

# WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – DAVID G. ARGALL, CHAIRMAN

**Monday, June 24, 2019**

[Senate Bill 325](#) (Gordner) would amend the Professional Nursing Law to officially recognize nurse anesthetists as Certified Registered Nurse Anesthetists in statute. Individuals who hold a license to practice professional nursing in the Commonwealth and who meet the requirements of a certified registered nurse anesthetist would be given the right to use the title “certified registered nurse anesthetist” as defined in the legislation and the abbreviation, C.R.N.A. The qualifications of a certified registered nurse anesthetist would include: 1) holding a master’s degree, doctoral degree or post-master’s certificate from an accredited educational program in nurse anesthesia approved by the State Board of Nursing and that prepares graduates to practice as a CRNA; 2) holding current national certification as a CRNA from a Board-recognized national certification organization which required passing of a national examination in nurse anesthesia; and 3) meeting all other Board requirements to practice as a CRNA. The Board would be authorized to issue a certification to a registered nurse anesthetist from another state who has completed a course of study equivalent to that required in the Commonwealth.

To obtain certification, a CRNA would have to file an application with the Board and pay the prescribed fee. CRNA certification would expire at the same time as the individual’s nursing license expires. In order to obtain biennial certificate renewal, a CRNA would have to: 1) verify that he or she holds current recertification from a Board-recognized national certification organization which required passing of a national certifying examination in nurse anesthesia; 2) submit a renewal application; 3) pay a renewal fee; and 4) complete at least 30 hours of continuing education. A CRNA would be required to maintain professional liability coverage. The State Board of Nursing would promulgate regulations to implement the provisions of the act within 18 months of the effective date. **Passed: 49-0.**

[Senate Bill 590](#) (Browne) would amend the Public School Code to establish the Charter School Funding Advisory Commission to examine the laws, regulations and policy statements which determine funding for charter schools, regional charter schools and cyber charter schools in the Commonwealth. The Commission would have to hold six or more public hearings on the issues related to charter schools and their funding. The General Assembly would provide administrative support, meeting space and any other assistance required by the Commission to carry out its duties. Whenever possible, the Commission would have to utilize the services and expertise of existing personnel and staff of state government. No later than 18 months after the effective date of the legislation, the Commission would be required to issue a report of its findings and recommendations to the Governor and the legislative leaders. The recommendations would not take effect unless they are approved by an act of the General Assembly. **Passed: 49-0.**

[Senate Bill 669](#) (DiSanto) would amend Title 67 (Public Welfare) of the Pennsylvania Consolidated Statutes to codify certain provisions of the Human Services Code and reenact provisions providing for permanent legal custodian and adoption subsidies. The bill re-enacts provisions from Act 80 of 2012 which were struck down by the Pennsylvania Supreme Court in 2018, including Chapter 21, Adoption Opportunities, and Chapter 31, Family Finding and Kinship Care. The Adoption Opportunities chapter encourages and promotes the placement of children who have disabilities or are hard to place. The definition of child would be expanded to include an individual who is under the age of 21 years and was 13 years of age before the adoption assistance agreement became effective and who is:

- Completing secondary education or an equivalent credit;
- Enrolled in an institution that provides postsecondary or vocational education;
- Participating in a program actively designed to promote or remove barriers to employment;
- Employed for at least 80 hours per month; or
- Incapable of doing any of the above activities due to a medical or behavioral health condition that is supported by regularly updated information in the permanency plan of the child.

The bill would establish the Kinship Care Program in the Department of Human Services. A county agency would be required to identify and notify all of the child's grandparents and other adult relatives to the fifth degree of consanguinity or affinity to the parent and stepparent of a dependent child within 30 days of when the child is removed from his or her home. The notification would have to provide options for the relative to participate in the care and placement of the child. The county agency would be required to give first consideration to placement with relatives. The bill would also establish the Subsidized Permanent Legal Custodianship Program within the Department to provide support to family members who are granted permanent legal custodianship for qualified children under the Kinship Care Program.

**Passed: 49-0.**

[Senate Bill 751](#) (Aument) would amend the Public School Code to eliminate the current teacher evaluation system on June 30, 2021 and replace it with a revised rating system. No later than June 30, 2020, the Department of Education would have to develop and submit to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin rating tools designed for each category of professional employee. The rating tools would be developed in consultation with education experts, parents of school-age children enrolled in a public school, teachers and administrators. The rating tools would be used in determining whether a professional employee should be dismissed for unsatisfactory teaching performance as provided for in section 1122(a), and in performance ratings of professional employees and temporary professional employees.

With regard to classroom teachers, the legislation provides that 70 percent of the rating would be based on comprehensive classroom observation as defined in the bill. The observation would evaluate the following: planning and preparation; classroom environment; instruction; and professional responsibilities. Student performance would comprise the remaining 30 percent of the overall rating. Student performance would include: (1) building-level data (student performance on assessments administered to the grade level in the building, graduation rate, and

attendance rate) and, (2) teacher-specific data (student performance on assessments). Teachers who do not teach a subject for which there is a state assessment would be evaluated by using student progress in meeting the goals of student individualized education plans required under the Individuals with Disabilities Education Act or by locally developed rubrics. Temporary professional employees who serve as classroom teachers would be evaluated 100 percent on classroom observation.

With regard to principals, 70 percent of the overall rating would utilize a rating tool which evaluates the areas of planning and preparation, school environment, delivery of service and professional development. Student performance (performance on assessments, graduation rate, and attendance rate) would comprise 10 percent of the principal's overall rating. Performance goals, determined prior to the beginning of each school year between the principal and the principal's immediate supervisor, would comprise the remaining 20 percent.

Professional employees employed as nonteaching professionals would be evaluated using a rating tool, designed specifically for nonteaching professional employees, which looks at: planning and preparation, educational environment, delivery of service, and professional development. Student performance for the building would make up 10 percent of the rating.

Each rating tool would identify the overall performance rating of classroom teachers, principals and nonteaching professional employees as: (1) Distinguished; (2) Proficient; (3) Needs Improvement; or (4) Failing. (No employee could be rated "needs improvement" or "failing" based solely upon student test scores.) An employer would be prohibited from limiting the number of employees who could receive an overall performance rating of "distinguished." The Department would be required to establish professional development programs for all categories of professional employees, including evaluators. The Department would be required to review the revised rating system within five years of implementation and submit a report of its findings to the Education Committees of the House and the Senate. **Passed: 38-11.**

**Senate Resolution 105** (Stefano) directs the Legislative Budget and Finance Committee to conduct a study of the statutory cap on the Pennsylvania State Police complement and issue a report of its findings and recommendations to the Senate. **Adopted by Voice Vote.**

**Senate Resolution 140** (DiSanto) urges the Congress of the United States to ensure the United States Department of Veterans Affairs sufficiently implements the letter and the spirit of the VA Maintaining Internal Systems and Strengthening Integrated Outside Networks (MISSION) Act of 2018 and provide veterans in the Commonwealth with the care they have earned for their military service. **Adopted by Voice Vote.**

**Senate Resolution 180** (Dinniman) congratulates the YMCA on its 175<sup>th</sup> birthday. **Adopted by Voice Vote.**

**Senate Resolution 181** (Schwank) designates June 30, 2019 as "Arthrogryposis Awareness Day" in Pennsylvania. **Adopted by Voice Vote.**

**Senate Resolution 182** (Scavello) designates the month of July 2019 as "Free Community Paper Month" in Pennsylvania. **Adopted by Voice Vote.**

[House Bill 448](#) (Kaufer) would amend the Pennsylvania Commission for the United States Semiquincentennial Act to add the Director of the Pennsylvania Emergency Management Agency and the Commissioner of the Pennsylvania State Police as ex officio, non-voting members of the Commission. The bill would also extend the deadline for the Commission to submit its initial report to the Governor and the General Assembly from one year after the Commission's creation to three years after. An additional change would note that the Commission is commonly referred to as America250PA. **[Passed: 48-1.](#)**

[House Bill 751](#) (Roae) would amend Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes to establish that a water or wastewater public utility is solely responsible for funding the income taxes on taxable contributions in aid of construction and customer advances for construction. The utility would have to record the income taxes it pays in accumulated deferred income taxes for accounting and ratemaking purposes. The bill would also allow e-mail as a valid form of service when agreed to by the parties. **[Passed: 49-0.](#)**

[House Bill 826](#) (Marshall) would create the Sports Raffle Charities Act. The measure would repeal Section 304.1 (Major league sports drawings) of the Local Option Small Games of Chance Act of 1988 and duplicate the language, with minor changes, to establish the Sports Raffle Charities Act, which will continue to authorize 50/50 drawings at certain sporting events. The new act would allow certain non-profit organizations affiliated with collegiate teams to conduct 50/50 raffles for charity if the college is qualified for an exemption under Sections 501 (c)(3) or 115 of the Internal Revenue Code of 1986. Additionally, the legislation would allow 50/50 drawing tickets to be purchased with a credit or debit card. A new definition of "team event" would be added to the statute to allow 50/50 drawings to occur at practices, scrimmages and exhibitions. The legislation would also authorize United States Service Academies to conduct 50/50 raffles at games played at neutral locations throughout the Commonwealth. **[Passed: 46-3.](#)**

[House Bill 1172](#) (Hickernell) would amend Act 48 of 1993 to establish an endorsement process for the boards and commissions under the Bureau of Professional and Occupational Affairs (BPOA) for the issuing of licenses to applicants who are licensed to practice in another state if the applicant:

- Holds a current license in good standing from another state, territory or country with substantially equivalent requirements or requirements that exceed the Commonwealth's;
- Demonstrates competency in the profession through methods determined by the board such as continuing education or experience in the profession for at least two of the five preceding years; and
- Has not committed an act that would be grounds for refusal, suspension or revocation of a license in Pennsylvania.

The boards and commissions could issue a provisional endorsement license to allow the applicant to practice while he or she is satisfying the remaining requirements for licensure. The

provisional endorsement license would expire if the applicant is denied a license, upon the expiration date or if the holder of the provisional endorsement license fails to comply with the terms of the provisional license. Final regulations would have to be promulgated by each board and commission within 18 months of the effective date. **Passed: 49-0.**

### **Tuesday, June 25, 2019**

**Senate Bill 300** (Scarnati) would amend the Pennsylvania Election Code to permit unenrolled electors to vote in primary elections by allowing the individual to choose in which political party's primary he or she would like to vote. The unenrolled elector's choice of party at one primary election would not preclude the elector from choosing a different party in a subsequent election. **Passed: 42-8.**

**Senate Bill 418** (Stefano) would amend the Pennsylvania Election Code to change the number of ballots that have to be printed for an election. The bill would remove the existing requirement that each polling place have a total number of ballots equaling 110 percent of the total number of electors registered. The new provision would only require that at least 10 percent more ballots be printed than the total number of ballots cast in any of the past three elections of similar type. **Passed: 31-19.**

**Senate Bill 421** (Boscola) would amend the Pennsylvania Election Code to eliminate the option of straight party ticket voting. This bill would remove the requirement that all voting processes allow for an elector to cast a ballot utilizing straight party ticket voting. The legislation would apply to elections commencing on or after January 1, 2020. **Passed: 30-20.**

**Senate Bill 422** (Vogel) would amend the Pennsylvania Election Code to establish the Pennsylvania Election Law Advisory Board in the Department of State. The Board would be composed of the membership delineated in legislation and would study election law and related issues to make recommendations on improving the electoral process in Pennsylvania. By the end of each fiscal year, the Board would have to publish extensive and detailed findings on the Department's website and make them available in electronic format to the Governor's Office and members of the General Assembly. **Passed: 28-22.**

**Senate Bill 456** (Bartolotta) would amend the Private Licensed Schools Act of 1986 to make a number of changes. Among other provisions, the measure would:

- Eliminate the requirement that all facilities of a multi-branch licensed training school be located within the same county;
- Authorize a licensed school to operate a branch facility in a county contiguous to the licensed school or within less than a 60-mile radius of the licensed school;
- Require the licensed school to receive approval from the Board of Private Licensed Schools prior to opening a branch facility. Approval would be contingent upon the licensed school being in good standing with the Board and having been operational for two years prior to requesting approval;

- Authorize the Board to enter into an agreement with a third party to establish a centralized repository of student records for all private licensed schools;
- Require a licensed school to notify the Board at least 30 calendar days in advance of a school closure; and
- Allow a licensed school to offer institutional grants to students of any amount without Board approval. **Passed: 50-0.**

**Senate Bill 607** (Scavello) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to allow municipal police departments to utilize mechanical, electrical, and electronic radar methods for speed enforcement. A municipality would have to adopt an ordinance to allow for police use of radar. Municipal police officers would have to complete a training course approved by the State Police and the Municipal Police Officers' Education and Training Commission prior to using the devices. A revenue cap would be placed on the amount of money a municipality could generate from speeding tickets (20 percent of their municipal budget). Any excess funds would have to be remitted to the Department of Revenue for deposit into a restricted receipts account in the Motor License Fund. **Passed: 50-0.**

**Senate Bill 742** (K. Ward) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to exempt newer vehicles from emissions testing. A vehicle would be exempt from the requirements for emission inspection for eight years after the vehicle is manufactured. A one-time certificate of exemption would be affixed to the vehicle for the duration of the exemption. The vehicle would be subject to visual anti-tampering inspections for the presence of emissions control components installed on the vehicle by the manufacturer. The Department of Environmental Protection (DEP) would be required to submit a revised State Implementation Plan to the Environmental Protection Agency (EPA), no later than January 1, 2020, which would have to demonstrate that the eight year emission exemption could maintain the relevant standards without benefit of the emissions reductions attributable to the vehicle emission inspection program. DEP is directed to comply with federal law during the process, including ensuring the revision will not interfere with attainment requirements or jeopardize federal funding. **Passed: 26-24.**

**Senate Bill 743** (K. Ward) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to establish biennial vehicle emissions testing. Vehicles manufactured in an odd-numbered year would receive emissions testing during odd-numbered years and vehicles manufactured in an even-numbered year would receive emissions testing during even-numbered years. The Department of Transportation would notify the official inspection stations on a periodic basis regarding the vehicles that require emissions inspection on a biennial basis. The Department of Environmental Protection (DEP) would be required to submit a revised State Implementation Plan to the Environmental Protection Agency (EPA), no later than January 1, 2020, which would have to demonstrate that the biennial inspection could maintain the relevant standards without benefit of the emissions reductions attributable to the vehicle emission inspection program. DEP is directed to comply with federal law during the process, including

ensuring the revision will not interfere with attainment requirements or jeopardize federal funding. **Passed: 27-23.**

**Senate Bill 744** (Langerholc) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to exempt certain counties from the enhanced vehicle emission inspection and maintenance program. The bill would require the Department of Environmental Protection (DEP), within 60 days of the effective date of the act, to initiate the process of removing the following counties from the enhanced vehicle emission inspection and maintenance program: Blair, Cambria, Lackawanna, Luzerne, Lycoming, Mercer and Westmoreland Counties. DEP would have to submit a revised State Implementation Plan to the Environmental Protection Agency (EPA), no later than January 1, 2020, which would have to demonstrate that the amendment could maintain the relevant standards without benefit of the emissions reductions attributable to the vehicle emission inspection program. DEP is directed to comply with federal law during the process, including ensuring the revision will not interfere with attainment requirements or jeopardize federal funding. **Passed: 27-23.**

**Senate Bill 745** (Stefano) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to replace the treadmill and tailpipe emissions tests with the gas cap and visual emissions control device tests for certain vehicles registered in the Philadelphia and Pittsburgh regions. The bill would require gasoline-powered vehicles with a model year of 1992 through 1995 and those with a model year of 1996 or newer with a gross vehicle weight rating between 8,501 and 9,000 pounds that are registered in certain counties in the Philadelphia and Pittsburgh regions, to undergo the following tests:

- A fuel filler gas cap test that determines if the vehicle's gas cap is functioning as designed; and
- A visual emission control device inspection of the vehicle emission control system.

The bill would require the Department of Environmental Protection (DEP) to submit a revised State Implementation Plan to the U.S. Environmental Protection Agency (EPA), no later than January 1, 2020, which would have to demonstrate that the revised plan could maintain the relevant standards without benefit of the emissions reductions attributable to the vehicle emission inspection program. DEP is directed to comply with federal law during the process, ensuring that the revision will not interfere with attainment requirements and that federal funding is not negatively impacted. **Passed: 27-23.**

**Senate Bill 746** (Vogel) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to provide that an emissions inspection station in existence before March 1, 2019 would have the option to obtain new emissions testing equipment required by the Department of Transportation by July 1, 2021. If the emissions inspection station elects not to obtain the new emissions testing equipment, the station would have to notify the Department immediately. **Passed: 33-17.**

**Senate Bill 778** (K. Ward) would amend Title 74 (Transportation) of the Pennsylvania Consolidated Statutes to reduce the \$450 million annual commitments from the Pennsylvania Turnpike Commission to the Public Transportation Trust Fund as follows:

- \$400 million for Fiscal Year 2019-2020;
- \$200 million for Fiscal Year 2020-2021; and
- \$100 million for Fiscal Year 2021-2022.

The measure would require the General Assembly to appropriate the following from the General Fund to the Public Transportation Trust Fund:

- \$50 million for Fiscal Year 2019-2020;
- \$250 million for Fiscal Year 2020-2021; and
- \$350 million for Fiscal Year 2021-2022.

The bill would also amend Title 75 (Vehicles) to modify certain definitions to align with the new annual payments under Title 74. **Passed: 50-0.**

**Senate Resolution 169** (Browne) designates the Commonwealth of Pennsylvania as a Purple Heart State and recognizes August 7<sup>th</sup> as “Purple Heart Day” in Pennsylvania. **Adopted by Voice Vote.**

**Senate Resolution 183** (Browne) designates the week of September 8 through 14, 2019 as “Idiopathic Pulmonary Fibrosis Research and Awareness Week” in Pennsylvania. **Adopted by Voice Vote.**

**Senate Resolution 184** (Bartolotta) designates the week of July 8 through 14, 2019 as “Whiskey Rebellion Heritage Week” in Pennsylvania. **Adopted by Voice Vote.**

**Senate Resolution 185** (Yudichak) designates July 8 through 13, 2019 as “Summer Learning Week” in Pennsylvania. **Adopted by Voice Vote.**

**Senate Resolution 186** (Baker) designates July 20, 2019 as “Anthracite Heritage Day” in Pennsylvania. **Adopted by Voice Vote.**

**Senate Resolution 187** (K. Ward) designates August 25, 2019 as “Banana Split Day” in Pennsylvania. **Adopted by Voice Vote.**

**House Bill 65** (Sankey) would designate:

- The bridge located on State Route 3047 over the South Branch of Blacklick Creek, Blacklick Township, Cambria County as the Private First Class Steve L. Klosz Memorial Bridge;
- The 2100 to 2200 Block of Castor Avenue, State Route 1005, in Philadelphia County as the Police Officer Raymond Diaz, Jr., Memorial Highway;

- The portion of Interstate 376 from the end of the bridge, identified as Bridge Key 3522, to the exit at State Route 51 in Beaver County as the Richard L. Shaw Memorial Highway;
- The bridge, identified as Bridge Key 3522, on that portion of Interstate 376 over the Ohio River in Vanport Township, Beaver County as the USAF Combat Controller Staff Sgt. Dylan Elchin Memorial Bridge;
- The first block of West Main Street, State Route 1010, in Fleetwood Borough, Berks County as the Alex J. Szoke Highway;
- The bridge, identified as Bridge Key 15986, on that portion of Interstate 79 northbound over West 16<sup>th</sup> Street in the City of Erie, Erie County as the Thomas J. Kennedy, Jr., Memorial Bridge;
- The bridge located on State Route 4011 over Pine Creek, Hegins Township, Schuylkill County as the A. Donald Buffington Memorial Bridge;
- The portion of Pennsylvania Route 144 beginning at the intersection of Pennsylvania Route 64 in Pleasant Gap and ending at the intersection of Pennsylvania Route 45 in Centre Hall, Centre County as the Duster-Quad 50-Searchlight Highway; and
- The section of Pennsylvania Route 50 in Independence Township, Washington County from Segment 70 to Segment 80 as the Lt. Col. Juanita L. Warman Memorial Highway. **Passed: 50-0.**

[House Bill 547](#) (Emrick) would amend the First Class Township Code to allow a board of township commissioners to set millage rates via resolution rather than ordinance. Resolutions pertaining to a tax levy would have the same recording and codification requirements as an ordinance. **Passed: 50-0.**

[House Bill 548](#) (Emrick) would amend Title 8 (Boroughs and Incorporated Towns) of the Pennsylvania Consolidated Statutes to permit a borough council to pass the annual tax millage rate by resolution rather than ordinance for years that the millage rate either remains the same or decreases. The change would have to be done by ordinance if the tax rate increases. An action on the part of the borough authorities fixing the tax rate for any year would have to include a statement expressing the rate of taxation in dollars and cents on each \$100 of assessed valuation of taxable property. All borough resolutions pertaining to tax levies would have to be recorded within 30 days after approval and be open for public inspection. An additional provision would authorize the president or vice president of council, while acting as mayor, to veto the annual tax resolution. The bill would also amend Title 11 (Cities) to allow a city council to pass the annual tax millage rate by resolution rather than ordinance for years that the millage rate either remains the same or decreases. Resolutions pertaining to tax levies would have to be reduced to writing before a vote is taken and would have to be certified and recorded by the city clerk within one month after adoption of the resolution and be open for public inspection. **Passed: 50-0.**

*Executive Session*

The nomination of Pedro A. Rivera as Secretary of Education and nominations to the Professional Standards and Practices Commission. [Confirmed: 50-0.](#)

**Wednesday, June 26, 2019**

[Senate Bill 117](#) (Langerholc) would designate:

- The bridge located on State Route 3016 (Bedford Street) over Solomon Run in the City of Johnstown, Cambria County as the Seaman Apprentice Kenneth D. Scaife Memorial Bridge;
- The bridge located on Peg Run Road, Pennsylvania Route 240, over the West Branch of the Susquehanna River, Susquehanna Township, Cambria County as the United States Army Sergeant Scott O. Henry Memorial Bridge;
- The section of U. S. Route 220 in Sullivan County from the intersection with Pennsylvania Route 87 to the Bradford County line as the T.W. “Doc” Shoemaker Memorial Highway;
- The bridge located on Pennsylvania Route 14 over Fall Brook in Troy Borough, Bradford County as the Troy Area Veterans Memorial Bridge;
- The bridge located on Pennsylvania Route 305 in Barree Township, Huntingdon County over Shaver’s Creek as the Private Harold E. “Jim” Knode Memorial Bridge;
- The bridge located on Pennsylvania Route 43 in Tyrone Township, Blair County over the Little Juniata River as the Robert E. Gensimore Memorial Bridge;
- The bridge located on Pennsylvania Route 899 over the Clarion River connecting Barnett Township, Jefferson County and Barnett Township, Forest County as the PFC Patrick T. Cassatt Memorial Bridge;
- The bridge located on State Route 4018 over the Little Mahoning Creek, South Mahoning Township, Indiana County as the SP4 Franklin Delano Meyer Memorial Bridge;
- The bridge, identified as Bridge Key 54683, located on State Route 3009 (Kushequa Avenue) in Kushequa, Hamlin Township, McKean County over the Kinzua Creek as the Vietnam Veterans Memorial Bridge;
- The bridge, identified as Bridge Key 18676, located on the portion of Pennsylvania Route 747 in Mount Union Borough, Huntingdon County over the Juniata River as the Captain Joseph S. Giacobello Memorial Bridge;

- The bridge located on State Route 2016 in Rockwood Borough, Somerset County, over the Casselman River as the PFC Alton Glenn Sterner Memorial Bridge; and
- The bridge located on that portion of Pennsylvania Route 96 over the Little Wills Creek, Bedford County as the Staff Sgt. Roger (Rod) Guy Holler Memorial Bridge.

**Concurrence in House Amendments: 50-0.**

[Senate Bill 127](#) (Regan) would amend Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes to reauthorize Chapter 53 which provides funding for 911 emergency communication services. The measure would add the State Fire Commissioner and the chairperson of the State Geospatial Coordinating Board as voting members of the 911 board and a representative from the Ambulance Association of Pennsylvania and the Pennsylvania Association of Councils of Governments as nonvoting members of the board. The legislation would require that counties make geographic information system information available and cooperate in the development of public safety answering point (PSAP) boundaries and call routing. The bill would permit money set aside for interconnectivity to be utilized to purchase equipment that allows individuals to identify their phone numbers as associated with someone with a physical disability so this information is available to PSAP personnel when a call is received. The Pennsylvania Emergency Management Agency would be required to maintain and update a biennial, comprehensive inventory of county PSAP facilities, capabilities and related equipment and services procured. An additional change would remove the ability of cities to exercise the powers and duties granted to counties related to a 911 system. The expiration date of Chapter 53 would be extended until January 31, 2024. **Concurrence in House Amendments: 50-0.**

[Senate Bill 128](#) (Regan) would amend Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes to designate the Department of Military and Veterans Affairs as the liaison for the Pennsylvania Wing of the Civil Air Patrol. The Department would be directed to provide administrative support within the limits of authorized appropriations. In addition, the Department would receive, grant and supervise expenditures of state funding used by the Civil Air Patrol, supervise the maintenance and use of Commonwealth facilities used by the Civil Air Patrol, and receive requests from Commonwealth instrumentalities for assistance from the Civil Air Patrol. Requests for assistance would have to be in accordance with federal procedures and in consultation with the Adjutant General or the Adjutant General's designee and the Pennsylvania Emergency Management Agency. Nothing in the bill could be construed to limit, diminish, or impair an authority, right, or agreement validly established and existing on the effective date of the legislation. The measure would also repeal unnecessary language in Title 74 (Transportation). **Concurrence in House Amendments: 50-0.**

[Senate Bill 130](#) (Gordner) would authorize:

- The Department of General Services (DGS) to release a portion of the use restriction and reversionary interest on property located partly in Mahoning Township and partly in Danville Borough, Montour County. The use restriction and associated reversionary interest is as follows: "The land and buildings shall only be used for agricultural purposes and for use of sewer sludge application related to agricultural uses, and if at any

time the property is used for other purposes, the title thereto shall immediately revert to and revest in the Commonwealth of Pennsylvania.” Release of the use restriction and reversionary interest would occur on such terms, conditions and for such consideration as is acceptable to the Secretary of General Services, with the portion of the property to be released to be less than or equal to 40 acres. Any costs and fees incidental to the release would be borne by the Borough. Any proceeds received for the release would be deposited in the General Fund;

- The Department of General Services, with the approval of the Governor and the State Fire Commissioner, to convey a permanent easement from lands at the State Fire Academy to Mifflin County to establish and maintain a recreational hiking trail, together with parking for the benefit of the general public for \$1. The conveyance would be under terms and conditions to be established in an easement agreement. The easement agreement would have to contain a provision requiring the easement to be used for the hiking trail and parking for the general public using the trail or it would automatically be extinguished. Costs and fees incidental to the conveyance would be borne by the grantee. In the event the parties have not entered into an easement agreement within two years, the authorization for the conveyance would expire; and
- The Department of General Services, with the approval of Shippensburg University of Pennsylvania and the Governor, to convey a permanent easement from lands at Shippensburg University to the Cumberland Valley Rails to Trails Council to establish and maintain a parking lot for the general public utilizing the Cumberland Valley Rails Trail for \$1. The conveyance would be under terms and conditions to be established in an easement agreement. The easement agreement would have to contain a provision requiring the easement to be used for the parking lot for the general public using the trail or it would automatically be extinguished. Costs and fees incidental to the conveyance would be borne by the grantee. In the event the parties have not entered into an easement agreement within two years, the authorization for the conveyance would expire.

**Concurrence in House Amendments: 50-0.**

Senate Bill 147 (Laughlin) would amend Title 34 (Game) of the Pennsylvania Consolidated Statutes to make a number of changes. Among other modifications, the legislation would:

- Require the Legislative Budget and Finance Committee to prepare a financial analysis of fees, fines, penalties, royalties, federal and state appropriations and other sources of revenue received by the Pennsylvania Game Commission and of expenditures, including annual operating costs, investments, land purchases and capital projects. The Game Commission would be directed to cooperate with the review. The analysis, which would be public information, would have to be submitted to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the chairs of the Senate and House Game and Fisheries Committees;
- Permit hunting on three Sundays each calendar year as follows: one day of Sunday hunting during the deer rifle season, one during the statewide deer archery season and one as determined by the Game Commission; and

- Expand the offense of trespass on private property while hunting and increase the penalties as follows: trespassing without authorization would be a summary offense of the third degree punishable by a fine of \$250-\$500, trespassing without authorization and refusing an order to leave would be a misdemeanor punishable by a fine of not more than \$3,000 and imprisonment up to six months, and a second or subsequent violation within a seven-year period would be a misdemeanor resulting in forfeiture of hunting privileges for a period of one year. **Passed: 36-14.**

[Senate Bill 440](#) (Phillips-Hill) would add a section to the Public School Code to allow schools to use “flexible instructional days” when weather or other issues force closure of school buildings. Other issues would include: disease, a law enforcement emergency, inoperability of school buses/equipment, and circumstances which render a building unsafe. Under a new Section 1506, school entities would be authorized to develop a program that allows for flexible instructional days, not to exceed five days during the school year. Within 30 days of the effective date of the section, the Department of Education would be required to issue guidance and establish a standard application form for this purpose. The guidance and form would have to be published on the Department's website. Applications for flexible instructional days would remain valid for a period of three years.

An application to institute flexible instructional days would have to include: (1) the procedure for instituting a flexible instruction day and notifying students, parents, and professional employees; (2) the responsibilities of professional employees and students during flexible days; (3) the procedure to ensure student participation and attendance; (4) an exemplar of flexible day instruction in English language arts and mathematics for all grades, and science and social studies for grades nine through twelve; (5) assurance of compliance with the Individuals with Disabilities Education Act; and (6) any additional information the department deems necessary. If technology will be used by the school entity on flexible instructional days, the application would have to include the procedure regarding accommodations for students and professional employees without Internet access or digital device access at home and for digital access for families and employees without technology. A nonpublic school could use technology or other appropriate means to provide instruction on days when a school building is prevented from opening. **Concurrence in House Amendments: 50-0.**

[Senate Bill 478](#) (Vogel) would amend the Tax Reform Code of 1971 to establish a tax credit for the support of beginning farmers. An existing owner of agricultural assets, as defined in the bill, would be able to take a credit against the personal income tax due for the sale or rental of agricultural assets to a beginning farmer in an amount approved by the Department of Community and Economic Development (DCED) equal to:

- Five percent of the lesser of the sale price or the fair market value of the agricultural asset, up to a maximum of \$32,000; or
- Ten percent of the gross rental income in each of the first, second and third years of a rental agreement, to a maximum of \$7,000 per year.

The allocation of tax credits would be limited to no more than \$5 million for the taxable year beginning after December 31, 2019, and no more than \$6 million for taxable years beginning after December 31, 2020. Credits would be issued on a first-come, first-served basis. No later than February 1, 2025, DCED, in consultation with the Department of Revenue, would be required to provide a report to the General Assembly on the tax credits issued containing information such as the effect of the tax credits on increasing opportunities for and the number of beginning farmers, the number and amount of tax credits issued, the geographic distribution of tax credits and data on the number of beginning farmers by geographic region in the years covered by the report. The tax credit would sunset for taxable years beginning after December 31, 2029. **Concurrence in House Amendments: 50-0.**

**Senate Bill 575** (Yaw) would amend Title 27 (Environmental Resources) of the Pennsylvania Consolidated Statutes by adding Chapter 67, the Pennsylvania Clean Water Procurement Program Act. The new chapter would establish the Clean Water Procurement Program to provide for the purchase of verified nutrient and sediment reductions from approved contracting parties through a competitive sealed proposal process. The legislation would create the Watershed Innovation and Improvement Fund financed by a transfer of \$20 million from the General Fund. The money in the newly-created fund would be used by the Pennsylvania Infrastructure Investment Authority (PENNVEST) for the purchase of the nutrient and sediment reductions. No more than 2.5 percent of the money could be used by the Department of Environmental Protection (DEP) to implement the program.

PENNVEST would be required, in consultation with DEP, to issue a request for proposals for the supply of long-term nutrient and sediment reductions for future delivery to accelerate progress toward achievement of the Chesapeake Bay TMDL (total maximum daily load) pollutant reduction requirements. The criteria and weighting applied to each factor would be printed as part of the procurement process. Contracts with nutrient and sediment reducers would be for 10 years. The reducer would have to make available 20 percent of its allotment for participation by small farms or aggregators for 30 days. The Department of Environmental Protection would have to verify the reductions and continue to verify them on a monthly basis before PENNVEST will pay any funds. PENNVEST would be required to publish an annual report on the program with the information listed in the bill. DEP would be authorized to promulgate regulations necessary to administer the chapter. An additional provision would modify the list of eligible purposes for which the Pennsylvania Department of Conservation and Natural Resources is authorized to issue grants from the Environmental Stewardship Fund. **Passed: 33-17.**

**Senate Bill 585** (Corman) would amend Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes to create the Dairy Future Commission composed of the individuals delineated in the legislation. The Commission would:

- Review, make findings and offer recommendations related to the dairy industry in the Commonwealth;
- Consult with and utilize experts to assist the Commission in carrying out its duties;

- Receive input from interested parties;
- Hold public hearings in different regions of the Commonwealth;
- Review and consider dairy policies and factors utilized throughout the United States;
- Review the administration and operation of state and regional programs and services and make recommendations to implement new policies, legislation and regulations;
- Recommend proposed legislation and regulatory changes based on the Commission's findings; and
- Issue a report of the Commission's findings and recommendations to the Governor, the legislative leaders and the chairs of the Senate and House Agriculture and Rural Affairs Committees not later than one year after the effective date of the section.

The Department of Agriculture would provide administrative support, meeting space and any other assistance required by the Commission. Members of the Commission would not receive compensation, but would be reimbursed for all necessary travel and other reasonable expenses. **Concurrence in House Amendments: 50-0.**

**Senate Bill 619** (Yaw) would amend the Clean Streams Law to modify the definition of “pollution” to provide that an accidental discharge, spill or release that does not cause a violation of any of the numeric water quality criteria under 25 Pa. Code (relating to environmental protection) would not constitute pollution. The measure would also add Section 404 to provide that a person who discharges, spills or releases a substance to the waters of the Commonwealth, or to a location from which it is likely to enter the waters of the Commonwealth, would be required to notify the Department of Environmental Protection (DEP) if the discharge, spill or release is not authorized under a permit from DEP and it causes or will cause a violation of water quality criteria under 25 Pa. Code (relating to environmental protection) or will exceed reportable quantities established under Section 301 of the Federal Water Pollution Control Act. DEP would be required to promulgate regulations to carry out the provisions of this act within 90 days of the effective date. **Passed: 26-24.**

**Senate Bill 634** (Yaw) would amend Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes to establish a Conservation Excellence Grant Program within the State Conservation Commission to provide technical and financial assistance to applicants for best management practice projects on agricultural operations in high-priority locations within Pennsylvania through grants, loans or tax credits. Grants would be awarded to the extent funding is made available by the General Assembly. Loans could be awarded through the Agriculture-Linked Investment Program or any other loan program approved by the Commission. The Commission would establish guidelines for the approval of applications for eligible projects. The Commission would be required to ensure that a project satisfies the requirements of the program as follows:

- If a project's best management practice requires review and certification by a registered professional engineer under the applicable laws or regulations of this Commonwealth, the best management practice would have to be certified by a registered professional engineer.
- Any other project would have to be certified by a technical service provider, staff from a conservation district or the United States Department of Agriculture Natural Resources Conservation Service or any other person who has appropriate training and expertise and is approved by the Commission.

Assistance under the program would be targeted to projects based on the criteria and priorities listed in the legislation, including projects in counties impacting the Chesapeake Bay. **Concurrence in House Amendments: 50-0.**

**Senate Bill 661** (J. Ward) would amend Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes to establish a number of programs. Among other provisions, the legislation would add:

- Chapter 48 establishing the Agricultural Business Development Center within the Department of Agriculture to serve as a resource and reference center for farmers and prospective farmers to create business plans, management strategies, ownership transition plans, expansion plans, and to diversify an existing agricultural operation. The Center could identify and build teams of planning facilitators, accountants, financial planners, lenders, marketers, conservation and nutrient management planners and veterinarians to provide expertise to farmers and prospective farmers. The Agricultural Business Development Center Advisory Committee would be established as outlined in the bill to advise the Secretary of Agriculture on his or her responsibilities under the chapter. The Department could establish a grant program to provide resources to farmers and prospective farmers. Grants would be available to the extent funding is made available by the General Assembly. Grant amounts would be limited to 75 percent of project costs, not including in-kind contributions. The Agricultural Business Development Center Fund would be established as an interest-bearing restricted revenue account for the grant program. Money collected by the Department or appropriated, given, granted or donated would be deposited into the fund and used for awarding grants. Unexpended money and interest or earnings in the fund would remain in the account for the purposes of the program;
- Chapter 103 revising and reestablishing an agriculture and youth organizations grant program to be administered by the Department. The State Agriculture and Youth Development Board, composed of the individuals listed in the legislation, would be established to recommend grant awards. Grants could be used for the following: to cover the costs of special projects; for educational or work force development programs, seminars or field trips conducted by the organization; for agricultural safety training programs conducted by the organization; and for certain capital projects and equipment purchases. The Board would meet annually to recommend the qualifying organizations and establish annual allocation limits for each fiscal year. The Department would make grant awards, not to exceed \$7,500, to qualifying organizations upon the recommendation

of the Board. Grants for capital improvements, not to exceed \$25,000, would have to be matched by private money in an amount equal to the state grant. Funding for the grant program could come from money appropriated by the General Assembly and any other money, contributions or payments which may be made available by the federal government or by public or private sources;

- Chapter 105 creating The Commonwealth Specialty Crop Block Grant Program for specialty crops that are not currently eligible for grants under the Federal Specialty Crop Block Grant Program. Eligible specialty crops would be designated as high priority by the Secretary and include horticultural and silvicultural crops and products, plants cultivated for fiber or biofuel purposes and apiary products. Processed products would have to consist of greater than 50 percent of the eligible specialty crop by weight. Grants could not be awarded for projects that directly benefit a particular commercial product or provide a profit to a single individual or organization. The Department could use up to eight percent of any funds allocated for grants for administrative costs in administering the program. An amount equal to 6.2 percent of the money would have to be allocated to recipients and projects located in rural municipalities where at least 20 percent of the population has been below the federal poverty line since 1990. An amount equal to 3.8 percent of the money would have to be allocated to recipients and projects located in urban municipalities where at least 20 percent of the population has been below the federal poverty line since 1990. The balance of the money would have to be allocated in a manner which seeks to distribute the money evenly among eligible specialty crops. Grants would be awarded when funding is available; and
- Chapter 107 establishing the Urban Agricultural Infrastructure Grant Program to serve as a reimbursement grant program for persons who implement projects that improve agriculture infrastructure in urban areas. The Department would issue reimbursement grant money to pay some portion of the costs of an eligible project based upon the applicant's submission of a verified statement that the eligible project has been completed or implemented, including a statement of the project completion date, photos of the completed or implemented project, bills and invoices for which reimbursement grant money is sought and other information as the Department may require. Grants would only be offered in a fiscal year in which and to the extent funding is made available. The amount of reimbursement would be based on actual eligible costs and reimbursement would be limited to 50 percent or less of the costs of an eligible project. A single applicant could not be awarded more than \$100,000 in grants in any five-year period.  
**[Concurrence in House Amendments: 50-0.](#)**

Senate Bill 698 (Gordner) would amend the Medical Practice Act of 1985 to allow for the use of a delegate for the submission of forms to the State Board of Medicine. The legislation would allow for a delegate of a primary supervising physician and a physician assistant to submit to the Board the written agreement between the physician and the assisting physician assistant. The measure would also add a definition of “primary supervising physician” to the law.

**[Concurrence in House Amendments: 50-0.](#)**

[Senate Bill 699](#) (Gordener) would amend the Osteopathic Medical Practice Act to allow for the use of a delegate for the submission of forms to the State Board of Osteopathic Medicine. The legislation would allow for a delegate of a primary supervising physician and a physician assistant to submit to the Board the written agreement between the physician and the assisting physician assistant. The measure would also add a definition of “primary supervising physician” to the law. **[Concurrence in House Amendments: 50-0.](#)**

[Senate Bill 701](#) (Browne) would authorize the Department of General Services (DGS), with the approval of the Governor, to grant and convey approximately 195.167 acres of land, known as the former Allentown State Hospital, in the City of Allentown and the City of Bethlehem, Lehigh County. The conveyance would occur through a competitive solicitation for proposal process to evaluate and select a buyer based upon best value and return on investment post-demolition. A competitive solicitation committee would be established to review proposals and recommend a buyer. The committee would be composed of the Secretary of DGS, the Senate member in whose district the majority of the property is located, the House member in whose district the majority of the property is located, and an official representative of the municipality in which the majority of the property is located. Prior to the competitive solicitation process, DGS would be authorized and directed to demolish all buildings and structures located on the property, with the exception of a Commonwealth-owned air monitoring station. In order to undertake the demolition, DGS would be required to enter into a design/build contract through the competitive sealed proposal method of procurement. Demolition would be authorized notwithstanding any applicable local ordinances. No portion of the property could be used as a licensed gaming facility or it would revert to the Commonwealth. Proceeds from the sale would be deposited into the General Fund. In order to effectuate the conveyance and demolition, Section 1 of Act 82 of 2017, which authorized DGS to convey the property to TCA Properties, L.P., would be repealed. **[Concurrence in House Amendments: 50-0.](#)**

[Senate Resolution 47](#) (Phillips-Hill) establishes a legislative task force on the delivery of high-speed broadband services and directs the Joint State Government Commission to establish an advisory committee to conduct a study on the delivery of high-speed broadband services in unserved areas and underserved areas of the Commonwealth and to report its findings and recommendations to the Senate. **[Adopted by Voice Vote.](#)**

[Senate Resolution 48](#) (Phillips-Hill) directs the Legislative Budget and Finance Committee to conduct a review of the compliance of telecommunication carriers with the high-speed broadband deployment mandates of the Public Utility Code and to report its findings and recommendations to the Senate. **[Adopted by Voice Vote.](#)**

[Senate Resolution 189](#) (Mastriano) designates the month of June 2019 as “Lithuanian Partnership Month” in Pennsylvania. **[Adopted by Voice Vote.](#)**

[House Bill 33](#) (Dunbar) would amend the Human Services Code to:

- Eliminate the general assistance cash assistance program on August 1, 2019, while continuing the GA-related categorically needy Medical Assistance program;

- Provide for the Medical Assistance Day One Incentive (MDOI) payment for fiscal year 2019-2020 to qualifying nonpublic nursing facilities with an overall occupancy rate of at least 85 percent and with a medical assistance occupancy rate of at least 65 percent. The payment would be increased from \$8 million to \$16 million;
- Reauthorize the Philadelphia Hospital Assessment through June 30, 2024, with certain modifications; and
- Revise the definition of “net inpatient revenue” and “net outpatient revenue” under the Statewide Quality Care Assessment. [Passed: 26-24.](#)

[House Bill 370](#) (Klunk) would amend the Agricultural Area Security Law to allow the owner of land subject to an agricultural easement to relinquish and extinguish the right to construct a residence by recording an affidavit with the county recorder of deeds. An additional provision would clarify that the subdivision of preserved farmland for the purpose of a residence is permitted, regardless of whether the residence already exists or needs to be constructed. This right could not be exercised if the right to construct an additional residence has been voluntarily relinquished. [Passed: 50-0.](#)

[House Bill 615](#) (Gillespie) would amend Title 71 (State Government) of the Pennsylvania Consolidated Statutes to expand the definition of “enforcement officer” under Part XXV (Retirement for State Employees and Officers) to include Game Commission officers and any other commissioned law enforcement personnel under the employment of the Pennsylvania Game Commission who have and exercise the same law enforcement powers as Game Commission officers. The change would not cover deputy Game Commission officers. Any increase in accrued liability that results from the change would have to be funded in equal dollar installments as a percentage of compensation of all affected active members and active participants employed by the Pennsylvania Game Commission over a period of 10 years. [Passed: 50-0.](#)

[House Bill 786](#) (Cutler) would amend Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes to add the provisions currently found in Article VIII-H (Pennsylvania Trauma Systems Stabilization) of the Human Services Code with minor changes. The legislation would repeal the existing provisions in the Human Services Code. All activities initiated under Article VIII-H of the Human Services Code would continue and remain in full force and effect under the new provisions. [Passed: 41-9.](#)

[House Bill 807](#) (Ryan) would amend Section 2304 of Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes to further provide for the compensation of military officers in service to the Commonwealth. The changes would require the annual salary of the Adjutant General, Deputy Adjutant General and general officers that require federal and state recognition for positions in the Pennsylvania National Guard who are permanently employed by the Commonwealth to be paid the equivalent to the federal military base pay of the officer’s federally recognized rank and time of service, not to exceed 20 years. The cost-of-living adjustment would be based on the annually published active duty military pay scale. The legislation would take effect immediately or January 1, 2020, whichever is later. [Passed: 50-0.](#)

[House Bill 856](#) (Boback) would amend Title 67 (Public Welfare) of the Pennsylvania Consolidated Statutes to codify certain provisions of the Human Services Code of 1967 and reenact provisions from Act 80 of 2012 which were struck down by the Pennsylvania Supreme Court in 2018 including Chapter 21, Adoption Opportunities, and Chapter 31, Family Finding and Kinship Care. The Adoption Opportunities chapter encourages and promotes the placement of children who have disabilities or are hard to place. The definition of child would be expanded to include an individual who is under the age of 21 years and was 13 years of age before the adoption assistance agreement became effective and who is:

- Completing secondary education or an equivalent credit;
- Enrolled in a college or vocational education program;
- Participating in a program actively designed to promote or remove barriers to employment;
- Employed for at least 80 hours per month; or
- Incapable of doing any of the above activities due to a medical or behavioral health condition that is supported by regularly updated information in the permanency plan of the child.

Chapter 31 would establish the Kinship Care Program in the Department of Human Services. The county agency would be required to identify and notify all of the child's grandparents and other adult relatives to the fifth degree of consanguinity or affinity to the parent and stepparent of a dependent child within 30 days of when the child is removed from his or her home. The notification would have to provide options for the relative to participate in the care and placement of the child. The county agency would be required to give first consideration to placement with relatives. The bill would also establish the Subsidized Permanent Legal Custodianship Program within the Department for family members who are granted permanent legal custodianship for qualified children under the Kinship Care Program to receive a subsidy.

**Passed: 50-0.**

[House Bill 915](#) (Causer) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to exempt milk haulers from travel restrictions during inclement weather and emergency declarations. The legislation would permit a "combination" to move on the highways at any time to haul milk to or from a milk plant or a dairy farm, or travel to a dairy farm to pick up milk if the vehicle is identified as a licensed milk hauler by a decal issued by the Pennsylvania Milk Marketing Board, the gross weight does not exceed 95,000 pounds and the weight of any nonsteering axle does not exceed 21,000 pounds. An additional change would provide an exception to the Governor's authority to modify the provisions of Title 75 during a declared national, state or local emergency condition. The exception would authorize a vehicle that is hauling milk to or from a milk plant or dairy farm, or is traveling to a dairy farm to pick up milk to move upon highways at any time if it is identified as a licensed milk hauler by a decal issued by the Pennsylvania Milk Marketing Board and the gross weight does not exceed 80,000 pounds.

**Passed: 32-18.**

[House Bill 1514](#) (Hershey) would amend Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes to add Chapter 109, the Farm-to-School Act. The legislation would repeal Act 184 of

2006, the Healthy Farms Healthy Schools Act, and authorize the Department of Agriculture, in consultation with the Commission for Agricultural Education Excellence and the Department of Health, to re-establish the Healthy Farms Healthy Schools program as the Farm-to-School Program. The program would provide grants to elementary schools to integrate nutrition and agriculture education into regular classroom subjects. Grant amounts would be limited to 75 percent of the amount necessary to develop the program. Grants could not exceed \$15,000 annually per school. The Department could require verification of grant expenditures.

**Passed: 50-0.**

**House Bill 1516** (Causer) would amend Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes to add Chapter 111, to establish a restricted account in the Department of Agriculture to provide emergency money for training, equipment, and other resources necessary for rapid responses to transmissible diseases, plant pests, and noxious weeds, foodborne illnesses and natural and other disasters affecting agriculture which pose an immediate danger to public or animal health, food safety or economic well-being in the Commonwealth. Money from the account would have to be used for the purposes outlined in the legislation, including to provide for the transportation of livestock feed during a declared disaster. An amount up to \$100,000 annually could be used for research to control or mitigate transmissible animal diseases, plant pests and diseases, controlled plants and noxious weeds, foodborne illnesses, hazardous substance contamination and disasters affecting agriculture. An amount up to \$250,000 of the money in the account could be used annually for planning, developing and maintaining animal response and rescue capabilities by entities approved by the Pennsylvania Emergency Management Agency in conjunction with the Department. The Department would have to require a person receiving money to keep and provide records upon request. The records would have to include the name and address of the person, evidence of the eligible disaster for which the money was received and a copy of each invoice and expenditure to account for the expenditure of money received. **Passed: 50-0.**

**House Bill 1520** (Snyder) would amend Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes to expand the permissible uses for the Pennsylvania Preferred Trademark Licensing Fund to include promoting the participation in Pennsylvania Preferred marketing efforts by veterans and veteran business entities. The Department of Agriculture would be required to conduct outreach and education efforts to encourage and facilitate veteran participation. The measure would also establish the Very Small Meat Processor Federal Inspection Reimbursement Grant Program to reimburse very small meat processors for the costs of obtaining federal certification to allow the sale of meat by the processor. Grants would only be offered in a fiscal year in which and to the extent that funding is made available to the Department of Agriculture. Grant funds could only be distributed to the owner of the eligible establishment as outlined in the legislation. **Passed: 50-0.**

**House Bill 1524** (Rader) would amend the Liquor Code to authorize the Pennsylvania Liquor Control Board (PLCB) to issue retail liquor licenses or eating place retail dispenser licenses for use at a mixed-use town development project or tourist development project regardless of the number of retail liquor licenses or eating place retail dispenser licenses already issued in a county. A tourist development project restaurant liquor license application could be submitted to the PLCB by any interested party at any time, but the application would have to be accompanied

by a resolution or ordinance indicating that the municipality has approved the request to have the area designated as a tourist development project by the PLCB. The interested party would also have to pay a fee of \$1 million. Licensees within a tourist development project would be ineligible for a wine expanded permit and could not sell malt and brewed beverages for off-premises consumption. The fees associated with tourist development project licensees would be deposited into the State Stores Fund. The PLCB could choose which restaurant liquor licenses would be made available for transfer to the tourist development project restaurant liquor license applicant. The Board would have to choose licenses from a saturated county, if they are available, up to the maximum number of licenses that can be accepted from a saturated county, as defined in the bill. The maximum number of licenses that could be accepted from a county would be calculated by subtracting from the total number of restaurant liquor licenses in the county, a number equal to 2.64 times the county population divided by three thousand.

**Passed: 50-0.**

**House Bill 1526** (Irvin) would amend Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes to re-establish and revise the existing Agriculture-Linked Investment Program (Agri-Link), which provides state funding for, and may subsidize the interest rate on, private loans used for agricultural best management practices (BMP). Operators seeking a loan to implement or install a BMP approved by the State Conservation Commission (SCC) would apply for a loan to a private lending institution (bank or Farm Credit) that has an investment agreement with the Commonwealth. When a lending institution approves a loan application, it then submits a request to the State Treasurer for a transfer of money in an amount equal to the approved loan amount. The interest rate paid by a lending institution is the interest rate on deposits in state depositories as established by the Board of Finance and Revenue. The interest rate could be reduced by a subsidy paid by the SCC. The interest rate to the borrower would have to be established at or prior to a loan approval and could be fixed or variable, but would have to reflect the percentage rate reduction of a subsidy, if any. Interest rate subsidies could be provided at the discretion of the SCC, using funds appropriated to the SCC or to the Nutrient Management Fund administered by the SCC. Loans could not exceed \$250,000 and would be amortized over a term not to exceed 12 years. The aggregate amount of outstanding loans under the program could not exceed \$25,000,000 at any one time. The legislation would also repeal the existing Agriculture-Linked Investment Program Act (Act 130 of 1994). **Passed: 50-0.**

**House Bill 1590** (Owlett) would amend Title 64 (Public Authorities and Quasi-Public Corporations) of the Pennsylvania Consolidated Statutes to establish the guidelines of the Dairy Investment Program administered by the Commonwealth Financing Authority (CFA) in statute. (Act 42 of 2018 directed the CFA to establish the program.) Grants could be provided to eligible applicants under the program for the following types of projects: research and development; transitioning to certified organic production, processing or distribution; value-added processing; and marketing. The CFA could consider additional types of projects that it, in consultation with the Department of Agriculture, determines would effectuate the intent of the program.

The CFA would review and evaluate applications, in consultation with the Department of Agriculture, based on the following criteria:

- Whether the project incorporates at least 75 percent Pennsylvania-sourced milk;

- The extent to which matching funds are used or leveraged (a minimum 15 percent cash match of the total project cost is required);
- Whether the project can be replicated for use across the Commonwealth;
- Whether the project includes a strategic plan for implementation;
- Inclusion of an itemized budget of all costs; and
- Any additional evaluation criteria for each type of eligible project the CFA deems necessary to administer the program.

Administration costs for a project could not exceed two percent of a total grant award and an applicant could not commence work on a project before receiving CFA approval of the project grant. Grant awards could not be used for paying fees for securing financing, paying interest on borrowed funds, refinancing existing debt, paying for lobbying services, paying fines, or application preparation fees. [Passed: 50-0.](#)

#### **Thursday, June 27, 2019**

[Senate Bill 48](#) (Gordner) would amend the Pennsylvania Election Code to make a number of changes. Among other modifications, the legislation would:

- Prohibit the Commonwealth from decertifying voting apparatuses in 50 percent or more counties until the requirements included in the legislation are met. If the Commonwealth intends to disapprove or decertify apparatuses in 50 percent or more counties, the Department of State would have to submit a written plan to the President Pro Tempore of the Senate and the Speaker of the House of Representatives at least 180 days prior to the effective date of replacement. The plan would have to contain the reason for disapproval or decertification, the estimated cost to replace the apparatuses, the plan for funding the costs, a plan for replacing the apparatuses, and the effective date of replacement. The bill would also provide for the establishment of a Voting System Decertification Commission composed of the membership outlined in the legislation to review the written plan, hold at least two public hearings on the matter, and issue a written report. The report would have to include an estimated cost for the plan, how the costs would be divided and recommended legislative action, if necessary;
- Eliminate the ability to vote straight-party with a single selection;
- Change the number of ballots that have to be printed for an election. The bill would remove the existing requirement that each polling place have a total number of ballots equaling 110 percent of the total number of electors registered. The new provision would only require that at least 10 percent more ballots be printed than the total number of ballots cast in any of the past three elections of similar type;

- Authorize the Pennsylvania Economic Development Financing Authority (PEDFA) to issue up to \$90,000,000 in bonds to provide funding for counties to replace voting systems. The Department of State (DOS) could be a project applicant under the Economic Development Financing Law for the funding of the replacement of voting apparatuses after it has approved county applications which total at least \$50,000,000. Bonds issued would not be a debt or liability of the Commonwealth. The term of bonds would be for no more than 10 years. Debt service payments would be subject to annual appropriations by the General Assembly. The net proceeds of the bonds would be deposited in the County Voting System Reimbursement Account in the State Treasury. Counties would be eligible to receive 60 percent of the costs incurred in securing their voting systems or 60 percent of their estimated costs. Each county would have to submit an application for funding no later than December 31, 2019. In the event that the aggregate amount of costs exceeds 60 percent of the amount available, then each county would receive a pro rata share of the amount available. The DOS would be required to submit an annual report to the chairs of the House and Senate State Government Committees providing all data available on bonds issued or existing in the prior year; and
- Modify certain provisions governing absentee ballots related to deadlines, canvassing and public records. [Concurrence in House Amendments: 31-19.](#)

[Senate Bill 144](#) (Martin) would amend the Public School Code to provide for trauma-informed education, the Keystone Telepresence Education Grant Program, threat assessment teams, and other changes related to school safety and security. Among other provisions, the bill would:

- Add definitions of “trauma” and “trauma-informed approach”;
- Require school entities to train employees on trauma-informed approaches based on evidence-based programs;
- Establish the Keystone Telepresence Education Grant Program for the purpose of awarding grants to intermediate units for the purchase of telepresence equipment and related support services for the education support of homebound students;
- Define “telepresence equipment” as available technology that enables homebound students to participate in daily educational activities with the students’ classmates and teachers in real-time from a remote location;
- Allow intermediate units to apply for School Safety and Security Enhancement Grants on behalf of nonpublic schools with no less than \$3.2 million to be awarded;
- Expand eligible school entities that may apply for a school safety and security grant to include cyber charter schools, regional charter schools, approved private schools and chartered schools for the education of the deaf or blind;
- Add certain members to the School Safety and Security Committee under the Pennsylvania Commission on Crime and Delinquency;

- Specify that each school district that makes a meritorious grant application to the Committee would have to be awarded a minimum allocation between \$30,000 and \$45,000 based on its average daily membership;
- Limit grants to cyber charter schools to the safety and security needs of students at facilities where tutoring, testing, supplemental program and services or instruction for students with disabilities occur;
- Direct the Committee to award all grants by March 1, 2020, and March 1 each year thereafter; and
- Require each public school entity to establish at least one threat assessment team for the assessment of and intervention with students whose behavior may indicate a threat to the safety of the student or others. The bill lists the composition and responsibilities of the threat assessment team. [Concurrence in House Amendments, as Amended: 50-0.](#)

[Senate Bill 621](#) (Regan) would amend the Public School Code to clarify provisions related to school police officers and school resource officers. Among other provisions, the bill would:

- Require a judge, at the request of a school entity or nonpublic school, to grant a school police officer the authority to carry a firearm if the officer satisfies certain requirements. Officers would have to successfully complete the Basic School Resource Officer Course of Instruction offered by the National Association of School Resource Officers or an equivalent course of instruction. An officer who is currently stationed in a school entity or nonpublic school would have to complete the instruction within six months of the effective date of the bill;
- Permit school entities and nonpublic schools to contract with third-party vendors in addition to independent contractors to provide school police officer and security guard services. Independent contractors or individuals provided through a third-party vendor as school police officers or school security guards would have to complete certain training as outlined in the bill. If working for a school entity, these individuals would be treated as employees of a local agency. If working for a nonpublic school, they would have to be insured for any liability arising from the performance of their duties;
- Require school resource officers and school security guards to complete certain training, including in-service training, as listed in the bill. Current school resource officers and security guards would have six months from the effective date of the bill to complete the training;
- Permit a school entity or nonpublic school to employ or contract with an independent contractor or a third-party vendor for an armed security guard if certain conditions outlined in the bill are met;

- Provide training exemptions for active law enforcement officers and retired law enforcement officers who are school security guards; and
- Direct the Pennsylvania Commission on Crime and Delinquency to perform certain duties listed in the bill, including submitting an annual report to the General Assembly on school security. [Concurrence in House Amendments: 30-20.](#)

[Senate Bill 695](#) (Prime Sponsor Withdrew) would amend the Human Services Code to make a number of changes. Among other provisions, the legislation would:

- Provide that the Department of Human Services (DHS), in coordination with the Departments of Transportation and Aging, could not enter into a contract for a full-risk brokerage model for its medical assistance transportation program prior to the completion of a study that provides the information listed in the bill, including the impact on consumers, including the increase or decrease in quality and service availability. The analysis would have to be completed no later than 180 days from the effective date of the legislation. An interim report would have to be completed no later 90 days. The interim report and full analysis would have to be delivered to the Secretaries of the Departments of Human Services, Aging, and Transportation, and certain legislative committee chairs;
- Prohibit DHS from implementing a uniform statewide preferred drug list for the medical assistance managed care organizations (“MCOs”) until an analysis has been conducted, as commissioned by DHS. The analysis would have to determine the projected cost to medical assistance MCOs and the projected supplemental rebates that could be obtained by DHS through the use of a uniform statewide preferred drug list. The study would have to be completed within 60 days of the effective date of the provision, and delivered to certain legislative committee chairs; and
- Extend the sunset date of the Nursing Facility Budget Adjustment Factor, the Nursing Facility Assessment, and the Philadelphia Hospital Assessment until 2022. The Intermediate Care Facilities for Persons with an Intellectual Disability Assessment would be continued until 2024. [Concurrence in House Amendments: 49-1.](#)

[Senate Bill 700](#) (Browne) would amend the Public School Code to establish the Public Higher Education Funding Review Commission to make recommendations related to higher education funding, affordability and effectiveness, administration and operation. The Commission would be required to develop a higher education funding formula and identify factors that may be used to determine the distribution of funding among the public institutions of higher education. The higher education funding formula could not go into effect until approved by an act of the General Assembly. Every five years, the commission would be reconstituted to meet and hold public hearings to review the operation of the higher education funding provisions and make a further report. The bill defines a “public institution of higher education” as any of the following: 1) a community college; 2) a rural regional college; 3) a university within the state system of higher education; 4) a state-related institution; 5) The Thaddeus Stevens College of Technology; and 6) The Pennsylvania College of Technology.

The legislation would also modify the Construction and Reconstruction of Buildings by School Entities Program (PlanCon) and establish a grant program for school entity maintenance projects. The bill outlines the process a school would have to follow to be eligible to receive reimbursement from the Commonwealth for costs of a project, beginning with an application. The bill also outlines the process the Department of Education would be required to follow to approve a school entity's application. Unless the Secretary of Education grants an exception, the Department could not approve the following for school construction reimbursement: 1) an addition to or renovation of an existing school building where a previous reimbursable construction project occurred within 20 years prior to the current application; and 2) renovation of an existing school building if the cost of the addition or renovation is less than 20 percent of the replacement value of the entire building. The Department would be required to develop an internet-based application for schools to use when applying for reimbursement and to maintain all submitted information in an electronic record available to the applicant. The Secretary would have to recognize certain high-performance building standards as delineated in the bill. A reimbursement enhancement of 10 percent above the amount calculated for reimbursement would be authorized for a school that utilizes an approved high-performance building standard for a project.

The Department would also be required to establish a grant program and application process for maintenance projects for schools. Grants would be required to have a 50 percent local match, except in emergency cases. Grant awards for maintenance projects would be limited to \$1,000,000 and funding for the program would come from a set-aside equal to 25 percent of the annual appropriation for school building projects. The Department would be required to transmit grant award information to the General Assembly annually. The Department would be tasked with developing guidelines for schools to voluntarily report information related to school building safety, inventory and condition. The Department would have to post completed building condition assessments on its website. Any school that completes a building condition assessment would receive a two percent increase above the amount calculated for reimbursement. The Department would reimburse schools with approved applications based on certain calculations in the bill. The maximum reimbursement would be 65 percent of the project's structural cost. Payments to schools would be in equal installments over 20 years. The bill applies to projects for which approval and reimbursement is sought after the effective date.

**Concurrence in House Amendments: 50-0.**

Senate Bill 712 (Argall) would amend the Fiscal Code to provide implementation language for the 2019-2020 Commonwealth Budget. The legislation would:

- Extend the authority of the State Treasurer to invest funds in accordance with the prudent person investment standard until 2024;
- Provide that no amount can be transferred from the Oil and Gas Lease Fund to the Marcellus Legacy Fund for distribution to the Environmental Stewardship Fund for the Fiscal Year;
- Extend the 1.4 percent assessment on transportation network companies in a city of the first class until December 31, 2020;

- Direct that if the Secretary of the Budget certifies a General Fund surplus for the 2018-2019 Fiscal Year, 100 percent of the surplus will be deposited in the Budget Stabilization Reserve Fund by the end of the next succeeding quarter;
- Re-enact and extend the investment requirements and the prudent person investment authority for the State Workers Insurance Board to June 30, 2021;
- Authorize the transfer of funds to the Commonwealth Financing Authority (CFA) for water and sewer projects with a cost of not less than \$30,000 and not more than \$500,000, as follows: \$20 million from the First Industries Program Account, \$15,950,000 from the Building Pennsylvania Program Trust Account, \$650,000 from previously unexpended made available for this purpose, \$3.4 million from the Water Supply and Wastewater Infrastructure Program Trust Account;
- Add a definition of water and sewer project to include storm water systems and flood control projects;
- Extend the expiration of the deadline for the issuance of the remaining debt authorized in the 2008 referendum for the water and sewer system assistance to October 9, 2024;
- Provide for a transfer of \$115,000,000 from revenue collected under the Cigarette Tax to the Tobacco Settlement Fund;
- Provide for the distribution of Tobacco Settlement Fund payments;
- Extend the date for the repayment of the loan from the Workers' Compensation Security Fund to the General Fund under Act 16A of 2016 to July 1, 2024;
- Provide that for FY 2019-2020, the sum of \$19.659 million would be transferred from the Pennsylvania Race Horse Development Fund in 22 equal weekly installments to the Pennsylvania Race Horse Development Restricted Receipts Account and \$10,066,000 to the State Racing Fund for enforcement of medication rules and regulations;
- Authorize the CFA to award grants up to a maximum of \$1.5 million or 50 percent of the project costs, whichever is less, and clarifies that no more than \$500,000 could be awarded for costs related to the tapping of upstream facilities;
- Direct the CFA to develop streamlined guidelines for submitting applications to expedite applications for grants of \$75,000 or less;
- Continue the Enhanced Revenue Collection Account with revenues collected from expanded tax return reviews and tax collection activities deposited into the account and available for appropriation through the General Appropriation Act;

- Require the Independent Fiscal Office and the Legislative Budget and Finance Committee to study issues relating to single-use plastics, reusable plastics, auxiliary containers, wrappings or polystyrene containers and submit a report to the General Assembly no later than July 1, 2020. Until the reports are completed, the General Assembly, local governments and other agencies would be prohibited from applying a tax or regulation on such items;
- Direct the Gaming Control Board to conduct auctions on the remaining Category 4 licenses and provide for a 40-mile radius around a licensed facility for the licenses sold at this auction. The remaining outstanding Category 1 license and any Category 4 licenses not sold at the auction could not be issued;
- Remove the sunset provision for the additional surcharge on judicial documents that is deposited in the Access to Justice Account;
- Terminate operations of the Joint Air Legislative and Water Pollution Control and Conservation Commission on July 1, 2021;
- Extend the waiver of match requirements for the Multimodal Transportation Program in the Department of Transportation and the Commonwealth Financing Authority;
- Transfer unused local law enforcement grant money from the Gaming Fund to the General Fund, a portion of which will be loaned to the Video Gaming Fund to fund video gaming terminal regulation until assessments on licensees are received. The amount loaned to the Video Gaming Fund would be repaid from assessments on licensees; and
- Provide detailed budget implementation language and direction for state departments and agencies. [Concurrence in House Amendments: 29-21.](#)

[Senate Bill 724](#) (Corman) would amend Title 24 (Education) and Title 71 (State Government) of the Pennsylvania Consolidated Statutes to make technical corrections to certain sections, add provisions for nonparticipating employer withdrawal liability under the Public School Employees' Retirement Fund, and establish a Public Markets Emerging Investment Manager Program under the Public School Employees' Retirement Board. Among other provisions, the measure would amend Title 24 to:

- Clarify that one member of the Board is to be elected by annuitants and Class DC participants in the plan who have terminated school service and are receiving distributions;
- Permit the Public School Employees' Retirement System (PSERS) to intercept funds from appropriations to pay for DC plan payments, nonparticipating employer withdrawal liability payments, and other payments relating to plan administration required to be paid by employers;

- Provide for situations where an employer no longer participates in PSERS. A nonparticipating employer would be liable to the system for withdrawal liability and would have to furnish such information as the Board deems necessary to determine whether an employer is a nonparticipating employer as defined in the legislation;
- Direct the board to create the Public Markets Emerging Investment Manager Program and allocate at least \$250 million and not more than \$1 billion to the program from within the main fund. No more than 10 investment managers could participate in the program at any one time;
- Establish that preference would be given to investment managers deemed to meet the objectives, goals and required criteria included in the bill, in addition to at least one of the following:
  - Be an investment management firm headquartered or incorporated within the Commonwealth; or
  - Be a veteran owned, minority-owned, or woman owned investment management firm;
- Limit participation in the program to investment management firms with less than \$1.5 billion of total assets under management when hired and to be terminated in a reasonable amount of time if the assets under management exceed \$3 billion.

The changes to Title 71 would:

- Authorize the State Employees' Retirement Board to determine the form, manner and time of payment and adjustment of regular member contributions and mandatory pickup participant contributions for Class A-5 state service and for Class A-6 state service performed prior to the election of Class A-6 membership;
- Add certain individuals employed by the Office of Inspector General as investigators, agents or their immediate supervisors to the definition of "enforcement officer"; and
- Remove a provision regarding death benefits that is no longer necessary. [Concurrence in House Amendments: 50-0.](#)

[House Bill 3](#) (Cutler) would amend Title 40 (Insurance) of the Pennsylvania Consolidated Statutes to provide for health insurance markets oversight by the state. The legislation would establish the Pennsylvania Health Insurance Exchange Authority as a state-related entity to create, manage, and maintain the Pennsylvania Health Insurance Exchange. The Authority would be governed by an 11-member board as outlined in the legislation. Among other duties, the Authority would facilitate the purchase of on-exchange, qualified plans by qualified enrollees in the individual market or small group market, assess and collect fees from exchange insurers to support the operation of the exchange and reinsurance program, and ensure compliance with

federal laws and regulations. The legislation would establish an advisory council to advise the board on operational decisions and other matters as the Authority board deems appropriate.

The Pennsylvania Insurance Department would be directed to apply for a federal innovation waiver to waive applicable provisions of the Affordable Care Act with respect to health insurance coverage, to establish a reinsurance program, and to maximize federal funding for reinsurance. Upon approval of the waiver, the Pennsylvania Health Insurance Reinsurance Program would be created in the Department for the purpose of stabilizing the rates and premiums for health insurance policies in the individual market. The parameters of the reinsurance program would reflect the anticipated costs of the individual market's enrollment and could change annually. The program would be audited annually by an independent certified public accounting firm. The audit would have to be posted on the Department's website. The Department would be required to prepare an annual report on the money deposited into the Reinsurance Fund, requests for reinsurance payments received from eligible insurers, reinsurance payments to insurers, and administrative and operational expenses.

The bill would establish the Reinsurance Fund to be used to implement and operate the reinsurance program and make reinsurance payments to eligible insurers under the program. In each fiscal year, the total amount of annual expenditures from the Fund could not exceed the expected federal money and other money budgeted for deposit in the Fund. The act would sunset immediately if any of the following occur: Congress repeals or defunds, in whole or in part, the Affordable Care Act and its subsequent regulations integral to the duties of the exchange authority or the reinsurance program, a court of the United States with competent jurisdiction invalidates, in whole or in part, the Affordable Care Act and its subsequent regulations integral to the duties of the exchange authority or the reinsurance program or the Executive Branch of the United States repeals or defunds, in whole or in part, the Affordable Care Act and its subsequent regulations integral to the duties of the exchange authority or the reinsurance program. **Passed: 50-0.**

**House Bill 24** (Lawrence) would amend the Capital Facilities Debt Enabling Act to require the principal for new issuances of state debt to be repaid in equal amounts over the term of the bond. The change would apply to bonds issued on or after July 1, 2021. **Passed: 50-0.**

**House Bill 131** (Jozwiak) would amend the Liquor Code to make a number of changes. The legislations would:

- Update the definition of “alcoholic cider” and add a definition for “fermented fruit beverage;”
- Allow for donated wine or spirits from a location outside of this Commonwealth to be imported as a gift subject to the procedures and fees imposed by the Liquor Control Board;
- Clarify that a nonalcoholic malt or brewed beverage produced by an out-of-state manufacturer or a Pennsylvania manufacturer which has designated an importing distributor would have to be distributed through the three-tier system;

- Allow for the sale of fermented fruit beverages by the holder of a brewery license, limited winery license, a distributors license and/or a limited distributors license;
- Allow a limited winery licensee that is located in a Class 2A through 8 county to use a loudspeaker inside or outside of the licensed premises if music or other entertainment or an advertisement does not exceed 75 decibels beyond the licensee's property line. The provision would apply from 10 a.m. until 8 p.m. on Sunday through Thursday, and from 10 a.m. until 10 p.m. on Fridays and Saturdays. The provision would not preempt the rights of a municipality to regulate zoning and enforce any other local ordinances and codes dealing with health and welfare issues; and
- Specify that a sales invoice is not required to be kept for purchases made at a limited winery by a private individual unless the purchase is for greater than 16 liters in a single transaction. **Passed: 50-0.**

**House Bill 195** (Nelson) would amend Title 40 (Insurance) of the Pennsylvania Consolidated Statutes to require health insurance policies to permit a pharmacy to fill a prescription for maintenance medications as a partial supply if the pharmacist or prescriber determines the partial refill is in the best interest of the patient and the patient requests or agrees to a partial supply for the purpose of medication synchronization. The fill or refill under medication synchronization would be limited to three times per year for each maintenance medication. Pharmacies would receive a full dispensing fee for a partial supply or refilled prescriptions for each maintenance medication dispensed, regardless of any prorated copay for the beneficiary or fee paid. These provisions would not apply to prescription drugs that are unit-of packaging for which synchronization is not possible or controlled substances classified in Schedule II of The Controlled Substance, Drug, Device and Cosmetic Act of 1972. **Passed: 50-0.**

**House Bill 235** (Toohil) would amend Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes to make a number of changes. The legislation would:

- Allow the consent to an adoption by an incarcerated birth parent to be witnessed by a correctional facility employee that has been designated by the correctional facility. Any consent witnessed by a correctional facility employee would have to list the address of correctional facility on the consent. An additional change would permit the consent to an adoption to be acknowledged before a notary public instead of by at least two witnesses;
- Increase the annual fee for child support collection services from \$25 to \$35 as mandated by the federal Bipartisan Budget Act of 2018 and increase the threshold amount of child support collections before the fee is imposed from \$500 to \$550 annually;
- Make changes to the background check requirements within the Child Protective Services Law to comply with the Federal Child Care and Development Block Grant Reauthorization Act to clarify that everyone, regardless of age, who is holding a position in a child day-care center, group day-care home or family child-care home would have to submit to a background check. Individuals who are applying for a paid or volunteer

position at a child day-care center, group day-care home or family child-care home are prohibited from having committed the crimes listed in the bill; and

- Reduce the provisional employment period under which an individual may work while awaiting background checks from 90 to 45 days. [Passed: 32-18.](#)

[House Bill 262](#) (Metzgar) would amend the Tax Reform Code of 1971 to make a number of changes. Among other modifications, the measure would:

- Update and expand the provisions regarding marketplace sellers and marketplace providers to conform to the U.S. Supreme Court decision in *South Dakota v. Wayfair, Inc.*;
- Provide that the purchase price upon which the sales tax is calculated for malted and brewed beverages at brew pubs would be 25 percent of the retail price charged to the ultimate consumer for consumption on or off premise. The change would take effect for sales occurring after September 30, 2019. Philadelphia and Allegheny County could continue to levy their local alcoholic beverage taxes on the sale at retail of malt or brewed beverages by a manufacturer;
- Allow a vendor to absorb all or part of the sales tax on behalf of the purchaser, subject to certain conditions;
- Expand the existing sales tax exemption for food and beverage sales by nonprofit organizations supporting youth sports to include nonprofits supporting youth development programs;
- Provide for a sales tax exemption for food and beverages sold by volunteer firefighter companies for fundraising efforts;
- Provide a sales tax exemption for the sale at retail of building materials and supplies used for the construction or repair of an animal housing facility, regardless of whether the sale is made to the purchaser directly or pursuant to a construction contract;
- Conform Pennsylvania's personal income tax (PIT) to the Federal Opportunity Zones Program;
- Exempt from state income taxes Olympic prize winnings and medals received from the United States Olympic Committee for competition in the Olympic Games or Paralympic Games;
- Add a new PIT check-off donation option on the PA-40 income tax return for contributions to the Veterans' Trust Fund;

- Conform the PIT to federal law by allowing the executor or administrator of a decedent's estate to elect to file a combined annual income tax return for an estate and revocable trust during the period the estate is open;
- Expand the Manufacturing Innovation and Reinvestment Deduction program within the corporate net income tax (CNIT) to create two tiers of private investment. The two-tiered system would allow manufacturers making qualified private capital investments to claim a deduction against their taxable income under the CNIT as follows: Greater than \$60 million but not more than \$100 million - a maximum deduction from taxable income equal to 37.5 percent of the private investment over a ten-year period; and \$100 million or more - a maximum deduction from taxable income equal to 25 percent of the private investment over a ten-year period;
- Provide an exclusion from the realty transfer tax (RTT) for a transfer of property subject to an agricultural conservation easement to a "qualified beginning farmer;"
- Increase the threshold on the transfer of RTT revenues to the Pennsylvania Housing Affordability and Rehabilitation Enhancement Fund from \$25 to \$40 million;
- Eliminate the 4.5 percent inheritance tax for transfers of property to or for the use of a child aged 21 years or younger from a natural parent, adoptive parent or step-parent;
- Extend the sunset date of the additional two percent tax on table games until August 1, 2021;
- Increase the cap of the Entertainment Economic Enhancement Program from \$4 million to \$8 million permanently beginning in Fiscal Year 2019-20 and update the individual limits per tour;
- Increase the annual cap on the Film Production Tax Credit from \$65 million to \$70 million and make other technical changes to the program;
- Raise the cap of the Resource Enhancement and Protection Tax Credit from \$10 million per fiscal year to \$13 million per fiscal year with the \$3 million increase targeted to geographic areas and best management practices for nutrient and sediment reductions within the Chesapeake Bay watershed area;
- Extend the current sunset date of the Historic Preservation Incentive Tax Credit Program from 2020 to 2031 and increase the annual cap from \$3 million to \$5 million. Additional changes would allow non-commercial buildings to qualify for the program, establish an application fee of \$2,000 to be deposited into the Historic Rehabilitation Tax Credit Administration Account and require an annual report to the General Assembly;
- Extend the current sunset date of Coal Refuse Energy and Reclamation Tax Credit Program from 2026 to 2036 and increase the annual cap on the program from \$10 million to \$20 million;

- Provide that no tax credits under the Tax Credits for New Jobs Program could be approved after June 30, 2020;
- Amend the City Revitalization Investment Zone (CRIZ) Program with regard to the allowable uses of money received from zone-certified state taxes to include payment of debt service on bonds issued or refinanced to establish a revolving loan fund that will provide financial assistance in the form of a loan to a qualified business in a zone;
- Amend the size of a business that can apply for the Rural Jobs and Investment Tax Credit by altering the definition of a rural business from having fewer than 250 employees to having fewer than 150 employees. The annual cap would be increased gradually;
- Add investments in Youth and Adolescent Development Services as allowable policy goals of the Neighborhood Assistance Program and provide that no more than \$2 million could be used for such purposes;
- Allow the Department of Community and Economic Development (DCED) to designate additional Keystone Opportunity Zones in certain counties. The counties would have to submit an application by October 1, 2021. If the application is denied, DCED would have to hold a public hearing in the municipality within 30 days after the denial;
- Increase the cap of the Mixed Use Development Tax Credit from \$2 million per fiscal year to \$3 million per fiscal year; and
- Increase the annual cap on refunds issued under the Computer Data Center Equipment Incentive Program from \$5 million to \$7 million. **Passed: 44-6.**

[House Bill 265](#) (Staats) would amend the Public School Code to make a number of changes. Among other provisions, the legislation would:

- Require a school entity to offer representatives of skilled trades, publicly identified priority occupations, area career and technical schools, community colleges, and institutions of higher education the opportunity to participate in the delivery of information regarding employment, training or education opportunities, and the recruitment of students. If the school receives assistance under the every Student Succeeds Act, it would also have to provide the same access to military recruiters;
- Direct school entities to offer at least one opportunity during the school year to each representative to provide information to all students in grades four through twelve either individually or in a group setting;
- Mandate that career and recruitment representatives be compliant with volunteer background check requirements and require them to give no less than 30 days' notice when requesting access from a school entity;

- Prohibit a school entity from discouraging students from pursuing any educational or career path;
- Require the Department of Education to develop, in collaboration with the Department of Labor and Industry, a summary of regional workforce needs produced biennially by Labor and Industry, career cluster occupations, publicly identified priority occupations, training opportunities and future earning potential. The materials would have to be reviewed and updated annually. Each school entity would have to ensure that all students in grades four through twelve are provided access to the materials during the school year and the materials are available at any scheduled educational or career fair or activity;
- Require the Commission for Agricultural Education Excellence, in consultation with the Department of Education, to develop guidelines to identify the circumstances when a student who successfully completes an academic course, program or activity for credit may apply the credit toward the completion of an agricultural education program;
- Codify the Department of Education guidelines for Career and Technology Education Equipment Grants;
- Direct the Department of Education to issue 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 offered by any area career and technical school;
- Mandate that the Department establish a standard application form for a public school entity seeking approval to establish or renew a classification of program code. A definition of “classification of program code” would be added to mean a numerical coding of instructional programs developed by the United States Department of Education used to identify career and technical programs; and
- Require each institution of higher education and public school to provide the Transfer and Articulation Oversight Committee and the Department of Education copies of subsequent articulation agreements for inclusion in the electronic database within 30 days of entering into the agreement. Each institution of higher education would have to submit interim reports describing the status of the institution's articulation agreements by September 30 of each year. **Passed: 50-0.**

**House Bill 423** (Topper) would amend the Liquor Code to provide for referenda to be placed on the ballot in dry municipalities to determine if beverage manufacturers could be permitted to offer consumption on their premises. The types of liquor licenses being added would include brewery licenses, brewery storage licenses, limited distillery licenses, and limited winery licenses. A manufacturer currently in operation would not be impacted. An additional change would modify the number of signatures required for a referendum in Second Class A counties from 25 percent of the highest vote cast at the last proceeding general election to the lesser of 25 percent of the highest vote cast at the last proceeding general election or 500 electors.

**Passed: 50-0.**

[House Bill 790](#) (Saylor) would create the General Appropriation Act of 2019 to provide for the expenses of the Commonwealth, the public debt and the public schools for the 2019-2020 Fiscal Year. The \$33.4 billion proposed spending plan holds the rate of spending growth to 1.8 percent and will set aside \$300 million in the state's Rainy Day Fund. Among other highlights, the proposed budget would:

- Increase funding for Basic Education \$160 million, Pre-K by \$25 million, HeadStart by \$5 million, Special Education by \$50 million and Early Intervention by \$15 million;
- Restore the Governor's \$15 million cut to the Safe Schools program administered by the Pennsylvania Commission on Crime and Delinquency and increase the Safe School initiative under the Department of Education by \$1 million to a total of \$11 million;
- Promotes workforce development and job training initiatives by increasing funding for Career and Technical Education by 7.6 percent (\$7 million) from \$92 million to \$99 million and increasing funding for Career and Technical Education Equipment Grants by 117.6 percent (\$3 million) from \$2.5 million to \$5.5 million;
- Restore all of the Governor's proposed cuts to the Department of Agriculture and increase its overall appropriation by 13 percent, including new funding for Agricultural Business and Workforce Investment at \$4.5 million;
- Increase funding for domestic violence (\$1.7 million increase) and rape crisis (\$1 million increase) by 10 percent;
- Provide \$1.3 billion (an increase of \$34.0 million) for County Child Welfare;
- Earmark \$26.2 million in General Funds to serve an additional 1,860 older Pennsylvanians through the Medicaid Home and Community-Based Aging Waiver;
- Add \$8 million to assist high Medicaid populated nursing homes; and
- Provide a two percent rate increase for home care workers/personal care assistants.

**Passed: 42-8.**

[House Bill 1324](#) (Barrar) would amend Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes to establish the Military Family Education Program. The bill would also make changes to the current Military Educational Assistance Program, including a provision that the Pennsylvania State System of Higher Education could not charge an eligible Pennsylvania National Guard member more than the in-state tuition rate. In order to be eligible for the new Military Family Education Program (MFEP), a family member of a Pennsylvania National Guardsman would have to meet the following criteria:

- 1) The eligible member is in good standing with the Pennsylvania National Guard (PANG), or has received an other than dishonorable discharge, has honorably

- completed the initial contractual military service obligation and has been a satisfactory participant in the PANG activities for a minimum service period established by the Adjutant General;
- 2) The eligible member accepts an obligation to serve in the PANG for a period of six years;
  - 3) The eligible member has assigned the benefit to one or more family members;
  - 4) The family member has enrolled as a student in an approved program of education at an approved institution of higher learning;
  - 5) If the family member is a spouse of an eligible member or former eligible member, and the spouse has enrolled in an approved program of education not more than six years after the eligible member or former eligible member's date of separation, medical discharge or death, and the obligation of serving in the Guard for six years has been fulfilled, the Adjutant General may for good cause extend the six-year deadline in cases of extenuating circumstances; and
  - 6) When an eligible member is ordered to serve on active duty for more than 30 consecutive days, including active duty for training, a family member who is the spouse could withdraw from a program of education and would have to be granted an educational leave of absence.

A family member of an eligible member who is discharged for medical disability would remain eligible to receive a Military Family Education Program grant if the eligible member's medical disability meets certain criteria outlined in the bill. A family member of an eligible member who died while serving their contractual military service obligation would remain eligible to receive a Military Family Education Program grant if the eligible member met certain eligibility criteria at the time of death as listed in the bill. An eligible member would be required to sign a promissory note obligating the eligible member to repay the full amount of the family member's MFEP grant if the eligible member fails to satisfactorily fulfill his or her obligation.

Grants awarded to full-time or part-time students would be determined by the Pennsylvania Higher Education Assistance Agency (PHEAA) without regard to financial need. The grant would be equal to the lesser of the in-state tuition rate charged by the State System of Higher Education or the cost for the program in which the member is enrolled at any approved post-secondary educational institution in Pennsylvania. PHEAA could not reduce the amount of any other grants or aid received by family members due to their eligibility for an MFEP grant. An approved institution of higher learning would have to consider any federal tuition assistance received by the family member to determine if that family member requires additional financial assistance in the form of an MFEP grant. An eligible member would be limited to assign no more than five academic years or their equivalent to a family member. A member is liable to the Commonwealth for repayment of all or part of MFEP grants payments made if they fail to meet the six-year service obligation unless they meet certain criteria listed in the bill. The Military Family Education Program Fund would be established as a special non-lapsing fund in the State Treasury and all funds deposited would have to be used only for the purpose provided under the chapter. **Passed: 50-0.**

[House Bill 1350](#) (Saylor) would appropriate \$242,096,000 to the Pennsylvania State University for general support for the 2019-2020 Fiscal Year and \$26,736,000 for the Pennsylvania College

of Technology. The measure would also authorize the appropriation of funds from the Agricultural College Land Scrip Fund for agricultural research and extension services.

**Passed: 50-0.**

**House Bill 1351** (Saylor) would appropriate \$151,507,000 to the University of Pittsburgh for general support for the 2019-2020 Fiscal Year and \$3,346,000 for rural education outreach. No funds appropriated by the act could be used for the costs of personnel and operations of the environmental law clinic. **Passed: 44-6.**

**House Bill 1352** (Saylor) would appropriate \$158,206,000 to Temple University for general support for the 2019-2020 Fiscal Year. **Passed: 50-0.**

**House Bill 1353** (Saylor) would appropriate \$15,166,000 to Lincoln University for general support for the 2019-2020 Fiscal Year. **Passed: 50-0.**

**House Bill 1354** (Saylor) would appropriate \$31,660,000 to the University of Pennsylvania for veterinary activities and \$295,000 for the Center for Infectious Diseases for the 2019-2020 Fiscal Year. **Passed: 50-0.**

**House Bill 1461** (Fee) would amend the Administrative Code of 1929 to make a number of changes. Among other modifications, the legislation would:

- Update language relating to Commonwealth employees and contractors with access to federal tax information to comply with criminal background requirements included in IRS Publication 1075;
- Add a representative from the Pennsylvania College of Technology and from the Northern Pennsylvania Regional College to the board of the Center for Rural Pennsylvania;
- Specify that the Office of Inspector General can audit all contracts entered into by the Pennsylvania Statewide Radio Network after June 30, 1996 and require a report on the contracts to the General Assembly;
- Expand the list of criminal charges that the Inspector General can investigate and charge that are substantially related to the administration of public benefits;
- Require the Governor to provide a written statement to the General Assembly when making a request for a supplemental appropriation to include the amount and the need for the supplemental appropriation;
- Increase the maximum documentary fee under the Board of Vehicles Act by a factor of 1.7 for both manual and online processing;
- Move the revenue estimate activities of the Independent Fiscal Office from the Fiscal Code to the Administrative Code;

- Establish the Joint Underwriting Association (JUA) as a Commonwealth agency, require the operations of the JUA to be funded through an appropriation and require the JUA to comply with various requirements as a state agency;
- Provide for an augmentation to the Bureau of Industrial and Occupational Safety from fees paid to the Department of Labor and Industry to be used to augment funds appropriated to the Bureau of Occupational and Industrial Safety; and
- Make changes to the composition of the Pennsylvania Commission on Sentencing.  
**Passed: 29-21.**

[House Bill 1614](#) (Kauffman) would amend Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes to provide that the Office of Attorney General (OAG) would have concurrent jurisdiction to prosecute violations of Sections 6105 (Persons not to possess, sue, manufacture, control, sell or transfer firearms) and 6111 (Sale or transfer of firearms) in Philadelphia where the Attorney General has operated a joint local-state firearm task force. The measure would also amend the Judicial Code to extend the jurisdiction of municipal police officers, non-municipal officers and agents of the Office of the Attorney General to include situations when the officer/agent has been requested to participate in a federal, state or local task force and the participation has been approved by the municipal police department, non-municipal officer's police department and the OAG. The amendments to the Judicial Code would apply retroactively to law enforcement conduct on or after June 15, 1982. The legislation also states that these changes are intended to reverse the Supreme Court's interpretation of 42 Pa. C. S. Ch.89 Subch. D. as set forth in *Commonwealth v. Hlubin* 2019. **Passed: 50-0.**

[House Bill 1615](#) (Turzai) would amend the Public School Code to make a number of changes. The legislation would:

- Provide for the reconstitution of the Special Education Funding Commission to review the funding formula to provide special education payments to school districts. The commission would be constituted no later than August 15, 2019 and issue its reports not later than November 30, 2019;
- Provide for a school district's budget, including the amount held in excess of its total budgeted expenditures, to be posted on the Department of Education's website;
- Extend the PLANCON moratorium prohibiting the Department of Education from approving new school building construction or reconstruction applications for Fiscal Year 2019-2020;
- Allow a person that has served as a chief recovery officer or financial administrator to be eligible for election or appointment as a superintendent or assistant superintendent;

- Reduce the compulsory school age from eight years of age to six years of age and increase the upper age requirement for a child to remain in school from 17 years of age to 18 years of age, unless the child holds a certificate of graduation;
- Establish that if a student is not eligible for participation in the school food program and owes more than \$50 in a school year for meals, a school may provide alternative meals to the student until the student's unpaid balance for school meals is paid or a payment plan has been established;
- Require the Department of Education to pay for the annual audit of the recovery high school;
- Provide for the designation of two innovation schools that meet the requirements outlined in the bill to study and evaluate innovative approaches to serving the needs of economically disadvantaged students in the areas of workforce development, mentoring services, before-school and after-school programs, prevention measures and social wrap around services;
- Provide for community colleges to receive the same allocation as in Fiscal Year 2018-19 and a pro rata share of the \$4,781,000 increase in funding;
- Increase the amount of tax credits available for scholarship organizations under the Educational Improvement Tax Credit Program by \$25 million, from \$160 million to \$185 million. The maximum annual household income allowed for scholarship eligibility would also be increased from \$85,000 to \$90,000;
- Provide for a new \$5 million tax credit to increase the award amount for opportunity scholarships received through the Opportunity Scholarship Tax Credit Program by students attending economically disadvantaged schools by up to \$1,000. The maximum scholarship amount for a student attending an economically disadvantaged school would be increased from \$8,500 to \$9,500 and from \$15,000 to \$16,000 for a student with disabilities attending an economically disadvantaged school;
- Mandate that institutions of higher education adopt a written policy on sexual harassment and violence. The institutions would have to establish and maintain online reporting systems to receive complaints of sexual harassment and sexual violence from students and employees and could not fail to or refuse to investigate a report because it is anonymous;
- Require students to demonstrate a grade point average of at least 3.25 on a 4.0 scale to be eligible for a grant under the Ready-to-Succeed Scholarship Program;
- Provide for each library to receive a pro rata share of funding based on its allocation in Fiscal Year 2018-19;

- Provide for the secondary career and technical education subsidy to be fully funded at \$66,574,000 for career and technical education programs offered at school district and area career and technical centers;
- Distribute \$6,255,079,000 in basic education funding to school districts, which includes \$5,556,412,000 in base payments and \$698,667,000 to be distributed through the student-weighted basic education funding formula;
- Provide for intermediate units to be funded at an amount equal to 5.5 percent (\$65,275,000) of the Special Education Funding appropriation, the same percentage amount as in Fiscal Year 2018-19;
- Allow the Department of Education to use up to \$7,000,000 in undistributed funds to assist school districts in financial distress or identified for financial watch status;
- Provide for the distribution of Ready-to-Learn Block Grants to each school entity in an amount not less than the amount received from the 2018-19 appropriation for Ready-to-Learn Block Grants;
- Establish a tuition and fee waiver program for youth who are or were in foster care who are residents of the Commonwealth and eligible for the Federal Pennsylvania Chafee Education and Training Grant Program under the Federal Foster Care Independence Act of 1999 beginning with the fall 2020 semester; and
- Provide that the score for students that are habitually truant (20 percent of the days during the school year) would not be included in the school accountability performance calculation. [Passed: 37-13.](#)

### *Executive Session*

Marguerite C. Quinn – Unemployment Compensation Board of Review. [Confirmed: 50-0.](#)

Judicial Nominations to the Court of Common Pleas (Two-Thirds Vote Required).  
[Confirmed: 50-0.](#)

(2019-068)