparagraph and any drugs approved by the Board for the treatment of ocular disease; or
- Procedures not specifically authorized under the definition of optometry.

An additional change would grant all optometric student externs the ability to perform procedures and tests while under the direct supervision and control of a licensed optometrist, rather than limiting the ability to only fourth year externs. On or after the effective date of the legislation, the State Board of Optometry could approve drugs for use in the practice of optometry for the treatment of diseases and conditions of the eye after the drugs are approved by the Food and Drug Administration, as published in the Code of Federal Regulations. It would be unlawful for an optometrist to advertise a service prohibited under the act. A person convicted of violating this provision would be guilty of a summary offense and would be subject to a fine

of not more than \$500 for a first offense. For a second or subsequent offense, the Board could impose a suspension of the person's license for up to 30 days, in addition to the fine. An insurance billing code could not be used to define or interpret a procedure performed by an optometrist as surgery. **Passed: 32-17.**

**Senate Bill 1007** (Eichelberger) would amend Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes to further provide for assessment appeal boards and auxiliary appeal boards and to clarify procedures related to countywide reassessment. Among other provisions, the legislation would:

- Require the chief assessor to compile and periodically update a list of the names and addresses of each taxing district within the county and publish the list on the county's website;
- Mandate that the Board provide written notice of its decision on an appeal to the appellant, property owner and taxing districts no later than November 15. The notice would have to contain three separate statements providing the following information:
  - The decision may be appealed to the court of common pleas within 30 days of the mailing date of the decision;
  - An appellant must provide each taxing district within which the property lies a copy of the appeal and that a list of the names and addresses of taxing districts in the county may be found on the county's publicly accessible website; and
  - The board cannot provide advice on filing an appeal to a court and that a party may wish to consult with an attorney when considering an appeal;
- Prohibit the market value or assessed value of a property from being adjusted as a result of an informal review except to reflect changes to tabular data or property characteristics inaccurately recorded during the revision;
- Authorize the County Commissioners to appoint Board members for terms of two or four years each. The County Commissioners could not appoint a member to the board who is an employee of or contractor with the county assessment office;
- Establish training requirements that each Board member must complete in order to attain authorization to hear appeals;
- Authorize the County Commissioners, in coordination with the Assessors' Association of Pennsylvania, to establish the curriculum and method of training, which may be conducted electronically or remotely and must include the following:
  - Three hours of training on the assessment valuation process in Pennsylvania;

- Three hours of training on the legal and constitutional issues relating to the assessment process and the responsibilities of board members; and
- Three hours of training on real estate exemptions;
- Provide that the costs of the training would have to be paid by the respective counties responsible for the appointment of the board and auxiliary boards;
- Permit the County Commissioners to establish temporary auxiliary appeal boards for terms necessary to hear and determine appeals that would be restricted to determining the following matters:
  - Appeals from assessment values, except the auxiliary appeal board could not hear exemption appeals; and
  - Appeals arising from applications for the homestead exclusion;
- Direct that the auxiliary appeal board be comprised of three residents of the county trained in accordance with Section 8852, and require all three to be physically present to hear an appeal; and
- Enable the County Commissioners to create a pool of qualified residents for potential service as auxiliary appeal board members. The County Commissioners would maintain the ability to appoint a qualified auxiliary appeal board member from outside of the established pool. Pool members could serve as directed by the board of assessment appeals on any auxiliary appeal board in the event that a member of an auxiliary appeal board is unavailable for a scheduled hearing. **Passed: 49-0.**

**Senate Bill 1205** (Laughlin) would amend Title 40 (Insurance) of the Pennsylvania Consolidated Statutes to add Chapter 39 providing for corporate governance annual disclosure (CGAD). The legislation would require insurers domiciled in the Commonwealth or that are part of an insurance group of which Pennsylvania is the lead state to provide the Insurance Commissioner with their corporate governance structure, policies and practices annually. An insurer or insurance group not required to submit a CGAD under the requirements of the chapter could be required to submit a copy of the most current version of its CGAD to the Insurance Department upon the Commissioner's request. The Department would be required to include a sample template for the submission of the information on its publicly accessible Internet website. The insurer or insurance group would have discretion over the contents of CGAD as long as it includes all of the information delineated in the bill and gives the Department the necessary information to understand its structure, policies and practices. The GCAD-related information in the possession or control of the Department as a result of the requirements of the chapter would be privileged and given confidential treatment. The information would not be subject to discovery, subpoena, or the Right-to-Know Law. The information could not be made public without the prior written consent of the insurer or insurance group to which it pertains.

**Passed: 49-0.**

[Senate Resolution 419](#) (Scarnati) honors the life of Stephen C. MacNett. **Adopted: 49-0.**

[Senate Resolution 433](#) (Boscola) recognizes the month of September 2018 as “Vertebral Subluxation Awareness Month” in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 434](#) (Tartaglione) recognizes the month of September 2018 as “National Spinal Cord Injury Awareness Month” in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 435](#) (Costa) designates the week of October 21 through 27, 2018 as “Pro Bono Week” in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 436](#) (Scarnati) recognizes the month of September 2018 as “Hunger Action Month” in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 437](#) (Dinniman) designates October 2018 as “Audiology Awareness Month” in Pennsylvania. **Adopted by Voice Vote.**

[House Bill 1346](#) (Pyle) would amend Title 18 (Crimes and Offenses) and Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes to provide for the offense of the unlawful use of an unmanned aircraft. A person would commit the offense if he or she uses an unmanned aircraft intentionally or knowingly to conduct surveillance on another person in a private place; to operate in a manner which places another person in reasonable fear of bodily injury or to deliver contraband to a prison. An offense would be a summary offense punishable by a fine of up to \$300, except for the offense of delivering contraband to a prison which would be a second degree felony. The prohibition would not apply to law enforcement, officers, corrections personnel or fire and emergency responders if the device is being used in the performance of their official duties. The exemption would also apply to employees of utilities and governmental entities and individuals collecting aerial data. An additional provision would preempt local regulation of unmanned aircraft. **Passed: 49-0.**

### **Wednesday, September 26, 2018**

[Senate Bill 1066](#) (Mensch) would create the First-Time Home Buyer Savings Account Act. Under the provisions of the legislation, beginning January 1, 2019, an individual could open a first-time home buyer savings account with a financial institution for eligible costs associated with first-time purchase of a home. Eligible costs would include the down payment and allowable closing costs for the purchase of a single-family residence in the Commonwealth. The account holder could not use funds held in the account to pay the expenses for administering the account, except that a service fee could be deducted from the account by the financial institution. The amount contributed by an account holder during each tax year could not exceed \$5,000 for an account holder who files an individual personal income tax return or \$10,000 for joint account holders who file a joint personal income tax return.

The contributions would be deductible, up to the contribution limits, from the taxable income of the account holder under the personal income tax during the tax year the contribution is made. Earnings on an account could also be excluded from taxable income. An account

holder could claim a deduction and exclusion for a period of no more than ten years for an aggregate amount of principal and earnings not to exceed \$50,000 within 10 years. An individual other than the account holder could contribute to the account but the maximum amount for all contributions to an account would be \$150,000. An individual other than the account holder who contributes to an account could not claim any deduction or exclusion. Any funds remaining in the account after the ten year period would be included in the account holder's taxable income. Any funds withdrawn and not used for eligible costs would be included in the account holder's taxable income and subject to a penalty equal to ten percent of the amount withdrawn. The Department of Revenue could promulgate regulations to administer and enforce the act. [Passed: 48-0.](#)

[Senate Bill 1096](#) (Browne) would amend Title 74 (Transportation) and Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes regarding the platooning of vehicles and highly automated vehicles. The measure would establish that the Department of Transportation is the lead Commonwealth agency on platooning and highly automated vehicles. The bill would clarify that nonlead vehicles in a platoon would not be subject to Section 3310 of Title 75 relating to following too closely. All vehicles in a platoon would have to be marked with a visual identifier on the power unit. Further, a platoon would be limited to a maximum of three vehicles and vehicles in a platoon could only travel on limited access highways or interstate highways, unless otherwise permitted by the Department or the Turnpike Commission. The Department or the Turnpike Commission could also restrict vehicle movement for operational or safety reasons. A person could operate a platoon on a highway of the Commonwealth if the person files a plan for general platoon operations with the Department. The Department would review the plan with the State Police and the Turnpike Commission, as applicable. If the plan is not rejected within 30 days, the person would be allowed to operate the platoon.

The legislation would authorize the Department or the Turnpike Commission, as applicable, to designate the locations in Pennsylvania, on a periodic basis, for the deployment of highly automated work zone vehicles. A driver could be required in a highly automated work zone vehicle when used in an active work zone. An additional provision would establish the Highly Automated Vehicle Advisory Committee within the Department composed of the members delineated in the legislation. The advisory committee would have the power to advise and consult the Secretary of Transportation on all aspects of highly automated vehicles and platooning in the Commonwealth. The Department would be required to provide an annual report of the activities of the advisory committee on its publicly accessible Internet website. An additional provision would provide for vacancies on the Aviation Advisory Committee. [Passed: 48-0.](#)

[Senate Bill 1098](#) (Browne) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to allow school districts to install automated enforcement systems on school buses and penalize drivers who fail to stop for school buses with flashing red lights. The bill would require that drivers meeting or overtaking a stopped school bus must stop at least 10 feet before reaching the bus when the red signal lights are flashing and the side stop signal arms are activated. A driver could not proceed until the signal lights are off and the school children have reached a place of safety. School districts would be permitted to install and operate an automated side stop signal arm enforcement system to ensure that drivers stop for buses. The decision to use the



cameras would be made by a vote of the school board. The school could enter into an agreement with a private vendor or manufacturer for an enforcement system. Each violation for neglecting to stop would be a summary offense punishable by a fine of \$250 and five points on the individual's driving record.

A stop-arm camera on a school bus would be subject to the limitations outlined in the bill. The manufacturer or vendor of the enforcement system would have to submit a copy of the recorded image of the vehicle, the license plate number and state, and the date, time and place of the alleged violation to the police department with primary jurisdiction. The compensation paid to the vendor of the system could not be based on the number of citations issued. The bill would establish the School Bus Safety Grant Program Fund as a restricted receipts account in the Motor License Fund. Fifty percent of the fines would be deposited into this fund and used by the Department to implement the School Bus Safety Grant Program which would award school bus safety grants on a competitive basis. **Passed: 48-0.**

**Senate Bill 1134** (Schwank) would amend Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes to define the offense of sexual extortion as intentionally or knowingly coercing or causing another person to engage in sexual conduct or simulated sexual conduct or to produce or distribute an image or recording of another person in a state of nudity or engaged in sexual conduct by doing any of the following:

- Harming or threatening to harm the person, property, reputation, or other thing of value;
- Distributing or threatening to distribute an image or recording of the other person in a state of nudity or engaged in sexual conduct;
- Exposing or threatening to expose any information that, if revealed, would subject the other person to criminal proceedings, hatred, contempt, or ridicule; or
- Holding out, withholding, or threatening to withhold a service, employment, position, or other thing of value.

The offense would be graded as a first degree misdemeanor. The offense would be upgraded to a third degree felony when the victim is less than 18 years of age or has an intellectual disability, when the offender holds a position of trust over the victim, when the offender was previously convicted of the offense, or where the violation is part of a course of conduct of sexual extortion. The Commission on Sentencing would be required to provide for a sentencing enhancement when the offense is committed under certain circumstances. Whenever a juvenile is charged with a violation, the judicial authority having jurisdiction of the proceeding would have to give first consideration to referring the juvenile to a diversionary program. As part of the diversionary program, the judicial authority could order the juvenile to participate in an educational program that covers the legal and non-legal consequences of sexual extortion. If the person successfully completes the diversionary program, the juvenile's records of the charge of violating this section would be expunged. **Passed: 48-0.**

[Senate Bill 1181](#) (Reschenthaler) would amend the Public School Code of 1949 to add a section providing for early intervention depression screenings in schools. The legislation would require that all children of school age receive a depression screening while in sixth grade and thereafter in accordance with the schedule for mandated medical examinations under Section 1402 (e). The comprehensive health examination for a child of school age would have to include written confirmation from the child's physician or other qualified health care professional that the screening was completed.

Each school entity would have to provide notice of the screening requirement to the parent or guardian of each child. The notice would have to explain that the parent or guardian could opt out of the depression screening; specify that the decision to act on the screening results rests entirely with the parent or guardian; and state that the school entity will not receive results of the screening unless the parent or guardian chooses to share the results. If the parent or guardian chooses to share the results of the screening with the school entity and the screening indicates the presence of thoughts or behaviors often associated with a diagnosis of depression, the school entity would have to direct the child to the school's student assistance program, to the school psychologist for evaluation, or for evaluation under the Individuals with Disabilities Education Act or under Section 504 of the Rehabilitation Act of 1973. The parent or guardian would be notified at the point of referral and that an evaluation could not be performed without their consent. The academic records of a child of school age would not include the child's screening results or information indicating whether a screening was completed.

The Department of Health, in conjunction with the Department of Education, would have to make materials available that, at a minimum, explain the importance of early diagnosis for children with depression and related federal and state privacy protections and parental rights in relation to the health requirements for children of school age. Nothing in the section could be construed to create, establish or expand civil or criminal liability on the part of a school entity or school employee. Within 90 days of the effective date of the section, each school entity would be required to adopt or revise existing procedures concerning the school entity's response if it is provided with a depression screening indicating that a student has thought or engages in behaviors that are often associated with a diagnosis of depression. The Department of Health would be required to promulgate regulations necessary to implement the section, including a determination of who can be deemed a qualified health care professional for the purpose of the section and privacy procedures which apply when depression screening is conducted in a school entity by a school physician or other practitioner. **Passed: 48-0.**

[Senate Bill 1209](#) (Langerholc) would amend the Sexual Assault Testing and Evidence Collection Act to require a health care facility to notify the local law enforcement agency where a reported sexual assault occurred within 12 hours of collecting of evidence from the assault. The bill would further require the Department of Health to establish a telephone number for health care facilities to use to notify the Department if local law enforcement does not take possession of the evidence within 72 hours of notification. An additional provision would require district attorneys to ensure that the submission of sexual assault evidence for testing occurs within 15 days of receiving notice of the victim's consent to the testing. The Pennsylvania State Police, in consultation with the Pennsylvania Coalition Against Rape and, as necessary, local law enforcement agencies, would be required to submit a report to the Department biannually

containing data on the volume of sexual assault evidence submitted for testing; the volume of sexual assault evidence awaiting testing; the rate of submission of evidence by law enforcement agencies in compliance with the provisions of the act; the speed of testing and reasons for delays and a review of current practices and interagency collaboration in rape kit evidence collection.

**Passed: 48-0.**

**Senate Resolution 438** (Vulakovich) recognizes the month of October 2018 as “Dyslexia Awareness Month” in Pennsylvania. **Adopted by Voice Vote.**

**Senate Resolution 439** (Scavello) honors East Stroudsburg University as it celebrates the 125<sup>th</sup> anniversary of its founding. **Adopted by Voice Vote.**

**Senate Resolution 440** (Aument) designates the month of September 2018 as “Military Suicide Prevention and Awareness Month” in Pennsylvania. **Adopted by Voice Vote.**

**House Bill 2297** (Taylor) would amend Act 9 of 2018 which named a number of roads and bridges. The legislation would modify the designation of the Lance Corporal Michael L. Freeman, Jr. Memorial Highway by amending it to reflect the correct highway, which is U.S. Route 30 in Franklin County from the eastern intersection with S.R. 1008 to the western intersection with S.R. 1008. The bill would also re-designate the Cpl. Carl F. Hynek, III Memorial Highway to reflect the correct highway by changing it from S.R. 2034 to S.R. 2044. The addition of this section would be retroactive to January 3, 2017. An additional provision would repeal Section 6 of Act 156 of 2016 which authorized the original designation for the Cpl. Carl F. Hynek, III Memorial Highway. **Passed: 48-0.**

(2018-105)