

# WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – DAVID G. ARGALL, CHAIRMAN

## Monday, October 15, 2018

[Senate Bill 689](#) (Eichelberger) would amend the Real Estate Appraisers Certification Act to expand the membership of the State Board of Certified Real Estate Appraisers from 11 members to 13 members. In addition to six appraisers, the Secretary of the Commonwealth, the Attorney General and the Secretary of Banking currently serve on the Board. Under the changes in the bill, two of the other four members would have to be “certified Pennsylvania evaluators” and two would have to be public members. In the case of an appointment of a professional member who is both a certified Pennsylvania evaluator and a state-certified real estate appraiser, the appointment would have to specify in which capacity the individual is being appointed. For the initial appointments, the Governor would have 90 days to nominate one certified Pennsylvania evaluator to serve a two-year term and another to serve a four-year term. For purposes of the act, a “certified Pennsylvania evaluator” would be defined as a person who holds a current valid certificate issued under the Assessors Certification Act, while a “professional member” would be defined as a certified Pennsylvania evaluator or a state-certified real estate appraiser.

[Passed: 49-0.](#)

[Senate Bill 748](#) (Argall) would create the Public Safety Facilities Act to establish a clear process for consideration of proposed closures of state correctional institutions and state police stations. The law would establish a list of stakeholders who must be notified at least three months prior to an announcement of a closure. The overseeing state agency would be required to:

- Gather information from stakeholders concerning the ramifications of closing the facility;
- Hold at least one public hearing in the county in which the facility is located prior to a final decision of a closure;
- Provide a written report detailing its findings to the Governor as well as the Majority and Minority Leaders of the General Assembly; and
- Provide public safety facility employees, who are represented by an employee labor organization, 60 days to complete and submit a selection form. The completion and submission of a selection form would not guarantee a placement for employment.

Further, the overseeing agency would be required to coordinate with Commonwealth departments, political subdivisions and affected labor organizations to develop strategies to minimize the impact of the closure on the:

- Delivery of law enforcement;
- Care, custody and control of inmates;

- Work force of the public safety facility; and
- Regional and local economies. [Concurrence in House Amendments: 49-0.](#)

[Senate Bill 888](#) (Rafferty) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to improve access to disabled parking spaces. A person could not obstruct a space on public or private property reserved for a person with a disability, a part of a curb ramp or the access aisle adjacent to a parking space reserved for a person with a disability in a manner that would prevent a person, a wheelchair or a personal mobility device from entering or leaving a vehicle legally parked in an adjoining space. A person violating this provision would be guilty of a summary offense punishable by a fine of not less than \$100 nor more than \$300. An additional provision would permit local authorities to limit access to a parking space reserved on a public street to a specific vehicle, license plate or other method of designation. The local authorities could charge a reasonable fee and would have to comply with the Americans with Disabilities Act of 1990. [Concurrence in House Amendments: 49-0.](#)

[Senate Bill 899](#) (Mensch) would amend Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes by adding Chapter 69, to codify and update the Older Adult Protective Services law and to specifically address issues pertaining to criminal background checks, adult protective services and penalties. Act 79 of 1987 (the Older Adults Protective Services Act) would be repealed. Among other provisions, the bill would:

- Outline the duties of the Department of Aging including public education, training for protective services providers and mandatory reporters, ensuring the confidentiality of older adults receiving services and establishing a schedule for the submission and approval of training and protective services plans;
- Define the duties of the Area Agencies on Aging to include: 1) receiving reports of older adults in need of protective services at all times; 2) undertaking the investigation of each report within 72 hours; 3) conducting investigations involving facilities, under procedures developed by the department, in consultation with the Commonwealth agency with facility oversight; 4) ensuring investigations involving law enforcement officials involve coordination with the Area Agency on Aging and other mandatory reporters; 5) obtaining access to older adults who have been reported to be in need of protective services in order to investigate the report, assess the needs of the older adult and develop a service plan; 6) obtaining access to records, with the consent of the older adult, to assess the need for services as well as the delivery of services; 7) notifying the older adult that a report has been made and providing them or their guardian with a summary; and 8) making protection services available to older adults in need of them;
- Outline the provision of protective services including: consent to services, interference with services, financial obligations, liabilities and payments, involuntary intervention by an emergency court order, and confidentiality of records;
- Address reporting including who should report, the content of reports and protecting the identity of reporters and cooperating witnesses;

- Provide for the reporting of financial exploitation of an older adult, financial services provider training for employees who conduct financial transactions on behalf of older adults, disbursement of funds and transactions, and immunity and defenses for financial services providers;
- Require a facility to ensure applicants for employment submit criminal history information and provide the grounds to deny employment based on this history;
- Provide for penalties for mandatory reporters who fail to comply, and immunity from civil and criminal liability for Area Agencies on Aging and protective services workers when acting under and according to the provisions of the chapter; and
- Require the General Assembly to make an annual appropriation to administer the chapter and require the Department to issue rules and regulations as well as to present an annual report to the General Assembly on the program and services performed. **Passed: 49-0.**

**Senate Bill 1005** (Eichelberger) would update the County Code and incorporate the Second Class County Code into the County Code as it pertains to second class A counties. The changes to the combined codes would reflect case law and current practices, as well as update outdated or archaic language and make provisions of the codes consistent where practicable. **Concurrence in House Amendments: 49-0.**

**Senate Bill 1006** (Eichelberger) would amend Chapter 88 (the Consolidated County Assessment Law) of Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes to modify the existing statutory requirement that building permit and substantial property improvement information be submitted to the county assessment office. The bill would allow counties to enact ordinances requiring notice of substantial improvements and establish means by which building and demolition permit information could be submitted to the county assessment office, including for municipalities that do not require building permits. Additional penalties and procedures for non-compliance of reporting would be established, including court proceedings for intentional non-compliance by municipalities or third-party agencies, and an increase of civil fines from \$50 to \$100 for intentional non-compliance. **Passed: 49-0.**

**Senate Bill 1090** (Corman) would amend Title 18 (Crimes and Offenses) and Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes to create the Timothy J. Piazza Antihazing Law. The measure would amend the Crimes Code to add Chapter 28 (Antihazing), which would establish the offenses of hazing, aggravated hazing, organizational hazing and institutional hazing. Hazing, as defined in the legislation, would be a summary offense, unless it results in or creates a reasonable likelihood of bodily injury in which case it would be a third degree misdemeanor. Aggravated hazing would be graded as a third degree felony. An organization would commit the offense of organizational hazing if it intentionally, knowingly or recklessly promotes hazing or aggravated hazing. The penalty for organizational hazing would be a fine of not more than \$5,000 for each hazing offense and a fine of not more than \$15,000 for each aggravated hazing offense. In addition to any other sentence imposed, the organization would be subject to any other relief that the court deems equitable. An institution

which intentionally, knowingly or recklessly promotes or facilitates hazing or aggravated hazing would commit the offense of institutional hazing and would be subject to the same fines imposed for organizational hazing. It would not be a defense to any of the offenses under the chapter if consent of the student or minor was sought or obtained or the conduct was sanctioned or approved by the institution, secondary school or organization.

Each institution and each governing body of a secondary school would be required to adopt a written policy against hazing and to adopt rules prohibiting students or other persons associated with an organization from engaging in hazing or an offense under the chapter. Each institution would have to provide a copy of the policy and rules to each organization within the institution. Secondary schools would have to ensure that students are informed of the school's policy. Each institution and secondary school would have to post its policy on its website.

An institution would be required to maintain a report of all violations of the institution's antihazing policy, or federal or state laws relating to hazing, that are reported to campus authorities or local law enforcement. The initial report would have to include information concerning violations reported for the five years prior to the effective date of the legislation to the extent the institution retained the information. The report would not include the personal identifying information of an individual. An institution would have to post its initial report on its website by January 15, 2019, update the report biannually on January 1 and August 1, and retain reports for five years. The legislation would also establish safe harbor provisions for individuals involved in an incident who seek assistance for another to prevent death or serious bodily injury. An additional provision would make a conforming change to the Judicial Code to provide for asset forfeiture. [Concurrence in House Amendments: 49-0.](#)

[Senate Bill 1095](#) (McGarrigle) would amend the Public School Code to delay the use of the Keystone Exams as a graduation requirement until the 2021-2022 school year and to provide alternatives to the exams. In any year in which a demonstration of proficiency on a Keystone Exam is required for high school graduation, a student would be deemed proficient if he or she completes one of the four options listed in the bill. The options would include:

- Receiving a satisfactory composite score on the Keystone Exams in Algebra I, Literature and Biology;
- Successful completion of locally established, grade based requirements for academic content areas associated with each Keystone Exam on which the student did not receive at least a proficient score, and the demonstration of one of the other activities or accomplishments listed in the legislation;
- Approval by a chief school administrator in consultation with an area vocational-technical school director or principal of a comprehensive high school for a CTE (career technical education) concentrator based on certain criteria. The determination would have to be made no later than the end of eleventh grade, or, for a student enrolled in one-year program, the end of the first semester of twelfth grade; and

- Successful completion of locally established, grade based requirements for academic content areas associated with each Keystone Exam on which the student did not receive at least a proficient score, and the demonstration of three other criteria from those listed in the legislation providing evidence of readiness for college or career engagement.

A waiver of the requirements could be granted by a chief school administrator. If the number of waivers exceed five percent of students in the graduating class in any school year, the school would be required to submit an improvement plan to the Department for approval. If the number of waivers exceed five percent of students in the graduating class in any two consecutive school years, the Department would undertake an audit of the school entity. The legislation would authorize school entities to offer supplemental instruction to students who do not demonstrate proficiency on a Keystone Exam or on a locally validated assessment. Students could not be required to participate in the supplemental instruction.

No later than July 30, 2019, the Secretary of Education would have to recommend for approval by the State Board of Education the satisfactory composite score a student must attain in order to meet the requirements of the section. The satisfactory composite score would have to require a student to achieve a proficient score on at least one of the three Keystone Exams and no less than a basic score on the other two, and be calculated based on the most recent results available. The satisfactory composite score would be published in the *Pennsylvania Bulletin* and on the Department's website. Every five years, the State Board of Education would be required to review the operation of the score and report to the General Assembly. The satisfactory composite score would remain in effect unless changed by an act of the General Assembly.

No later than the beginning of the 2020-2021 school year, each school entity would have to ensure that students, parents and guardians are notified of its graduation requirements. No later than December 1, 2022, and each December 1 thereafter, each school entity would have to submit a report to the Department of Education on the graduation requirements, including the number of students who completed each type of requirement. The reports would have to be posted on the Department's website. [Concurrence in House Amendments: 49-0.](#)

[Senate Bill 1172](#) (Vulakovich) would amend the Price Gouging Act to authorize the Governor to impose, following the declaration of a state of disaster emergency, a price restriction on the sale of consumer goods or services necessary for use or consumption in the affected geographic area as a direct result of the state of disaster emergency. The Governor would have to expressly state in a declaration of a state of emergency that the provisions of the act are applicable. The price restriction would be limited to 15 days but could be renewed for up to three additional 15-day periods. It would be a violation of the act for any party within the chain of distribution of consumer goods or services, or both, to sell or offer to sell the affected goods or services within the geographic region that is subject to the declaration for an amount which represents an unconscionably excessive price. Whether a price is an unconscionably excessive price would be a question of law. The court would be required to consider all relevant factors, including whether there is a gross disparity between the seller's price immediately before the price restriction was imposed and the price following the declaration and whether the seller's price substantially exceeds those prevailing on the date and in the locality in question. A price would not be unconscionably excessive if it is:

- 10 percent or less above the seller’s price immediately before the price restriction was imposed;
- 10 percent or less above the sum of the seller’s cost and normal markup for the good or service;
- Consistent with price fluctuations in applicable commodity, regional, national or international markets or with seasonal price fluctuations; or
- A contract price, or the result of a price formula, established before the price restriction was imposed.

The bill would clarify that the penalty provided for under the law would be the sole penalty for conduct in violation of the act. Nothing in the section could be construed to create or imply a private cause of action for a violation of the act. [Concurrence in House Amendments: 42-7.](#)

[Senate Resolution 418](#) (Brooks) urges the Congress of the United States and the United States Department of Agriculture to include milk in its Senior Farmers’ Market Nutrition Program. [Adopted by Voice Vote.](#)

[Senate Resolution 421](#) (Street) urges the Congress of the United States to pass the language from the Hemp Farming Act of 2018, as contained in the 2018 Farm Bill, removing industrial hemp from the Schedule I Controlled Substance List and legalizing commercial industrial hemp production in the United States. The resolution also urges the Department of Agriculture of the Commonwealth to conduct a study of industrial hemp research pilot programs and prepare recommended draft statutory and regulatory language. [Adopted by Voice Vote.](#)

[Senate Resolution 461](#) (Hutchinson) designates October 15, 2018 as “Sons of the American Revolution Day” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 462](#) (Yudichak) designates the week of September 17 through 21, 2018 as “SepticSmart Week” in Pennsylvania to increase awareness of the importance of proper maintenance and service of on-lot septic systems. [Adopted by Voice Vote.](#)

[Senate Resolution 463](#) (Bartolotta) designates the week of November 11 through 17, 2018 as “Nurse Practitioner Week” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 464](#) (Martin) designates the month of October 2018 as “Down Syndrome Awareness Month” in Pennsylvania. [Adopted by Voice Vote.](#)

### **Tuesday, October 16, 2018**

[Senate Bill 1069](#) (Costa) would amend the Second Class County Code to provide for voluntary municipal dissolution in counties of the second class. If the governing body of a municipal



corporation finds that the residents of the municipal corporation would be better served by the administration of municipal services by the county, the governing body could seek to provide for the dissolution of the municipal corporation. The governing body would have to adopt a nonbinding resolution of preliminary interest which would be transmitted to the county manager. The county would be required to begin discussions on the development of an essential services transition plan within 10 days of receiving the resolution.

The bill outlines the required content of the transition plan which would have to be completed within 180 days and could be extended for an additional 90 days. At least 45 days prior to the execution of the plan, the municipal corporation would publish, in at least one newspaper, a notification of a hearing. Any revisions to the plan would have to be published on the municipal corporation's website and in a place of public examination at least 15 days before final approval. If the plan is approved by both the municipal organization and the county, the municipal corporation would file a notice to place a question of dissolution referendum on the ballot. The dissolution would become effective 180 days after the certification that the referendum has been approved. The area formerly contained within a municipal corporation would become an unincorporated district of the county after dissolution. The unincorporated district would be a limited purpose unit of local government established to be administered by and receive services from the county. If the referendum is not approved by the voters, the process for dissolution could not be initiated again for five years. The Department of Community and Economic Development would be required to establish and administer a grant program to assist municipal corporations considering dissolution, provided that funds are available. Members of an unincorporated district could file a petition to provide for a consolidation or merger. **Passed: 49-0.**

**Senate Bill 1157** (Vulakovich) would direct the Auditor General to audit the Pennsylvania Statewide Radio Network and any related contracts. The audit would have to cover the period commencing with the enactment of the Capital Budget Project Itemization Act for 1996-1997. The Auditor General would determine the most effective method for auditing the contracts and their various phases and would have to include each phase of the contract awarded in 2016 in the audit. Two-tenths of one percent of the funds appropriated to support the Pennsylvania State Police for its administration of the Pennsylvania Statewide Radio Network and any related contracts would be utilized for the reimbursement of the Auditor General. **Passed: 49-0.**

**Senate Resolution 465** (Yaw) enhances the friendship and bilateral relationship between the Commonwealth of Pennsylvania and Taiwan. **Adopted by Voice Vote.**

**Senate Resolution 466** (Scavello) designates the month of November 2018 as "Epilepsy Awareness Month" in Pennsylvania. **Adopted by Voice Vote.**

**Senate Resolution 467** (Scavello) designates October 5, 2018 as "Manufacturing Day" in Pennsylvania. **Adopted by Voice Vote.**

**Senate Resolution 468** (McIlhinney) recognizes the 60<sup>th</sup> annual convention of the Pennsylvania State Tax Collectors Association and recognizes the month of October 2018 as "Elected Tax Collectors Month" in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 469](#) (McIlhinney) designates the month of October 2018 as “Lewy Body Dementia Awareness Month” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 470](#) (Argall) designates the month of October 2018 as “Chiropractic Health Month” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 471](#) (Aument) recognizes October 25, 2018 as “Lights On Afterschool Day” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 472](#) (Folmer) designates the month of November 2018 as “Reflex Sympathetic Dystrophy Syndrome Month” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 473](#) (Killion) designates the month of October 2018 as “Bullying Awareness Month” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 474](#) (Rafferty) recognizes November 10, 2018 as “Marine Corps Day” in Pennsylvania in honor of the United States Marine Corps’ 243<sup>rd</sup> anniversary of its founding. [Adopted by Voice Vote.](#)

[Senate Resolution 475](#) (Rafferty) designates the week of October 21 through 27, 2018 as “Teen Driver Safety Week” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 476](#) (Rafferty) designates the week of October 22 through 26, 2018 as “School Bus Safety Week” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 477](#) (Costa) recognizes the month of October 2018 as “National Arts and Humanities Month” in Pennsylvania. [Adopted by Voice Vote.](#)

[House Bill 26](#) (White) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to make a number of changes. Among other provisions, the measure would:

- Create an historic military vehicle registration plate. The owner of a historic military vehicle could be issued the special registration plate by the Department of Transportation after providing information as the Department may require and payment of a \$75 processing fee. Use of historic military vehicle registration plates would be limited to participation in club activities, exhibits, tours, parades, occasional transportation and similar uses;
- Allow for the issuance of organization registration plates for motorcycles and to allow special groups to request a registration plate with an abbreviation of the group name. (Current law only permits the issuance of these organization registration plates for passenger cars or trucks with a registered gross weight of not more than 14,000 pounds, trailers or motor homes);



- Authorize the Department to design and issue a Distracted Driving Awareness registration plate. The \$40 fee for the plate would be in addition to the regular registration fee. The registration plate could be issued for a motorcycle, a passenger car, a truck with a registered gross weight of not more than 14,000 pounds or a motor home. The fee would be used exclusively to advance public education and outreach on the dangers posed by distracted driving. The section would expire December 31, 2025;
- Allow for the issuance of an “honoring our women veterans” special registration plate designating the vehicle as belonging to a person who is honoring women veterans of the armed forces of the United States. The special registration plate could be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds. The \$35 fee for the special plate would be in addition to the regular registration fee. The Veterans’ Trust Fund would receive \$15 of the fee for the plate to be used for programs and resources that assist women veterans;
- Create a special registration plate for recipients of the Soldier’s Medal. A person who is a recipient of the Soldier’s Medal, upon application and payment of a \$20 fee in addition to the regular registration fee, could obtain the special plate. The plate could be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds;
- Establish a special registration plate for recipients of the Presidential Service Badge. A person who is a recipient of the Presidential Service Badge, upon application and payment of a \$20 fee in addition to the regular registration fee, could obtain the special plate. The plate could be used only on a passenger car or truck with a registered gross weight of not more than 14,000 pounds;
- Exempt a volunteer EMS company, volunteer ambulance service and nonprofit emergency medical services agency from vehicle registration fees; and
- Clarify that the \$5 fee imposed by some counties, by ordinance, is an annual fee.  
**Passed: 48-1.**

House Bill 99 (Zimmerman) would amend Title 8 (Boroughs and Incorporated Towns) of the Pennsylvania Consolidated Statutes to allow boroughs and incorporated towns to make the following contracts or purchases without advertising, bidding or price quotations:

- Routine or emergency maintenance, repairs or replacements for water, electricity or public works so long as they do not constitute new additions, extensions or enlargements of existing facilities and equipment;
- Mitigation of a real or potential emergency involving a clear and present danger to the health, safety and welfare of the residents of the borough; and
- Contracts for materials and supplies or equipment under emergency conditions set forth in Title 35 (relating to Health and Safety).

The council, at its next public meeting, would have to adopt a resolution stating the actual emergency and the terms of the procurement. An additional provision would clarify the contracting requirements for electricity purchases for borough purposes. [Passed: 49-0.](#)

[House Bill 149](#) (Knowles) would amend Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes to create the offense of unlawful use of an audio or video device in court. A person would commit an offense if he or she, in any manner or for any purpose, uses or operates a device to capture, record, transmit or broadcast a photograph, video, motion picture or audio of a proceeding or person within a judicial facility or in an area adjacent to or immediately surrounding a judicial facility without the approval of the court or presiding judicial officer or except as provided by rules of the court. An offense would be graded as a second degree misdemeanor for a first offense and a first degree misdemeanor for a second or subsequent offense. [Passed: 49-0.](#)

[House Bill 353](#) (Nesbit) would amend the Controlled Substance, Drug, Device and Cosmetic Act to require electronic prescriptions for Schedule II, III, IV and V controlled substances. All electronic prescription applications would have to meet federal requirements. The electronic prescription requirement would not apply in certain situations outlined in the bill. A prescription for a Schedule II controlled substance could not be refilled. A prescription for a Schedule III, IV or V controlled substance could not be refilled more than six months after its date or more than five times unless renewed. A pharmacist who receives a written, oral or faxed prescription would not be required to verify that the prescription falls under one of the exceptions in the bill. However, if a pharmacist has a reasonable belief that a patient may be seeking a monitored prescription drug other than for treatment of an existing medical condition, they would be responsible for following applicable federal regulations. The Department of Health would have to require that submissions by dispensers pursuant to the Achieving Better Care by Monitoring All Prescriptions Act contain the origin of a prescription. Within 180 days of the effective date of the act, the Department of Health would have to promulgate regulations necessary to implement the requirements of the act. [Passed: 49-0.](#)

[House Bill 927](#) (Rader) would amend the Municipal Waste Planning, Recycling and Waste Reduction Act to exempt a municipality, other than a county, from establishing a leaf waste collection program if its population is more than 5,000 and it has a density of less than 500 people per square mile, provided it has enacted an ordinance prohibiting the burning of leaf waste. [Passed: 34-15.](#)

[House Bill 1013](#) (Barrar) would amend the Insurance Company Law of 1921 to require managed care plans to pay all reasonably necessary costs associated with emergency services provided by an emergency health care provider or an emergency medical services agency during the period of emergency subject to all copayments, coinsurances or deductibles. The managed care plan would also be required to pay for services rendered by licensed emergency medical services agencies that have the ability to transport patients or are providing and billing for services under an agreement with an agency that has that ability. The plan could not deny a claim for payment solely because the enrollee is not transported or refuses to be transported. The provisions relating to emergency services provided to an enrollee by an emergency medical services agency

would apply to all group and individual major medical health insurance policies issued by a licensed health insurer. The provisions relating to an emergency medical services agency would apply to the same services provided to recipients of medical assistance. Payment for the services would be in accordance with the current managed care contracted rates. The legislation directs that sufficient funds be appropriated each fiscal year for the payment of the services provided to recipients of medical assistance.

The measure would also add Article XXVII, the Quality Eye Care for Insured Pennsylvanians Act to require a health insurance policy to allow an insured who receives vision care from an in-network vision care provider to select an out-of-network vision care supplier for related vision care on the recommendation or referral of the in-network vision care provider if the in-network provider gives the insured written notice of the following prior to the recommendation or referral:

- The out-of-network vision care supplier is not an in-network vision care supplier;
- The insured has the option of selecting an in-network supplier; and
- The insured may have different financial obligations based on whether the supplier is in-network or out-of-network.

A health insurance policy that has a discount program for noncovered services would have to allow an insured who receives vision care from an in-network vision care provider to receive a noncovered service from the provider at a nondiscounted rate, if the provider gives written disclosure, prior to the receipt of the noncovered service, that the provider does not participate in the insured's discount program. The Department of Insurance would investigate and enforce the provisions of the article only insofar as the actions or inactions being investigated relate to coverage under a health insurance policy. Upon evidence of a violation, the Insurance Commissioner could pursue any of the following actions:

- Suspend, revoke, or refuse to renew the license of the offending person;
- Enter a cease and desist order; or
- Impose a civil penalty of not more than \$5,000 per violation or \$10,000 per willful violation of the article. Penalties would be limited to not more than \$500,000 in the aggregate during a calendar year.

Violations of the article by optometrists and ophthalmologists would constitute unprofessional conduct under their respective licensure acts. The Department would be authorized to promulgate regulations as may be necessary or appropriate to implement the article. **Passed: 49-0.**

**House Bill 1511** (M. Quinn) would amend the Tax Reform Code of 1971 to update the collection of the hotel occupancy tax from online travel companies. The legislation would require a booking agent, acting on behalf of a hotel operator, to collect and remit the sales and use tax on

the room and any additional or optional hotel taxes imposed under the statutes listed in the bill. The collected and remitted sales tax would be placed into the Tourism Promotion Fund created by the legislation. The additional or optional hotel taxes would be deposited in accordance with a county ordinance. The money in the Tourism Promotion Fund would be appropriated for promoting tourism in the Commonwealth. The Department of Community and Economic Development would be required to develop guidelines for the disbursement of the funds. No more than 50 percent of the funds could be distributed for the promotion or marketing operations of a tourism entity or for special events or grants. Funding for the promotion or marketing operations of a tourism entity, special events or grants would require a 50 percent cash or in-kind match. A single recipient could not be awarded more than 15 percent of the total funds awarded. This limitation would not apply to contracts for statewide tourism promotion or marketing.

**Passed: 43-6.**

**House Bill 1539** (Pashinski) would amend Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes to provide for temporary guardianship of a child by a family member. A “temporary guardian” would be defined as a family member, appointed by a court for a limited period as a guardian of the minor when the minor’s custodial parent has entered a rehabilitation facility for treatment of drug or alcohol addiction or has been subject to emergency medical intervention due to abuse of drugs or alcohol. The bill provides for the designation of temporary guardianship by means of a written designation in certain situations. A petition for court approval of a designation could be made when a custodial parent is in a rehabilitation facility or has been subject to emergency medical intervention by filing a copy of the designation with the court. The authority and limitations of the temporary guardian are outlined in the bill. Temporary guardianship would be limited to not more than 90 days from entry of the order but could be extended upon court approval. The total period of guardianship could not exceed 365 days. The court would be required to terminate a temporary guardianship for the reasons delineated in the bill. **Passed: 49-0.**

**House Bill 1885** (Ryan) would amend Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes to permit a Register of Wills, after examining the inventory of an estate or the inheritance tax return, to direct the personal representative of an estate to post additional security. The personal representative would be required to post such additional security as reasonably required by the Register of Wills. In the event of a failure to post additional security, the Register of Wills would refer the matter to the court for appropriate enforcement. An additional provision would create an exemption from the posting of additional security where the personal representative receives a written waiver from all interested parties to the estate. Nothing in the section could be construed as creating any liability for a Register of Wills for failure to require additional security. **Passed: 49-0.**

**House Bill 2049** (Moul) would create the Assistance and Service Animal Integrity Act to allow a landlord or homeowners’ association to request documentation when a person requests an exception to a policy prohibiting animals or limiting their size, weight, or number because the person has a need for a service animal. A landlord or association would not be liable for injuries caused by an assistance or service animal. A person who misrepresents himself or herself as someone in need of a service animal would be guilty of a third degree misdemeanor.

Misrepresenting an animal as a service animal would be a summary offense punishable by a fine not to exceed \$1,000. **Passed: 48-1.**

**House Bill 2075** (Charlton) would amend Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes to authorize rate recovery by a water public utility for costs incurred to replace customer-owned lead water service lines and damaged wastewater laterals. A new provision would be added to Section 1311 of Title 66 providing that the value of the property of a water utility includes the costs incurred to replace customer-owned lead service lines and damaged wastewater laterals. Replacement of the lines and laterals would have to be performed concurrent with a scheduled utility main replacement project or under a program approved by the Public Utility Commission. The customer would continue to own the replaced service line. The original cost of the replacement lines would be incorporated as other related capitalized costs that are part of the public utility's distribution system. The commission would utilize an equity return rate when calculating the cost recovery in a public utility's base rates or distribution improvement charge. The utility would have to obtain prior approval from the commission for the replacement of the lines. The commission would be required to ensure that the work performed by a public utility or its contractor has an appropriate warranty and provides for customer reimbursement if the line or lateral had been replaced within one year of the project's commencement. **Passed: 48-1.**

**House Bill 2453** (Ellis) would amend the Check Casher Licensing Act by updating licensing provisions and permitting the cashing of post-dated government, government assistance and payroll checks. The bill would grant the Department of Banking and Securities certain authority with regard to the check-cashing industry, including conducting hearings, issuing regulations, requesting and examining documents and information, and ordering restitution. A person aggrieved by a decision of the Department would have the right to appeal. Licenses issued by the Department would be for a term not to exceed 14 months and could be renewed. The Department would have the authority to suspend, revoke or refuse to renew a license for certain reasons enumerated in the bill. The bill clarifies that a licensee could not cash or advance any money on a post-dated personal check, but could cash certain other post-dated checks. The Department could fine any individual subject to the provisions of the act but not licensed up to \$10,000 for any violation of the act. Violations committed by licensees could also result in a fine of up to \$10,000 for each offense. Language in the act requiring the Department to submit a report to the General Assembly detailing consumer complaints received about check-cashing activities would be removed. **Passed: 49-0.**

**House Resolution 76** (D. Miller) is a concurrent resolution declaring that the General Assembly of the Commonwealth of Pennsylvania is opposed to the enactment and enforcement of a state law, under a federal mandate, that requires the suppression or revocation, or the delay of issuance or reinstatement of the driver's license of an individual convicted of a violation of the Controlled Substances Act or another drug offense. The resolution urges the Governor to submit a written certification stating the Governor's opposition to the state law along with this resolution to the U.S. Secretary of Transportation thereby preventing the withholding of a specified percentage of federal transportation apportionments under 23 U.S.C. 159. **Adopted: 48-1.**

**Wednesday, October 17, 2018**

[Senate Bill 6](#) (Regan) would amend the Human Services Code to tighten public assistance benefit eligibility criteria, limit the use of access devices, and increase penalties for instances of willful fraud. Among other provisions, the measure would:

- Define an “access device” as an electronic benefit transfer card that is issued by the Department of Human Services to convey public assistance benefits to a recipient;
- Exempt, to the extent permitted by federal law, one motor vehicle from being considered an available resource of an applicant or recipient when determining eligibility for assistance, when the difference between the fair market value of the vehicle and the amount owed on the purchase price is less than \$40,000;
- Require individual lottery winnings of \$600 or more to be considered an available resource when determining a recipient’s eligibility for assistance and require the Department to cross-reference the social security number of each applicant or recipient with the lottery winners’ database maintained by the Pennsylvania Lottery;
- Add Section 423.25 to provide that individuals convicted of a felony for violating certain specified sections of The Controlled Substance, Drug, Device and Cosmetic Act would be prohibited from receiving public assistance, unless the individual is:
  - complying or has complied with obligations imposed by the criminal court; and
  - actively engaged in or has completed a court-ordered substance abuse treatment program, as applicable, and participates in periodic drug tests for 10 years after the drug-related conviction or for the duration of probation (whichever is longer);
- Provide that upon a second or subsequent conviction for a specified drug conviction, an individual would be suspended from receiving public assistance for a period of 10 years to the extent permitted by federal law. After the 10-year suspension, the individual could apply for public assistance;
- Require individuals who fail a court-ordered drug-test for the first time to undergo an assessment and treatment or lose public assistance for six months. After the six-month suspension, the individual could reapply for benefits but would have to submit to a retest. For failing a drug test or retest a second time, an individual would be suspended from receiving public assistance for a period of 10 years. After the 10-year suspension, the individual could reapply but would have to submit to a retest;
- Provide the Department of Human Services with the ability to determine, in its sole discretion, when it is cost effective to implement the provisions of the section. Nothing in the section could be construed to render applicants or recipients who fail a drug test or retest ineligible for medical assistance, a Commonwealth program that pays for drug



treatment, or another benefit not included in the definition of public assistance. For purposes of the section, “public assistance” would include Temporary Assistance to Needy Families (TANF), general assistance, and state supplemental assistance. In addition, the section would not apply to benefits which are afforded to the minor children of individuals who are denied eligibility to receive public assistance;

- Require, subject to federal approval, an individual who is required to register as a convicted sex offender to be in compliance with statutory registration requirements in order to be eligible for public assistance. Offenders who lose benefits for non-compliance could have their benefits reinstated after demonstrating compliance. The eligibility of minor children living in the household would not be affected. The Department could issue regulations to effectuate compliance with the registration requirements for transient and homeless individuals;
- Clarify and upgrade penalties for fraudulent benefit activities;
- Make it unlawful for any individual to withdraw funds from an access device for any transaction in a licensed gaming facility or any retail establishment that provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment purposes. It would also be unlawful for a licensed gaming facility to allow for the withdrawal of funds from an access device or allow for public assistance benefits to be used through a point-of-sale transaction. Any gaming facility or retailer that willfully violates these provisions would be guilty of a misdemeanor punishable by a fine of up to \$1,000; and
- Require a recipient who requests the replacement of an access device to pay, except under limited circumstances, a replacement fee of \$5 for the first access device requested. A replacement fee of \$100 would be assessed for the second and each subsequent replacement access device requested by individuals 64 years of age and younger. Individuals 65 years of age and older would continue to pay \$5. Payment would have to be made prior to the issuance of any replacement access device. The Department would be required to notify the Office of Inspector General of the name of any recipient who requests two or more access devices in a calendar year. [Concurrence in House Amendments: 37-12.](#)

[Senate Bill 353](#) (Rafferty) would make a number of land conveyances. The legislation would authorize:

- The Department of General Services, with the approval of the Governor and the Department of Military and Veterans Affairs, to convey 3.83 acres in East Vincent Township, Chester County to the Pennhurst Memorial Preservation Alliance for fair market value as established by an independent appraisal. The deed of conveyance would have to contain restrictive covenants as the Secretary of General Services may deem necessary to ensure the historical preservation and interpretation of the property. The conveyance would be exempt from the provisions of the Pennsylvania Municipalities Planning Code and all local land use controls, including, but not limited to, East Vincent

Township's subdivision and land development ordinance and zoning ordinance. The Secretary would be authorized to reserve or grant easements that may be useful or necessary to effectuate the conveyance. Costs and fees incidental to the conveyance would be borne by the grantee. If the conveyance is not fully executed within two years of the effective date of the legislation, the authorization for the conveyance would expire;

- The Department of General Services, with the approval of the Governor, to convey 0.49 acres and any improvements in the City of Harrisburg to 812 Market, Inc. for \$1. The deed of conveyance would be by special warranty deed executed by the Secretary of General Services in the name of the Commonwealth. Costs and fees incidental to the conveyance would be borne by the grantee. If the conveyance is not fully executed within two years of the effective date of the legislation, the property could be disposed of in accordance with Section 2405-A of the Administrative Code of 1929;
- The Department of Transportation, with the approval of the Governor, to convey two parcels in Collegeville Borough, Montgomery County to Two Farms, Inc, for fair market value based on an appraisal or based on other agency policies pertaining to dispositions and under terms and conditions to be established in an agreement of sale. No portion of the conveyance could be used for a licensed gaming facility or the property would revert to the Commonwealth. The deed of conveyance would be by quit claim deed executed by the Secretary of Transportation in the name of the Commonwealth. Costs and fees incidental to the conveyance would be borne by the grantee. Proceeds from the sale would be deposited in the Motor License Fund;
- The Department of General Services, with the approval of the Governor, to convey 6.045 acres and any improvements in the Borough of Chambersburg, Franklin County for a price to be determined through a competitive bidding process. The deed of conveyance would be executed by the Secretary of General Services in the name of the Commonwealth. Proceeds from the sale would be placed in the General Fund;
- The Department of General Services, with the approval of the Department of Transportation and the Governor, to convey 5.186 acres partially in the City of Washington and partially in South Strabane Township, Washington County together with any buildings, structures or improvements for a price to be determined through competitive bidding. The Secretary of General Services could impose any covenants, conditions or restrictions on the property at settlement as determined to be in the best interest of the Commonwealth. Proceeds from the sale would be placed in the General Fund; and
- The Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to convey 3.4202 acres and any improvements in Whitmarsh Township, Montgomery County to Jose L. and Lisa Ramos for \$230,000. No portion of the conveyance could be used for a licensed gaming facility or the property would revert to the Commonwealth. Costs and fees incidental to the conveyance would be borne by the grantee. Proceeds from the sale would be deposited in the Historical Preservation Fund. If the conveyance is not executed within one year of

the effective date of the legislation, the authorization for the conveyance would expire.

**[Concurrence in House Amendments: 49-0.](#)**

**[Senate Bill 403](#)** (Brewster) would amend Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes to modify the membership of the Municipal Police Officers' Education and Training Commission. The change would replace the Governor's appointment of an agent from the Federal Bureau of Investigation with an appointment from the membership of the Pennsylvania Lodge Fraternal Order of Police. **[Concurrence in House Amendments: 49-0.](#)**

**[Senate Bill 554](#)** (Greenleaf) would amend Title 18 (Crimes and Offenses) and Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes to address sexually exploited children. The bill would require the Department of Human Services to develop a statewide protocol to coordinate the provision of specialized services to sexually exploited children. The Department would also be required to develop and provide specialized programs and services for sexually exploited children in conjunction with the county children and youth agencies addressing the needs outlined in the legislation. The Municipal Police Officers' Education and Training Commission and the Pennsylvania State Police would be required to provide training to the appropriate law enforcement officers on methods to identify and assist sexually exploited children. The measure would establish the Safe Harbor for Sexually Exploited Children Fund in the State Treasury. Fines imposed on offenders for trafficking offenses under the legislation would be placed in the Fund and used for victims' services and to increase public awareness about trafficking. Certain victims who have been tattooed with an identifying mark of human trafficking as a direct result of being trafficked could be eligible for special relief from the Fund to remove or cover the tattoo. Provisions would be added to current statute to provide immunity to sexually exploited children suspected of certain crimes and to provide for dependency proceedings in lieu of delinquency proceedings for certain offenses. **[Concurrence in House Amendments: 49-0.](#)**

**[Senate Bill 796](#)** (Gordner) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to exempt individuals from paying a fee for a change of address on a commercial drivers' license if the individual's address has been changed by a government entity. In addition, the legislation would clarify that no fee would be charged for a duplicate registration card ordered at the time of an online transaction where the applicant prints the registration credential. This exemption would not apply to duplicate registration cards processed by the Department of Transportation or an agent service in an over-the-counter transaction or by mail. Section 1920.1 would be added to create a tier of recreational trailer and recreational cargo trailer registration fees based on weight. An optional five-year registration for recreational trailers with a registered gross weight of 13,000 pounds or less would be available upon payment of the applicable fee. The bill would also give owners of recreational trailers with a registered gross weight of 13,001 pounds or more the option to purchase a permanent registration for a one-time payment of \$425 in lieu of the annual fee. This permanent registration could be transferred to another recreational trailer for the \$9 transfer fee under Section 1927 (related to transfer of registration). Section 4902 (related to restrictions on use of highway and bridges) would be amended to extend the sunset date from December 31, 2018 to December 31, 2023 for the exemption for the "at-risk" industry of logging and forest products. Finally, Section 4942 would be amended to

exempt a recreational trailer over 10,000 pounds from having to be registered in combination with its towing vehicle. [Concurrence in House Amendments: 49-0.](#)

[Senate Bill 897](#) (Stefano) would amend Title 18 (Crimes and Offenses) and Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes to further clarify the payment of restitution for crimes and to include government agencies and business entities in the definition of “victim” for restitution purposes. The measure would establish that if restitution to more than one victim is set at the same time, the court would have to order payment in the following order:

- Any individual;
- Any affected government agency;
- The Crime Victim’s Compensation Board;
- Any other government agency which has provided reimbursement to the victim as a result of the defendant’s criminal conduct;
- Any insurance company which has provided reimbursement to the victim as a result of the defendant’s criminal conduct;
- Any estate or testamentary trust;
- Any business entity organized as a nonprofit or not-for-profit entity; and
- Any other business entity. [Concurrence in House Amendments: 49-0.](#)

[Senate Bill 915](#) (Greenleaf) would amend Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes to establish requirements for criminal defendants who seek post-conviction relief and to initiate contact with victims and witnesses after trial. The bill would define “defense-initiated victim or witness outreach” as any effort by a criminal defendant’s counsel to directly or indirectly contact a victim or witness or a parent, guardian, or family member of a victim or witness on behalf of the criminal defendant or defendant’s counsel through a victim liaison, victim outreach specialist, social worker, investigator, or other person designated by the defendant or defendant’s counsel. The measure would require a person engaged in defense-initiated outreach to victims and witnesses to communicate in an honest manner without deception or misrepresentation and unambiguously provide the person’s name, employer, and the name of the defendant convicted of the offense. An additional provision would permit a petition for post-conviction relief when the petitioner has completed a sentence of imprisonment, probation, or parole for the crime and is seeking relief based on DNA evidence. The bill would also extend the time period from 60 days to one year for the filing of post-conviction relief petitions based on newly-discovered facts that could not have been discovered earlier by the exercise of due diligence. This provision would only apply to claims arising one year before the effective date of the section or thereafter. [Concurrence in House Amendments: 49-0.](#)

[Senate Bill 916](#) (Greenleaf) would amend Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes to provide for expanded post-conviction DNA testing and Title 44 (Law and Justice) to reestablish a statewide DNA database within the Pennsylvania State Police. Among other provisions, the legislation would:

- Eliminate the requirement that a petitioner for post-conviction DNA testing be currently serving a term of imprisonment or awaiting execution because of a sentence of death. Petitioners could file a petition for DNA testing at any time for the purpose of demonstrating innocence, even if the petitioner is no longer incarcerated or under probation or parole supervision;
- Require a request for DNA testing to be made in a written petition and filed with the clerk of courts of the district where the sentence was imposed. A plea of guilty to a crime of violence or a confession given by an applicant would not prohibit the applicant from asserting actual innocence or the court from ordering DNA testing;
- Require the petitioner to make a sworn statement subject to the penalties of perjury and false swearing that the petitioner is actually innocent and seeking DNA evidence to establish actual innocence;
- Provide that a DNA testing order constitutes a final order that may be appealed by a petitioner or the Commonwealth. The court would have to include in its order, granting or denying DNA testing, an explanation of how the requested testing has met or fails to meet the required standard established in the statute;
- Provide for a testing laboratory to be selected by the court if the Commonwealth and the petitioner are unable to agree on a laboratory;
- Require, to the extent possible, that a portion of the sample be preserved for replication of testing;
- Provide that the petitioner bears the burden of ensuring that any private testing laboratory is accredited to perform DNA testing according to FBI standards. Profiles obtained from the testing would have to be uploaded to the FBI database; and
- Require the State Police Commissioner to report annually to the Governor and the General Assembly on the collecting and testing of DNA samples. [Concurrence in House Amendments: 49-0.](#)

[Senate Bill 961](#) (Rafferty) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes regarding the operating privilege and driving under the influence. Section 1505, regarding learner's permits, would be amended to prohibit the adult driver accompanying the person learning to drive from being under the influence of alcohol or drugs. Section 1543, regarding driving while operating privilege is suspended or revoked, would be amended to add additional penalties for a second and third violation. The sentencing provisions under Section

3732, homicide by vehicle, and Section 3732.1, aggravated assault by vehicle, would be amended to mandate that any person convicted of homicide by vehicle or aggravated assault by vehicle and who is also convicted of driving without a license or driving while operating privilege is suspended or revoked may be sentenced to an additional term of confinement, not to exceed five years. Under Sections 3732 and 3732.1, the Pennsylvania Commission on Sentencing would be required to provide for a sentencing enhancement for an offense under the sections when an individual was also convicted of a violation of Sections 1501 (drivers required to be licensed) or 1543 (driving while operating privilege is suspended or revoked).

Section 3735 (homicide by vehicle while driving under the influence) would be amended to increase the grading and mandatory minimum prison term for violations by repeat offenders. A first violation would be a felony of the second degree subject to a minimum prison term of three years with a consecutive three-year term of imprisonment for each victim whose death is the result of a violation of Section 3802 (DUI). The grading would increase to a felony of the first degree if, before sentencing on the present violation, the person incurred one prior conviction for another offense related to DUI and is subject to a minimum prison term of five years with a consecutive five-year term of imprisonment for each victim. A person who is convicted of a second or subsequent violations of driving under the influence of alcohol or a controlled substance would be guilty of a felony of the first degree and subject to a prison term of not less than seven years if the person has incurred at least two prior convictions of certain DUI-related offenses. A consecutive seven-year term of imprisonment would be imposed for each victim.

Section 3735.1 (aggravated assault by vehicle while driving under the influence) would be amended to add an additional term of imprisonment, not to exceed two years, for a person convicted of aggravated assault by vehicle while driving under the influence who also is convicted of a violation of Section 1501 (drivers required to be licensed) or Section 1543 (driving while operating privilege is suspended or revoked). Section 3742.1 (accidents involving death or personal injury while not properly licensed) would be amended to create a penalty for a person who is not properly licensed and is involved in an accident. Section 3803 (grading) would also be amended by creating new grading for certain DUI offenses, including those where a minor under 18 years of age was an occupant in the vehicle. An additional change would remove testing requirements for operators in an accident involving a motor carrier vehicle, bus, school bus, or vehicle transporting hazardous materials and require the Department to promulgate regulations consistent with federal post-accident testing regulations. [Concurrence in House Amendments: 45-4.](#)

[Senate Bill 1098](#) (Browne) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to authorize school entities to install and operate side stop signal arm enforcement systems for the purpose of the enforcing the provisions of Section 3345 (relating to meeting or overtaking school bus). A school entity could enter into an agreement with a private vendor or manufacturer to provide an enforcement system on each bus in its fleet whether owned, contracted or leased. The enforcement systems would have to be approved by the Department of Transportation.



A certificate, or a facsimile of a certificate, based upon inspection of recorded images produced by a side stop signal arm enforcement system and sworn to or affirmed by a police officer, would be prima facie evidence of the facts contained in it. The school entity or the contracted company that provides pupil transportation would have to include written documentation that the enforcement system was operating correctly at the time of the alleged violation. A recorded image evidencing a violation of Section 3345 would be admissible in any judicial or administrative proceeding to adjudicate the liability for the violation. Recorded images collected as part of the enforcement system could not be used for any other surveillance purposes and would not be deemed a public record under the Right-to-Know Law. Images would have to be destroyed within one year of final disposition of the recorded event.

The compensation paid to the manufacturer or vendor of the side stop signal arm enforcement system could not be based on the number of citations issued. No contracted company that provides pupil transportation could be liable if a side stop signal arm enforcement system is vandalized or otherwise malfunctions. Further, nothing in the section could be construed to require a contracted company to take a bus out of service due to a nonfunctioning side stop signal arm enforcement system. A contracted company would have to allow the manufacturer or vendor of the side stop signal arm enforcement system access to the bus when it is not in service at a mutually agreeable time. Independent school bus contractors could not be held responsible for costs associated with the enforcement system.

The measure would add a \$35 surcharge to the fine for failing to stop for a school bus, which would be deposited in the School Bus Safety Grant Program Account created by the legislation. The funds in the Account would be used for the School Bus Safety Grant Program administered by the Department of Transportation. Independent school bus contractors and school entities would be eligible for the grants which would be awarded on a competitive basis to promote and increase school bus safety, education and training. [Concurrence in House Amendments: 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 bridge located on that portion of Pennsylvania Route 286, known as Washington Street, over the Kiskiminetas River between Saltsburg Borough, Indiana County and Loyalhanna Township, Westmoreland County as the First Sergeant Alexander Kelly Memorial Bridge;
- The bridge identified as Bridge Key 14196 located on that portion of Pennsylvania Route 39, also known as Linglestown Road, over U.S. Route 22 in the City of Harrisburg, Dauphin County as the Specialist 4 Reuben Garnett, Jr., Memorial Bridge;
- The portion of Pennsylvania Route 54 in West Mahanoy Township, Schuylkill County as the Francis V. “Angie” McAndrew Memorial Highway;
- 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;
- The portion of State Route 192 from the intersection with State Route 477 in Miles Township, Centre County to the intersection with State Route 144 in Centre Hall Borough, Centre County as the Central Pennsylvania Vietnam Veterans Memorial Highway;
- The bridge identified as Bridge Key 16385 on the portion of State Route 4016, also known as West 38<sup>th</sup> Street, between Schaper Avenue and Pittsburgh Avenue over Interstate 79 in the City of Erie as the Major Tom Carr Memorial Bridge;
- The pedestrian bridge over State Route 252, also known as Providence Road, between Stackhouse Lane and Copples Lane, in Nether Providence Township, Delaware County as the Jack Hontz Memorial Bridge;
- The portion of State Route 3011, also known as 29<sup>th</sup> Street, between Master Street and Thompson Street, in the City of Philadelphia as the Frank L. Oliver Memorial Highway;
- The bridge located on that portion of State Route 4001, also known as Henry Avenue, over the Wissahickon Creek and Lincoln Drive in Fairmount Park, Philadelphia County as the Brigadier General Anna Mae V. McCabe Hays Memorial Bridge;
- The section of State Route 2050 from Byberry Road to County Line Road in Lower Moreland Township, Montgomery County as the First Lieutenant Geoffrey Lawrence Ham Memorial Highway;
- The bridge located on State Route 641, also known as East High Street, over the LeTort Spring in Carlisle Borough, Cumberland County as the Lance Corporal Edward Rykoskey Memorial Bridge;

- The bridge carrying Pennsylvania Route 405 in Chillisquaque Township, Northumberland County over Norfolk Southern Railway Tracks as the H. Donald Whipple Memorial Bridge;
- The bridge located on Pennsylvania Route 36 over Three Springs Run, South Woodbury Township, Bedford County as Marine Lance Corporal Darrell Magruder Memorial Bridge;
- The bridge located on State Route 1001 over Imlertown Run in Bedford Township, Bedford County as the First Lieutenant Eric Fisher Wood Jr., Memorial Bridge;
- The bridge located on U.S. Route 209 in Pottsville, Schuylkill County, over the West Branch Schuylkill River, as the Captain David A. Boris Memorial Bridge;
- The bridge located on State Route 1010 in West Earl Township, Lancaster County, over the Conestoga River as the Sergeant Melvin R. Wink Memorial Bridge;
- The section of Pennsylvania Route 563 in Bucks County from Pennsylvania Route 313 to Old Bethlehem Road as the PFC John Rivers Way;
- The bridge identified as Bridge Key 25323, located on U.S. Route 219 over the Kinzua Creek, LaFayette Township, McKean County as the Staff Sergeant Carl Enis Memorial Bridge;
- The section of Pennsylvania Route 339 in Columbia County from the Columbia/Luzerne County line to John Street in Mifflinville as the Turner Memorial Highway;
- The viaduct bridges located on Interstate 80 in Cooper Township, Clearfield County, over Moshannon Creek as the Richard B. Whitehead Memorial Bridges; and
- The bridge to be constructed on Pennsylvania Route 88 over Peters Creek in Finleyville Borough, Washington County as the John Emerick Memorial Bridge. [Concurrence in House Amendments: 49-0.](#)

[Senate Bill 1171](#) (Brooks) would amend Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes to modify the membership of the Nutrient Management Advisory Board. The changes would eliminate the commercial agricultural lender from the Board and increase the number of active commercial farm owners or operators from five to six. The six active commercial farm owners or operators would have to be nominated in a manner so that there is one representative from each of the regions served by the Department of Environmental Protection's regional offices. Two of the six individuals would also have to hold an active concentrated animal feeding operation permit as required under the Clean Streams Law. An additional provision would increase, from sixty to ninety, the number of days the Board has to review and comment on regulations issued by the State Conservation Commission.

The measure would also amend Title 27 (Environmental Resources) to modify provisions related to the Agricultural Advisory Board in the Department of Environmental Protection (DEP). One change would require two members of the Board to hold an active concentrated animal feeding operation permit as required under the Clean Streams Law. The bill would expand the powers of the Agriculture Advisory Board by giving it the authority to consult with the Department on new policy, revisions to existing policy, and on proposed technical guidance that will affect agriculture in the Commonwealth. The Department would be required to provide the Board with any regulatory proposal, proposed general permit or proposed technical guidance that would regulate or affect agriculture. The Department could not publish any proposal prior to consulting with the Board on its formulation or until 60 days from the time the Board was provided with the proposal, unless the Board decides by majority vote that no consultation is required. **[Concurrence in House Amendments: 49-0.](#)**

**[Senate Resolution 417](#)** (Dinniman) directs the Joint State Government Commission to establish an advisory committee to conduct a study on secondary school start time in the Commonwealth. **[Adopted by Voice Vote.](#)**

**[Senate Resolution 478](#)** (Vulakovich) commemorates the 100<sup>th</sup> anniversary of the cessation of hostilities of World War I and honors the historic significance and valorous sacrifice of the United States Armed Forces. **[Adopted by Voice Vote.](#)**

**[Senate Resolution 479](#)** (Reschenthaler) designates October 17, 2018 as “Libraries Move PA Forward Day” in Pennsylvania to acknowledge the immeasurable contributions made by libraries and library workers throughout the Commonwealth. **[Adopted by Voice Vote.](#)**

**[Senate Resolution 480](#)** (Reschenthaler) designates October 27 through November 11, 2018 as “Military Appreciation Week” in Pennsylvania in coordination with the Pennsylvania State University. **[Adopted by Voice Vote.](#)**

**[Senate Resolution 481](#)** (Schwank) recognizes November 3, 2018 as “One Health Day” in Pennsylvania. **[Adopted by Voice Vote.](#)**

**[Senate Resolution 482](#)** (Tomlinson) recognizes the month of October 2018 as “Eczema Awareness Month” in Pennsylvania. **[Adopted by Voice Vote.](#)**

**[Senate Resolution 483](#)** (Dinniman) commemorates Diwali, the Hindu Festival of Lights. **[Adopted by Voice Vote.](#)**

**[Senate Resolution 484](#)** (Browne) recognizes the month of November 2018 as “National Diabetes Month” in Pennsylvania. **[Adopted by Voice Vote.](#)**

**[Senate Resolution 485](#)** (Ward) designates the week of October 21 through 27, 2018 as “Respiratory Care Week” in Pennsylvania and commends respiratory therapists for their outstanding contributions to health care. **[Adopted by Voice Vote.](#)**

[Senate Resolution 486](#) (Stefano) designates the month of January 2019 as “Learn to Ski and Snowboard Month” in Pennsylvania. **[Adopted by Voice Vote.](#)**

[House Bill 44](#) (DeLozier) would amend Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes to require that if a plaintiff has knowledge of a founded or indicated report of child abuse involving the defendant, the plaintiff must include that information when filing a petition for protection from abuse. The legislation would also require that the notice of hearing and order include notice to the defendant of the impact a protection from abuse order may have with proceedings under the Child Protective Services Law. **[Passed: 49-0.](#)**

[House Bill 83](#) (Lawrence) would amend the Capital Facilities Debt Enabling Act to require that, except in cases of refunding bond issuances, all debt amortization would have to be done using an equal annual maturities plan (level principal payments over the life of the bonds). The act would apply to bonds issued on or after July 1, 2018. **[Passed: 49-0.](#)**

[House Bill 104](#) (Moul) would amend Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes to prohibit a municipal authority from making an acquisition or selling or transferring any authority-owned water or sewer infrastructure until it discusses the acquisition or sale at a public meeting. The minutes of the meeting where the acquisition or sale is discussed would have to include detailed information relating to the projected public benefit that will be realized as a result of the acquisition or sale. The legislation would also modify the reporting requirements for municipal authorities. A report would have to be filed within 180 days of the end of the authority’s fiscal year and posted on the authority’s website. If the authority does not maintain a website, the report could be provided by electronic or other means to any other municipality that has customers served by the authority. An additional provision would require the Auditor General to audit a municipal authority in Westmoreland County. The audit would have to review the authority’s billing systems, acquisitions, transparency, management practices and compliance. The audit, which would have to be completed by December 31, 2019, would include recommendations on how to improve the authority’s operations to enhance economy, efficiency and effectiveness. **[Passed: 49-0.](#)**

[House Bill 163](#) (Saccone) would amend Title 4 (Amusements), Title 18 (Crimes and Offenses) and Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to remove the driver’s license suspensions for certain crimes and to add a suspension for terroristic threats made against any school property. The legislation would amend Section 1518 of Title 4 to repeal the suspension of operating privileges for an individual who is convicted of underage purchase, consumption, possession or transportation of liquor or malt or brewed beverages in a casino. Additional provisions would amend the Crimes Code to repeal the suspension of operating privileges for individuals who are convicted of the following offenses:

- Purchasing or attempting to purchase tobacco by a minor (Section 6305);
- Misrepresentation of age to secure liquor or malt or brewed beverages by any person under 21 years of age (Section 6307);

- Underage purchase, consumption, possession or transportation of liquor or malt or brewed beverages (Section 6308); and
- Carrying a false identification card by any person under 21 years of age (Section 6310.3).

The legislation would also repeal the portion of Section 1532(c) of the Vehicle Code which requires the Department of Transportation to suspend the operating privileges of a person who is convicted of any offense involving the possession, sale, delivery, offering for sale, holding for sale, or giving away of any controlled substance under the law of the United States, this Commonwealth, or any other state. The measure would add a license suspension for a terrorist threat “against” any school property. **Passed: 49-0.**

**House Bill 270** (Farry) would amend the State Lottery Law to increase the Pharmaceutical Assistance Contract for the Elderly Needs Enhancement Tier (PACENET) income eligibility limits, provide for medication synchronization, and make changes to the Pharmaceutical Assistance Review Board (PARB). The income eligibility limits of the PACENET program would be expanded from \$23,500 to \$27,500 for single individuals and from \$31,500 to \$35,500 for married couples. The Pharmaceutical Assistance Review Board would be changed to an “advisory” board and its membership would be increased from 8 to 12 members. The board would be required to advise on the development of medical synchronization and medication therapy management programs. The bill would provide for medication synchronization in the PACE/PACENET program to permit a pharmacy to fill less than a 30 day supply for the purpose of aligning an enrollee’s prescriptions to be refilled on the same day each month if the pharmacist or prescriber determines the partial refill is in the best interest of the enrollee and the enrollee requests or agrees to less than a 30 day supply for the purpose of synchronization. The fill or refill under medication synchronization is limited to three times per year for each maintenance medication. Medication synchronization would not be permitted for certain medications. An additional provision would allow the Department of Aging to pay the portion of the Medicare part D late enrollment penalty (LEP) that exceeds the regional benchmark premium for enrollees. **Passed: 49-0.**

**House Bill 285** (Stephens) would amend Title 42 (Judiciary and Judicial Procedure) and Title 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes to make changes related to sentencing of defendants and parole as part of the Justice Reinvestment Initiative – Phase 2. Among other provisions, the legislation would:

- Change the name of the State Intermediate Punishment program to the State drug treatment program;
- Make multiple amendments to remove county probation from the responsibilities of the Board of Probation and Parole, and to rename it the Parole Board, in connection with another bill, which creates the County Adult Probation and Parole Advisory Committee;
- Provide new authority for parole agents to detain a parolee for up to five days, and allow for use of video technology for parole process interactions. The bill would not change



existing law requiring that all interactions by the Parole Board with victims take place in person;

- Revise sentencing laws and the direction that the General Assembly gives to the Pennsylvania Commission on Sentencing to conduct more extensive examination of criminal history scoring as a factor in their guidelines and provide more guidance for different features of sentencing, such as terms of probation and split sentences;
- Eliminate State Intermediate Punishment and County Intermediate Punishment as separate sentencing options, updating the purposes for total confinement and establishing a uniform list of probation conditions;
- Provide new authority governing short-sentence parole; and
- Change the motivational boot camp selection so that the judge can prevent placement in the program by the DOC, rather than having to affirmatively determine eligibility.

The bill would also amend Section 9728 of the Judicial Code to require that the Department of Corrections deduct at least 25 percent of the wages and deposits made to personal accounts of inmates who have outstanding restitution or other court-ordered obligations. County correctional facilities would be authorized to make similar deductions from wages and deposits, but would have to deduct an amount sufficient to satisfy any outstanding financial obligations before releasing funds on deposit. These deductions would be in addition to, and separate from, any amount authorized to be collected pursuant to a support order.

The Department of Corrections would have to develop guidelines for the implementation of these requirements and incorporate them into all contracts with private correctional facilities. The Commission on Sentencing is directed to conduct a study of the guidelines to determine their effectiveness in satisfying offenders' financial obligations. [Passed: 48-1.](#)

[House Bill 504](#) (Charlton) would amend the Insurance Department Act of 1921 to provide for self-service storage facility insurance. The bill would authorize the Insurance Department to issue a self-service storage producer license to an owner that has complied with the requirements of the section to sell insurance in connection with and incidental to the rental of space at a self-service storage facility. The bill would create an application process, provide for the sale of insurance, and the establishment of a Commissioner-approved training program. The legislation would prohibit a self-service storage producer from: 1) offering or selling insurance except in connection with and incidental to the rental of space at a self-service storage facility; and 2) advertising, representing or otherwise portraying itself as a licensed insurer or insurance producer. [Passed: 49-0.](#)

[House Bill 544](#) (Moul) would amend Act 586 of 1966 pertaining to limiting liability for landowners who make land and water areas available to the public for recreational purposes. The definition of "land" would be expanded to include amenities, boating access and launch ramps, bridges, fishing piers, boat docks, ramps, paths or unpaved trails and hunting blinds. It would also include areas for use by recreational users with disabilities. "Recreational purpose"

would be further defined to mean any activity undertaken or viewed for exercise, sport, education, recreation, relaxation or pleasure. The definition of “charge” would be modified to exclude voluntary contributions, in-kind contributions or contributions made to an owner of real property that are not retained by the owner and used exclusively for one or more of the following: conserving or maintaining the land, paying taxes on the real property or paying for liability insurance on the real property. **Passed: 49-0.**

**House Bill 645** (B. O’Neill) would amend the Tax Reform Code of 1971 to exempt from the realty transfer tax a transfer of real estate by a housing authority to a nonprofit organization which is using the real estate for rental assistance demonstration administered by the United States Department of Housing and Urban Development. The exemption would apply to transactions occurring on or after December 31, 2015. This provision would only apply to a county of the fifth class with a population between 115,000 and 118,000 in the 2010 federal decennial census which filed an appeal with the Board of Finance and Review after December 31, 2015. The legislation would also increase the total amount of tax credits available under the Neighborhood Assistance Tax Credit program from \$18 million to \$36 million. A new section would be added to the law to require the Department of Community and Economic Development to issue a report on the neighborhood assistance program to the General Assembly within 12 months of the effective date of the act and every five years thereafter. The report would have to include a funding evaluation of the tax credit program and recommendations on ways the Department could interact with and promote the inclusion of community organizations not previously included in the projects receiving tax credits. **Passed: 49-0.**

**House Bill 864** (Mustio) would amend the Local Option Small Games of Chance Act to authorize designated international airports and collegiate sports teams to conduct 50/50 drawings, increase reporting and retainage thresholds for small games of chance, eliminate the aggregate prize limit and make tavern gaming changes. Among other provisions, the legislation would:

- Establish the maximum prize awarded for a weekly drawing at \$14,000 and eliminate the aggregate prize limit (\$35,000) which may be awarded in a seven-day period;
- Eliminate language requiring pools to comply with the federal Professional and Amateur Professional Sports Protection Act;
- Rename major league sports drawings as “athletic event drawings” and allow nonprofit organizations affiliated with institutions of higher education to operate athletic event drawings during the home games of collegiate teams;
- Make other changes to the athletic event drawings including: 1) allowing tickets to be purchased with a credit or debit card; 2) permitting professional teams to sell tickets at practices, scrimmages, exhibitions and training camp; and 3) clarifying that a violation of the athletic events drawing section of the act would not constitute a violation of the Liquor Code;

- Provide for Airport 50/50 drawings subject to the conditions outlined in the legislation including no more than one 50/50 drawing per day accessible to ticketed passengers beyond the security checkpoint. Proceeds from the drawing would have to be provided to a 501(c)(3) charitable organization;
- Require club organizations to maintain a separate bank account for games of chance proceeds that exceed \$60,000 annually and require a licensee to submit an annual report to the Department of Revenue if proceeds are in excess of \$30,000 in a calendar year;
- Make changes to tavern gaming provisions including that an applicant submit to a State Police background check (instead of an FBI background check) and pay an initial application fee of \$500 (reduced from \$1,000); and
- Reduce penalties for certain violations of tavern gaming provisions. **Passed: 42-7.**

**House Bill 983** (Lawrence) would amend Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes to clarify that a party who has been convicted of committing a personal injury crime against the other party is not entitled to spousal support or alimony pendente lite. Any amount paid by the injured party after the commission of the offense but before the conviction of the other party would be recoverable by the injured party upon petition.

**Passed: 46-3.**

**House Bill 1216** (Farry) would amend Title 18 (Crimes and Offenses) and Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes regarding service, guide and support dogs and entering a vehicle to rescue a dog or cat. “Service, guide or support dog” would be defined as a dog that is trained or is being trained to work or perform tasks for the benefit of an individual with a disability consistent with federal and state law related to service animals. References to service or support dogs would be changed to reflect the new definition. An additional provision would establish that no law enforcement officer, animal control officer, humane society police officer, or emergency responder would be liable for damage to a motor vehicle or its contents caused by entry into the motor vehicle for the purpose of removing a dog or cat, as long as the person entering the vehicle makes certain reasonable, good-faith efforts. A person would not be immune from civil liability for damage resulting from the entry if the person’s actions constitute gross negligence, recklessness or willful or wanton misconduct.

**Passed: 49-0.**

**House Bill 1228** (English) would amend the Public School Code to require school entities to allow the outdoor use by a student of sun-protective clothing during school hours, at a school-sponsored activity or while under the supervision of school personnel. Schools could still prohibit certain clothing or hats based on the inappropriateness of the graphics, color or message. School entities would also have to permit the possession, application or use by a student of a nonaerosol topical sunscreen product without a physician’s note or prescription if the product is approved by the Food and Drug Administration for over-the-counter use for limiting ultraviolet light-induced skin damage. The parent or guardian of the student would have to submit a form provided by the school entity to the appropriate school personnel attesting that the school entity is not responsible for ensuring that the sunscreen is applied by the student and the student has

demonstrated that he or she is capable of self-applying the product. The student would have to complete a form indicating that he or she knows the proper method of self-applying the sunscreen. The Department of Education would be required to develop model forms for use by schools. A school could revoke or restrict the possession of the sunscreen if the student does not comply with the rules governing its possession and safe handling. If a school entity does revoke or restrict the ability of a student to possess the product, it would have to provide written notice to the student's parent or guardian. [Passed: 49-0.](#)

[House Bill 1233](#) (Murt) would amend the Mental Health Procedures Act to establish a new standard for assisted outpatient treatment (AOT) for seriously mentally ill individuals. County administrators could make an annual determination that the county mental health and intellectual disabilities program would not provide AOT and provide notification to the Secretary of Human Services and local authorities. The Department of Human Services would have to modify the standard involuntary commitment petition forms and process to describe, define and incorporate AOT. The Department would develop a separate involuntary assisted outpatient treatment commitment petition form. The need for AOT would have to be shown by clear and convincing evidence that the person would benefit from AOT as manifested by evidence of behavior outlined in the bill. The measure stipulates that a person who meets only the AOT criteria could not be subject to involuntary inpatient hospitalization. Involuntary inpatient commitment would require a separate determination. The bill would establish additional requirements for hearings on petitions for court-ordered involuntary treatment if the person is believed to be in need of assisted outpatient treatment. If the person is found to be in need of such treatment, the court must order the person to receive treatment for a period not to exceed 90 days. If a court determines that the person subject to AOT continues to meet the criteria for AOT, treatment may be extended for a period not to exceed 180 days which can be extended an additional 180 days in certain circumstances. [Passed: 49-0.](#)

[House Bill 1284](#) (Peifer) would create the Pennsylvania Business One-Stop Shop Act. The legislation would direct the Department of Community and Economic Development (DCED) to establish the Pennsylvania Business One-Stop Shop to provide a single online access point to aid business owners and potential business owners in identifying and securing the necessary permits, licenses, certifications, applications, forms and registrations associated with satisfying the legal requirements necessary to lawfully establish and operate a business in the Commonwealth. No later than 30 days after the effective date of the legislation, the One-Stop Shop would have to provide electronic access to features or resources regarding registration of business names, professional licensure requirements, the registration of business structures and fictitious names with the Department of State, the registration of tax accounts with the Department of Revenue and the registration of employer accounts with the Department of Labor and Industry. The measure would also authorize the One-Stop Shop to provide other resources including, among others, the ability to create individual business accounts, the submission of permit applications, fees or fines, the tracking of payments from Commonwealth agencies to contractors and the tracking of pending permit applications. A Commonwealth agency would have to cooperate with DCED for the development of additional features or resources. No later than January 1 of each year, DCED would have to report on the program to the General Assembly. [Passed: 49-0.](#)

[House Bill 1469](#) (Heffley) would amend the Pennsylvania Construction Code Act to permit municipalities that opt to enforce the act to use third-party agencies to supplement its plan review and inspections services. The legislation would require municipalities which opt to use third-party agencies to administer and enforce the act to utilize two or more third-party agencies to act on behalf of the municipality beginning July 1, 2019. A municipality opting to administer and enforce the act with two or more third party agencies would have to comply with the requirements listed in the bill, including, among others, that the services be provided under a written professional services contract that cannot exceed three years. In addition, a permit applicant from a municipality would be able to choose from the third-party agencies approved and contracted by the municipality. If a municipality is unable to obtain an offer from a qualified third-party to fulfill the need to have at least two third-party agencies, it could be relieved from the requirement by completing an annual certification form with the Department of Labor and Industry as outlined in the legislation. Municipalities utilizing third-party agencies would have to include certain information on their permit applications, including information about lodging complaints against a third-party agency. An additional provision would allow the City of Philadelphia to designate an existing departmental board that has jurisdiction over building standard appeals to act as its board of appeals and to advise the appropriate department that oversees building standards whether an appeal should be granted, modified or rejected.

**Passed: 31-18.**

[House Bill 1497](#) (Jozwiak) would amend the Liquor Code to match the definition of alcoholic cider with the federal definition and to make other omnibus changes to the Code. The bill would:

- Amend the definition of alcoholic cider to require that it be primarily derived from apples, apple juice concentrate and water or from pears or pear juice concentrate and water;
- Add a definition of fermented fruit beverage;
- Allow public venue facilities to begin serving alcohol at 10 a.m. on Sunday;
- Provide for a license that was transferred but not used as a result of unforeseen circumstances to be transferred to another party for a surcharge of \$20,000 in cities of the first through fourth class and \$5,000 in counties of the fifth through eighth class;
- Add certain organizations to the list of eligible applicants for a wine and spirit auction permit;
- Provide that a wine expanded permit holder may sell wine for off-premise consumption at a price that is different than the price charged for on-premise consumption;
- Allow the Board to issue a casino liquor license to a slot machine licensee;
- Permit the Board to issue a restaurant liquor license or eating place retail dispenser license for a mixed-use town center in a county of the fourth class and to continue issuing

these licenses for a mixed-use town center in a county of the second-class A, already acknowledged by the Board;

- Add language concerning stop-and-go's from the Fiscal Code;
- Require that manufacturers of alcohol in dry municipalities go to referendum to determine if they can sell for on-premise consumption (does not apply to manufacturers operating in dry municipalities prior to the enactment of this act);
- Provide that a manufacturer, distributor, importing distributor, distiller or limited winery may accept a credit card for payment as long as the details of the sale are finalized prior to delivery and the purchaser holds a license issued by the Board; and
- Include language from the Fiscal Code which would limit the aggregate number of gallons a limited distillery/distillery could sell to retail licenses to 50,000 gallons per year. **Passed: 40-9.**

**House Bill 1822** (Schlossberg) would amend Title 24 (Education) of the Pennsylvania Consolidated Statutes to add Chapter 71 relating to suicide prevention in institutions of higher education. Under the legislation, institutions of higher education as defined in the bill could develop and implement a plan to advise students and staff on mental health and suicide prevention programs available both on campus and off campus. At a minimum, the plan should include the items delineated in the measure including, among other information, contact information for suicide prevention hotlines and crisis intervention services. If an institution adopts a plan, it would have to post the plan and other applicable free prevention materials on its website. An institution would have to provide all incoming students with this information, as well as at least twice annually thereafter. The institution would have to review and update its plan annually. The Department of Education would post all the student mental health and suicide prevention plans on its website and designate institutions as certified suicide prevention institutions of higher education. The institution could use and market the designation of "certified suicide prevention institution of higher education." **Passed: 49-0.**

**House Bill 1840** (Cox) would amend the Workers' Compensation Act to repeal Section 306 (a.2) of the act and enact a new Section 306 (a.3). The new section would specify that the Sixth Edition (second printing) of the American Medical Association "Guides to the Evaluation of Permanent Impairment" would be used for impairment rating evaluations, instead of "the most recent edition" of the guides. (The Pennsylvania Supreme Court struck Section 306 (a.2) in its entirety, ruling that the use of the "most recent edition" of the guides was an unconstitutional delegation of legislative authority.) The impairment threshold (which triggers a switch from total to partial disability) would be reduced from 50 percent to 35 percent. Language would be added to require the Pennsylvania Compensation Rating Bureau to calculate the savings achieved through the legislation within 90 days, with the amount of savings being used to provide an immediate rate reduction to policyholders. The bill would also increase the burial benefit in the Workers' Compensation Act from \$3,000 to \$7,000. **Passed: 34-15.**



[House Bill 1843](#) (Grove) would amend Title 72 (Taxation and Fiscal Affairs) of the Pennsylvania Consolidated Statutes to require an agency submitting documentation used by the Office of the Budget for preparation of the Governor’s budget submission to the General Assembly to submit the original, unedited documents to the chair and minority chair of the House and Senate Appropriations Committees. The documents would have to be submitted no later than the first Monday of November 2019 and every year thereafter. An additional provision would require the State Treasurer to develop and maintain a transparency portal as outlined in the legislation. The transparency portal would have to be available to the public on the Treasury Department’s website with information related to the Commonwealth’s finances. Commonwealth agencies would be required to provide the State Treasurer with the data required for the operation of the transparency portal. **[Passed: 40-9.](#)**

[House Bill 1884](#) (M. Quinn) would create the Patient Test Result Information Act to require an entity performing a diagnostic imaging service to directly notify the patient or patient’s designee when, in the judgment of the entity performing the service, a significant abnormality may exist. The notice, which would have to be sent no later than 20 days after the date the results were sent to the requesting health care practitioner, would have to include the statement outlined in the legislation recommending that the patient contact his or her health care practitioner to discuss their test results as soon as possible. This requirement would not apply to routine obstetrical ultrasounds, diagnostic imaging services provided on an inpatient basis or in an emergency room, or diagnostic X-rays. The Department of Health would be required to conduct compliance reviews and to establish a complaint procedure. Nothing in the act could be construed as relieving a health care practitioner from complying with an existing professional obligation to inform a patient of test results. **[Passed: 49-0.](#)**

[House Bill 1886](#) (Ryan) would amend Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes to require, at least quarterly, the clerk of the orphans’ court to transmit to the court of common pleas a list of guardians who are delinquent at least 30 days in filing required reports. The court would be required to take appropriate enforcement action against the guardians. The court would also be required to develop a procedure for the examination of the annual reports to ensure that the guardians are acting in the best interests of the incapacitated persons. **[Passed: 49-0.](#)**

[House Bill 1936](#) (Wentling) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to extend the sunset date of weight and size exemptions for logging and other forest product vehicles from December 31, 2018 to December 31, 2023. The term “or its successor standard” would be added to the requirement of Section 7725 addressing size restrictions, specifically that all-terrain vehicles are not operated in violation of the vehicle’s age recommendation label conforming to ANSI/SVIA 1-2010. An additional provision would change all references to “noise” to “sound” in Section 7743 related to mufflers and sound control. **[Passed: 49-0.](#)**

[House Bill 1951](#) (Toohil) would amend Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes to make it a summary offense for a person to knowingly sell or purchase with the intent to sell a finished drug product containing any quantity of dextromethorphan to a person who is less than 18 years old. A person would also commit a summary offense if he or

she falsely represents himself or herself to be 18 years of age or older to another for the purpose of procuring a finished drug product containing any quantity of dextromethorphan. A person making a retail sale of a product containing dextromethorphan would be required to obtain proof of age from the purchaser, unless the person appears to be at least 25 years old. A person found guilty of violating these provisions would be sentenced to pay a fine of not less than \$250 nor more than \$500 for the first violation and a fine of \$500 for each subsequent violation. The section would not apply to a medication containing dextromethorphan that is sold pursuant to a valid prescription. **Passed: 49-0.**

**House Bill 1958** (Rothman) would amend 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. **Passed: 49-0.**

**House Bill 2052** (Reese) would amend the Public School Code to require school entities, beginning with the 2018-2019 school year and each school year thereafter, to provide support services to students whose parent or guardian is a member of the armed forces being called to and while serving on active duty. The Department of Education would be required to coordinate with the Department of Military and Veterans Affairs to carry out the program, including posting information about it on its website and providing informational materials for use by schools to inform parents or guardians of the supports available. **Passed: 49-0.**

**House Bill 2124** (C. Quinn) would amend the Public School Code to require institutions of higher education to provide information regarding education loan debt to their students. An institution of higher learning that receives federal education loan information or other student

loan information regarding a student enrolled at the institution would have to provide the following information to the student annually, starting in September 2019: 1) an estimate of the total amount of the student's loans; 2) an estimate of the total payoff amount if the loans were to go into repayment as of the date of the annual notification; 3) the number of years used in determining the potential total payoff amount; and 4) information on how the student can access online repayment calculators. The institution would have to include a disclaimer in the annual notification stating that the information pertains only to federal loans disbursed at the institution or loans directly disbursed by the institution. A link to a federal online counseling tool and a repayment estimator that has been approved by the Department of Education in consultation with the Pennsylvania Higher Education Assistance Agency would also have to be provided.

**Passed: 39-10.**

**House Bill 2133** (Watson) would create the Kinship Caregiver Navigator Program Act to require the Department of Human Services to develop a proposal and solicit a contractor to educate the public on services and supports available to kinship caregivers, including developing and administering a statewide marketing campaign. The contractor would have to develop a kinship caregiver navigator website that includes information on federal and state programs, support groups for kinship caregivers, respite services, financial aid, relevant legal resources, training for caregivers and the toll-free number that would have to be established as part of the program. The website could include a live chat feature, but would have to include a section for individuals to provide feedback and make suggestions. The program would also have to develop and provide training to individuals to serve as kinship caregiver navigators. **Passed: 49-0.**

**House Bill 2138** (Dowling) would amend the Human Services Code to require the Secretary of Human Services to apply, no later than March 1 of each year, to the Center for Medicare and Medicaid Services for a demonstration program for instituting a work requirement for able-bodied medical assistance enrollees. Under the program, an enrollee would have to work 20 hours per week or complete 12 job training program-related activities per month or have their benefits suspended. In addition, able-bodied medical assistance enrollees who are 19 years of age or older would have to verify on a biannual basis, or by the request of the Department, the enrollee's family income or his or her compliance with the work or work activity requirement. The Secretary's application would have to align with other assistance programs that have work requirements in order to reduce the monitoring costs. The demonstration program could also have a medical assistance buy-in component to allow workers with disabilities to have higher wage earnings and maintain their medical assistance coverage. **Passed: 30-19.**

**House Bill 2157** (Grove) would amend the Public School Code to require guidelines for utilization of credits for agricultural and vocational education programs and to establish a standard application form for a public school entity seeking approval to establish or renew a classification of program code. The Commission for Agricultural Education Excellence would be granted the additional duty of issuing guidelines to identify the circumstances under which a student who successfully completes an academic course, program or activity for credit could apply the credit toward completion of an agriculture education program. The Department of Education would be charged with issuing guidelines to identify the circumstances under which a student who successfully completes a course, program or activity in science, technology, engineering or mathematics for credit could apply the credit toward the completion of a course,

program or activity offered by an area vocational-technical school, technical institute or vocational school. The Department would be required to establish a standard application form for a public school seeking to establish or renew a classification of program code used to identify vocational programs. The bill also provides for the submission of applications and notice of approval or denial of an application. [Passed: 46-3.](#)

[House Bill 2476](#) (Reed) would amend Title 18 (Crimes and Offenses) and Title 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes to permit an employee of the Commonwealth employed at or assigned to a state correctional institution to carry or store one lawfully owned and transported firearm and ammunition in a vehicle located at a specified location outside of the institution upon providing advance written notice to the chief administrator of the correctional institution. The employee would have to keep the firearm secured with a trigger lock or a gun safe, keep it out of plain sight, and comply with all applicable laws governing the use, possession and carrying of firearms and ammunition and all policies of the Department of Corrections. A chief administrator of a state correctional institution could deny or revoke the ability of an employee to carry or store the firearm in writing. [Passed: 49-0.](#)

[House Bill 2489](#) (Mackenzie) would:

- Release Project 70 restrictions on 1,930 square feet of land in Topton Borough, Berks County in exchange for the imposition of Project 70 restrictions on 6,863 square feet of land to be acquired by Topton Borough;
- Release Project 70 restrictions on four parcels of land owned by the Department of Conservation and Natural Resources totaling 4.3 acres located in Upper Uwchlan Township, Chester County in exchange for the imposition of Project 70 restrictions on a five-acre parcel of land in Wallace Township, Chester County;
- Convey two parcels of land totaling 20 acres owned by Lehigh County, known as Jordan Creek Parkway, along with the Project 70 restrictions, to Whitehall Township, Lehigh County;
- Convey 10 acres of land and improvements located in Stroud Township, Monroe County to the Monroe County Municipal Waste Management Authority for \$45,000 under the terms established in a Lease with the Option to Purchase Agreement. No portion of the conveyance could be used as a gaming facility or it would revert to the Commonwealth. The proceeds would be deposited in the State Treasury Armory Fund; and
- Convey eight public water supply easements and one sanitary sewer easement located on the East Stroudsburg University campus to East Stroudsburg Borough for \$1.

[Passed: 49-0.](#)

[House Bill 2557](#) (Rothman) would provide for the establishment of intergovernmental cooperation authorities for certain cities of the third class. The powers and duties of an authority would be exercised by a governing board composed of five members. The composition, term, and organization of the board are outlined in the legislation. The powers and duties of

intergovernmental cooperation authorities are enumerated, including assisting the city in achieving financial stability and preparing an annual report to the Governor and General Assembly describing the city's financial condition and the authority's progress in restoring financial stability. The authority would be permitted to enter into and implement intergovernmental cooperation agreements with the assisted city. The authority would exist until the termination date, after which records and documents of the authority would be transferred to the assisted city.

The authority would have to submit a final report to the Governor and General Assembly. The annual budget of the authority would have to be adopted within 60 days of the initial organizational meeting of the board and annually on October 15 thereafter. A copy of the budget would have to be submitted to the Governor and General Assembly. The General Assembly would have the power to limit the operating expenses of the authority. The bill outlines the limit on city borrowing and the financial plan of an assisted city. In order to advance the financial recovery of an assisted city, the authority would have to require the city to submit a five-year financial plan. Taxing authority previously authorized for the city would be extended to allowing for the continued collection of a Local Services Tax at a rate not to exceed \$156 per year, as well as an Earned Income Tax on residents at a rate not to exceed two percent. The bill provides for the investment of authority funds and provides sovereign immunity for board members to ensure they are not personally liable for any authority obligations. An appropriation of \$100,000 from the General Fund is available for an authority which holds its initial organizational meeting on or before May 1, 2019. **Passed: 46-3.**

**House Bill 2638** (Stephens) would amend the Transit Revitalization Investment District Act to provide for infrastructure remediation at military installations. The bill would add Chapter 3-A to establish a remediation program and create a funding mechanism that redirects state and local tax revenues associated with the rehabilitation and redevelopment of certain former military installations affected by pollution which are located within a qualified municipality. Certain remediation project costs would qualify for funding under the legislation. Under the program, a qualified authority would have to submit an application to the Department of Revenue with a list of parcels. By June 1 of each year, the authority would have to file with the Department a detailed list of all qualified taxpayers located in designated parcels for the prior calendar year. No later than June 15 of each year, each qualified taxpayer would have to file a program report with the Department that includes the amount of each qualified tax paid and the amount of each qualified tax refund received in the prior calendar year.

By November 15 of each year, the Department would certify to the Office of the Budget the amount of eligible tax paid along with the amount of state refunds received less the amount of state tax paid by each qualified taxpayer. Within 10 days of receiving the certification, the Office of the Budget would direct the State Treasurer to transfer the certified amount from the General Fund to each restricted account within the Military Installation Remediation Fund. Money in the fund could only be utilized for a military installation remediation project, the payment of debt service on bonds issued or refinanced for the acquisition, development, construction, reconstruction, renovation or refinancing of military installation remediation projects or operational costs of a qualified authority. Any excess money would have to be returned to the General Fund. **Passed: 39-10.**

*Executive Session*

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

(2018-110)