

WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – DAVID G. ARGALL, CHAIRMAN

Monday, October 28, 2019

[Senate Bill 320](#) (Killion) would amend Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes by adding a new chapter to provide for the Revised Uniform Fiduciary Access to Digital Assets Act. The chapter would provide the legal authority for fiduciaries to manage the digital assets of an individual user in accordance with the user's direction, while protecting a user's private communications from unwarranted disclosure. The act would be applicable to a custodian if the user resides in the Commonwealth or resided in the Commonwealth at the time of his or her death. The legislation would:

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

[Senate Bill 332](#) (Stefano) would amend Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes to increase the amount a payee can collect as a service charge for a bad check from \$50 to \$75. **Passed: 49-0.**

[Senate Bill 351](#) (J. Ward) would amend Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes to add a health care practitioner or technician to the list of individuals whose assault constitutes the offense of aggravated assault. [Passed: 49-0.](#)

[Senate Resolution 191](#) is a concurrent resolution urging Congress to reauthorize provisions related to the Abandoned Mine Reclamation Fund. [Adopted: 49-0.](#)

[House Bill 510](#) (Schemel) would amend Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes to allow a local government to enter into a cooperative agreement with another local government entity by the adoption of either an ordinance or a resolution. Under current law, the governing body of a local government must adopt an ordinance to enter into an intergovernmental cooperation agreement. An authority could not share or be delegated any function, power or responsibility through an agreement under these provisions unless it is authorized by both the law under which the authority was created and the powers and purposes of the authority contained within its articles of incorporation. An intergovernmental agreement creating a council or consortium of governing bodies or similar entity separate from the organizing governing bodies could not be entered into unless by ordinance. A municipality could join an existing intergovernmental cooperation agreement of other municipalities by resolution or by ordinance. [Passed: 49-0.](#)

[House Bill 511](#) (Schemel) would amend the Second Class Township Code to allow second class townships to enter into intergovernmental cooperation agreements pursuant to the provisions in Title 53, Chapter 23 Subchapter A (relating to intergovernmental cooperation). The change would allow the governing body to pass an ordinance or a resolution to enter into an intergovernmental cooperation agreement. [Passed: 49-0.](#)

[House Bill 512](#) (Schemel) would amend Title 11 (Cities) of the Pennsylvania Consolidated Statutes to allow cities to enter into intergovernmental cooperation agreements pursuant to the provisions in Title 53, Chapter 23 Subchapter A (relating to intergovernmental cooperation). The change would allow the governing body to pass an ordinance or a resolution to enter into an intergovernmental cooperation agreement. [Passed: 49-0.](#)

Tuesday, October 29, 2019

[Senate Bill 352](#) (J. Ward) would create the Tax Exemption and Mixed-Use Incentive Program Act to authorize local taxing authorities to, by ordinance or resolution, exempt from real property taxation the assessed valuation of improvements and new construction to blighted properties within certain designated deteriorated areas. If a deteriorated area is zoned for mixed-use housing and development, improvements would have to incorporate mixed-use housing and development. The ordinance or resolution would have to specify a description of each deteriorated area, as well as the cost of improvements per unit to be exempted, and the schedule of taxes exempted.

Prior to the adoption of the ordinance or resolution, a taxing authority would be required to affix the boundaries of the deteriorated area. At least one public hearing would have to be held by the municipality to determine the boundaries of the deteriorated area. Two or more

municipal corporations could join together to determine the boundaries of a deteriorated area, establish a uniform maximum cost per unit, and agree to adopt tax-exempt schedules. A local taxing authority could rescind an ordinance or resolution if it determines that the tax exemption has accomplished the goal of revitalizing the deteriorated area. Any property granted tax exemption within the boundaries of the deteriorated area prior to the ordinance or resolution being rescinded would continue to receive the tax exemption until it is terminated.

The tax abatement would be provided for over a 10-year period, with 100 percent of the tax assessment exempted in the first three years gradually reduced to 10 percent in the tenth and final year. A local taxing authority would be entitled to the return of its proportional share of taxes exempted if, within five years following completion of the new construction or improvements, there is a serious violation of a state law or a property maintenance code and the owner has taken no substantial steps to correct the violation within six months following notification of the violation.

The legislation outlines the process for interested parties to apply for the exemption and establishes eligibility requirements such as increasing the property value by at least 25 percent and correcting all code violations at the property. Certain properties would not be eligible for the program such as properties receiving other property tax abatement/exemption incentives for new construction or improvement or tax relief through a state program. The amount of assessment eligible for exemption would be offset by the amount of any property tax rebate received under the Taxpayer Relief Act. **Passed: 49-0.**

Senate Bill 421 (Boscola) would amend the Pennsylvania Election Code to make a number of changes. Among other provisions, the legislation would:

- Change the number of ballots that have to be printed for an election to require that at least 10 percent (15 percent for presidential years) more ballots be printed than the total number of ballots cast in any of the past three elections of similar type;
- Eliminate the option of straight party ticket voting;
- Modify certain provisions governing absentee ballot deadlines;
- Allow a permanently disabled absentee voter to submit a single absentee ballot application each calendar year for all the elections that year;
- 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, the Speaker of the House of Representatives and the chairs of the Senate and House Appropriations and State Government Committees 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;

- Earmark \$4 million for census outreach;
- Allow for the use of a stamp for write-in votes and prohibit the use of stickers or labels in districts that use paper ballots or ballot cards;
- Prohibit a county board of elections from establishing, abolishing, or altering an election district from December 31, 2019 through November 30, 2022, or the resolution of all judicial appeals to the 2022 Congressional Redistricting Plan, whichever occurs later;
- Require the posting of all sample ballot information on each county's website no later than the Thursday preceding the election;
- Change the deadline to register to vote from 30 days before the election to 15 days before the election;
- Provide for qualified mail-in voting;
- 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. 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 July 1, 2020. In the event that the aggregate amount of costs exceeds 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 Appropriations and State Government Committees providing all data available on bonds issued or existing in the prior year. The authority to issue bonds for these purposes would expire on December 31, 2020;
- Require the Secretary of the Commonwealth to prepare and disseminate information to the public regarding the changes to the voting procedures under the act;
- Provide the Pennsylvania Supreme Court with exclusive jurisdiction to hear challenges to the provisions concerning the elimination of straight party voting, absentee voting and mail-in voting; and
- Clarify that the provisions of the legislation are non-severable. [Concurrence in House Amendments: 35-14.](#)

[Senate Bill 694](#) (Yaw) would amend the Oil and Gas Lease Act to allow operators, who have the right to drill an oil or gas well on separate leases or units, to drill and produce a well that traverses, by horizontal drilling, more than one unit. An operator would have to reasonably allocate production from the well to or among each unit the operator reasonably determines to be attributable to each unit. The operator could allocate production on an acreage basis for multiple units provided the allocation has a reasonable correlation to the horizontal wellbore in each unit. The 330-foot location requirement in Section 6 of the Oil and Gas Conservation Law would not apply to unit lines traversed by a conservation well. The changes included in the bill could not be construed to: 1) authorize an operator to drill a well that is not subject to a valid lease or royalty agreement, or 2) expand or diminish current surface rights of an operator to include operations related to any existing unit or any well drilled between existing units. [Concurrence in House Amendments: 49-0.](#)

[Senate Bill 733](#) (Browne) would create the Pennsylvania Gaming Economic Development and Tourism Fund Capital Budget Itemization Act of 2019. The measure would authorize \$20 million from the Fund to be allocated to a regional economic development corporation in Lehigh and Northampton counties to be used as debt service on the construction of the Da Vinci Science Center in the City of Allentown. The regional economic development corporation could not expend more than one-tenth of one percent of the funds on administrative costs associated with this project. The amount allocated would be paid in annual amounts of not less than \$2 million for 10 years. In any year that the Department of Community and Economic Development determines that there are not sufficient funds in the Gaming Economic Development and Tourism Fund to make the mandatory payment, the amount of the mandatory payment would be reduced in an amount equal to the shortfall in the Fund. Within 10 days of the close of each quarter, the Budget Secretary would be required to electronically provide a report to the majority and minority chairs of the Senate and House Appropriations Committees. The report would have to include information on the authorized projects approved for release in the preceding quarter, and an estimate of the amount of funds remaining, which are available to be committed. [Concurrence in House Amendments, as Amended: 49-0.](#)

[Senate Bill 819](#) (Mensch) would repeal the existing Older Adults Protective Services Act (Act 79 of 1987) and re-enact an updated act to address issues pertaining to criminal background checks, adult protective services and penalties. Among other provisions, the bill would:

- Outline the duties of the Department of Aging including public education, training for protective services providers and mandatory reporters, ensuring the confidentiality of older adults receiving services and establishing a schedule for the submission and approval of training and protective services plans;
- Define the duties of the Area Agencies on Aging to include: 1) receiving reports of older adults in need of protective services at all times; 2) undertaking the investigation of each report within 72 hours; 3) conducting investigations involving facilities, under procedures developed by the department, in consultation with the Commonwealth agency with facility oversight; 4) ensuring investigations involving law enforcement officials involve coordination with the Area Agency on Aging and other mandatory reporters; 5) obtaining access to older adults who have been reported to be in need of protective services in order

to investigate the report, assess the needs of the older adult and develop a service plan; 6) obtaining access to records, with the consent of the older adult, to assess the need for services as well as the delivery of services; 7) notifying the older adult that a report has been made and providing them or their guardian with a summary; and 8) making protection services available to older adults in need of them;

- Outline the provision of protective services including: consent to services, interference with services, financial obligations, liabilities and payments, involuntary intervention by an emergency court order, and confidentiality of records;
- Address reporting including who should report, the content of reports and protecting the identity of reporters and cooperating witnesses;
- Provide for the reporting of financial exploitation of an older adult, financial services provider training for employees who conduct financial transactions on behalf of older adults, disbursement of funds and transactions, and immunity and defenses for financial services providers;
- Require a facility to ensure applicants for employment submit criminal history information and provide the grounds to deny employment based on this history;
- Provide for penalties for mandatory reporters who fail to comply, and immunity from civil and criminal liability for Area Agencies on Aging and protective services workers when acting under and according to the provisions of the chapter; and
- Require the General Assembly to make an annual appropriation to administer the act and require the Department to issue rules and regulations and present an annual report to the General Assembly on the program and services performed. **Passed: 49-0.**

[Senate Bill 919](#) (Yaw) would create the Firefighting Foam Management Act. Beginning July 1, 2021, the legislation would prohibit a person, a firefighting entity, the Commonwealth and municipalities from discharging or otherwise intentionally using a class B firefighting foam that contains a PFAS chemical for:

- Testing purposes at a testing facility, unless:
 - Otherwise required by law or the governmental entity having jurisdiction over the testing facility, and
 - The testing facility has implemented appropriate containment, treatment and disposal measures to prevent the uncontrolled release of the foam in the environment; or
- Training purposes, unless the training involves replacing the foam with nonfluorinated training foam.

The Pennsylvania Emergency Management Agency, in consultation with the State Fire Commissioner, would be directed to assist firefighting entities with evaluating and determining how to transition to the use of class B firefighting foam that does not contain a PFAS chemical. The Pennsylvania Emergency Management Agency would enforce the provisions of the act. A person or fire department who administers a training program in violation of the prohibition would be subject to a civil penalty not to exceed \$5,000 for a first offense and not to exceed \$10,000 for a second or subsequent offense. Penalties would be deposited in the Online Training Educator and Training Reimbursement Account for the purposes of developing, delivering and sustaining training programs for volunteer and career firefighters in the Commonwealth. Nothing in the act could be construed to restrict the manufacture, sale or distribution of class B firefighting foam that contains a PFAS chemical or the discharge or other use of the foam purchased prior to July 1, 2021, in emergency firefighting or fire prevention operations. **Passed: 40-9.**

Senate Resolution 263 (Mensch) commends Korean and Korean-American Vietnam War veterans for their service to the United States during the Vietnam War. **Adopted: 49-0.**

Senate Resolution 264 (Hutchinson) recognizes October 29, 2019 as “International Data Center Day” in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 265 (Dinniman) recognizes the month of November 2019 as “Carbon Monoxide Awareness Month” in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 266 (Blake) designates the month of November 2019 as “Pancreatic Cancer Awareness Month” in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 267 (Iovino) recognizes November 11, 2019 as “Veterans Day” in Pennsylvania. **Adopted by Voice Vote.**

House Bill 374 (Everett) would amend Title 27 (Environmental Resources) and Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to provide for the Keystone Tree Restricted Account funded by a \$3 add-on to driver’s license and vehicle registration renewals. Within one year of the effective date of the legislation, the Department of Transportation would have to provide a person renewing a driver’s license or vehicle registration electronically through the Department’s website with the ability to make a \$3 contribution to the Keystone Tree Restricted Account. From the money in the Account, 40 percent would be used for a tree vitalization program and 60 percent for a riparian forest buffer grant program. No amount of money allocated could be used for administrative costs of the Department of Conservation and Natural Resources (DCNR). The Department of Conservation and Natural Resources could solicit and accept gifts, donations, legacies and other money for deposit in the Restricted Account. The Keystone Tree Restricted Account would be required to reimburse the Motor License Fund for the actual costs incurred in the administration of the collection of the contributions. By July 31, 2020, and each year thereafter, DCNR would be required to report to the chairs of the Senate and House Environmental Resources and Energy Committees on the program. **Passed: 49-0.**

[House Bill 407](#) (Masser) would amend Title 1 (General Provisions) of the Pennsylvania Consolidated Statutes to provide a uniform definition for the term “blighted property,” which would apply to any statute enacted on or after September 1, 1937, unless clearly indicated otherwise. **[Passed: 49-0.](#)**

Wednesday, October 30, 2019

[Senate Bill 836](#) (Regan) would amend the Sudden Cardiac Arrest Prevention Act to require the inclusion of information about electrocardiogram testing in the educational materials the Department of Education and Department of Health are required to develop and post on their websites to inform student athletes, their parents and coaches about sudden cardiac arrest. The materials would also have to include the information that the athlete has the option to request the administration of an electrocardiogram from the family’s medical provider at a cost to be incurred by a parent or guardian. The measure would further require that the sudden cardiac arrest warning sign information sheet, which must be signed by both the student and the parent prior to participation in an athletic activity, include information about electrocardiogram testing. **[Passed: 48-0.](#)**

[Senate Bill 841](#) (Martin) would amend Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes to add Chapter 33 to re-enact and update the Health Care Cost Containment Act. Among other provisions, the measure would:

- Modernize the Health Care Cost Containment Council by providing for more flexibility in issuing reports and using new technologies;
- Amend the definition of “data source” to include the following providers: a health care facility, an ambulatory service facility or a physician;
- Change the composition of the Council by adding four members of the General Assembly, appointed by the legislative leaders, and removing the health maintenance organization representative;
- Authorize attendance at Council meetings through electronic means as long as real time communication with other members is available. Meetings could be posted on the Council’s website. The meetings would have to be compliant with the Sunshine Act;
- Direct the Council to form a new technical advisory group composed of professionals nominated by council members to respond to issues presented to it by the Council;
- Grant the Council the following additional powers and duties:
 - Provide regional trends related to the cost of health care and health insurance premiums in the annual report to the General Assembly,
 - Conduct studies and publish reports analyzing the effects that outpatient, alternative health care delivery systems have on health care costs,

- Provide an annual report on its financial expenditures to certain legislative committees, and
 - Provide information on the allowed and paid costs of medical services in terminology that may be reasonably understood by the average individual consumer of health care services;
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- Clarify that payor discounts and allowances are confidential proprietary information and, as such, are not records subject to public access under the Right-to-Know Law. Raw data disclosing discounts or allowances between identified payors and providers could be disclosed if it is released in a statewide, aggregate format that does not identify any individual payor or class of payors through the use of a market share and is not prejudicial or inequitable to any individual payor or provider or group of individual payors or providers; and
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- Stipulate that the chapter would expire five years after the effective date.

Actions taken by the Health Care Cost Containment Council between June 30, 2014 and the effective date of the legislation would be validated. There would be no lapse in the employment relationship for employees of the Council, including salary, seniority, benefits and retirement eligibility. **Passed: 48-0.**

Senate Bill 857 (Vogel) would create the Telemedicine Act to provide for the regulation of telemedicine in the Commonwealth. The legislation would require each health licensure board to promulgate regulations, within 24 months, that are consistent with the act to provide for and regulate telemedicine within the scope of practice and standard of care regulated by the board. The measure would specifically authorize a health care provider that holds a valid license, certificate or registration from a Commonwealth professional licensure board to practice telemedicine. The licensure boards would promulgate temporary regulations within 120 days of the effective date of the act to facilitate prompt implementation. Additional provisions would establish evaluation and treatment requirements for telemedicine, such as verifying the location and identity of the person receiving treatment and obtaining informed consent. A health insurance policy could not exclude a health care service for coverage solely because the service is provided through telemedicine. Medical assistance payments would be made on behalf of eligible individuals for telemedicine, consistent with federal law, if service would be covered through an in-person encounter. **Passed: 47-1.**

Senate Bill 905 (Browne) would create the Capital Budget Project Itemization Act of 2019-2020. The bill would authorize the maximum indebtedness that the Commonwealth could incur during the fiscal year for capital projects. The legislation would authorize: \$8,407,513,000 for public improvement projects; \$494,905,000 for furniture and equipment; \$362,183,000 for transportation assistance projects; \$6,191,340,000 for redevelopment assistance projects; and \$21,280,000 for flood control projects. The measure would also authorize \$500,000 in projects to be financed from the Fish and Boat Fund and \$21,000,000 in Department of Corrections projects to be financed from the Manufacturing Fund. Capital projects included in the bill would be financed either by the sale of bonds or funded from current revenues in various funds.

Financing earmarked for certain projects could not be used for the deactivating or decommissioning of the Polk Center or White Haven Center. **Passed: 48-0.**

Senate Resolution 170 (Iovino) establishes a Senate task force on services for veterans, including the coordination of services in the Commonwealth among federal, state, local and nonprofit programs aimed at serving veterans. The resolution also directs the Joint State Government Commission to establish an advisory committee to the task force and to conduct a comprehensive review and analysis of services for veterans. **Adopted by Voice Vote.**

Senate Resolution 268 (J. Ward) designates the month of November 2019 as “Slinky Toy Month” in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 269 (Mastriano) recognizes November 10, 2019 as “Marine Corps Day” in Pennsylvania in honor of the United States Marine Corps’ 244th anniversary of its founding. **Adopted by Voice Vote.**

Senate Resolution 270 (Bartolotta) designates the week of November 10 through 16, 2019 as “Nurse Practitioner Week” in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 271 (Iovino) recognizes the month of November 2019 as “Military Family Month” in Pennsylvania. **Adopted by Voice Vote.**

House Bill 1016 (Deluca) would amend The Insurance Company Law of 1921 to further provide for activities related to the solvency of fraternal benefit societies. Among other provisions, the legislation would:

- Establish an authorized risk-based capital control ratio as the trigger point which will allow the Insurance Department to address a failing fraternal benefit society;
- Require the organizations to notify the Insurance Department prior to assessing members when reserves become impaired;
- Provide the Insurance Department with the ability to disapprove an assessment if it is not in the best interests of members;
- Create a streamlined process to facilitate the transfer of insurance certificates to another fraternal or a commercial insurer; and
- Modernize the liquidation process to help minimize costs to members and reduce the potential loss in the certificate benefits due to a member assessment. **Passed: 48-0.**

(2019-119)