

WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – DAVID G. ARGALL, CHAIRMAN

Monday, November 18, 2019

[Senate Bill 67](#) (J. Ward) would create the Psychology Interjurisdictional Compact Act to authorize Pennsylvania's participation in the compact. The purpose of the compact is to regulate the practice of telepsychology across state boundaries. Under the compact, licensed psychologists could apply for one or more certifications that permit the practice of telepsychology, or the temporary in-person, face-to-face practice of psychology. The compact would become operative and in effect between Pennsylvania and other compact states when the Governor executes the compact on behalf of the Commonwealth. The Secretary of the Commonwealth would be required to publish a notice in the *Pennsylvania Bulletin* that includes the date on which the compact becomes effective. (The Psychology Interjurisdictional Compact Commission is responsible for the oversight of the compact. The commission consists of one voting representative appointed by each compact state who serves as that state's commissioner. The commission has the power to promulgate uniform rules to coordinate implementation and administration of the compact. The rules have the force and effect of law and are binding in all compact states.) [Passed: 49-0.](#)

[Senate Bill 146](#) (Brooks) would amend Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes to require the State Fire Commissioner to establish guidelines for the development, delivery and maintenance of an online system of firefighter training for firefighters. The guidelines would have to state, at a minimum, the training is voluntary and offered free of charge. The training program would have to be incorporated into the Train PA system or any other system approved by the Commissioner. The courses or programs offered would have to be, to the greatest extent possible, courses or programs that do not require hands-on or field training. The Office of State Fire Commissioner would be required to post a complete listing of the available online firefighter training courses on the office's website. The Commissioner would use money in the Online Training Educator and Training Reimbursement Account established under Section 2413(a) (2) of the Tax Reform Code of 1971 to administer the program. By December 31 each year, the Commissioner would be required to provide a written report detailing the use of the Online Training Educator and Training Reimbursement Account from the previous fiscal year to the chairs of the Senate and House Agriculture and Rural Affairs and Veteran Affairs and Emergency Preparedness committees. [Concurrence in House Amendments: 49-0.](#)

[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 required 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. Authority to hunt on any Sunday instituted by the Commission would not apply to any person required to secure a hunting license who attempts to hunt on private land without obtaining written permission of the landowner, an agent of the landowner or lessee. A violation of this provision would be a summary offense of the third degree; 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. These provisions would not apply to an unarmed person who enters onto posted property for the sole purpose of retrieving a hunting dog. The Director of the Game Commission would be permitted to authorize local police departments to assist in the enforcement of the trespassing provisions. [Concurrence in House Amendments: 38-11.](#)

[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;

- Increase the civil penalty for a violation of the act from up to \$1,000 to up to \$2,500 and limit the penalty to once per violation. The Board could revise the penalty by regulation, provided any increase is reasonable and required to deter violations; and
- Allow a licensed school to offer institutional grants to students of any amount without Board approval. **Concurrence in House Amendments: 49-0.**

Senate Bill 906 (Yudichak) would amend the Mental Health and Intellectual Disability Act of 1966 to prohibit the closure of any state center until all Medicaid waiver-eligible individuals in the Commonwealth are authorized to begin receiving home and community-based services furnished under a waiver granted pursuant to Section 1915(c) (1) of the Social Security Act. When all waiver-eligible individuals have received authorization, the Department of Human Services would be required to transmit notice of that fact to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. Upon publication of the notice, the Task Force on the Closure of State Centers would be established in the Department composed of the individuals delineated in the legislation. The task force would perform a comprehensive evaluation of the state centers and provide recommendations to the Department prior to the closure of one or more centers.

The task force would be required to meet biweekly to evaluate the impact of a closure on state center residents and their families, the employees of a center, the local economy in which the state center is located and the readiness of provider agencies in each region to expand the community-based residential infrastructure to support residents leaving state centers. If a state center is deemed eligible for closure by way of a majority vote of the task force, the Department would be required to prepare a plan for the closure of the center and the transition of individuals with intellectual disabilities receiving care in the state center to a home or community-based system. The plan would have to include an assessment of the state center addressing the items delineated in the bill and a timeline, specific to each center, for the transition to a home and community-based support system for all individuals living at the center. A state center subject to closure would have to continue to operate with the level of staff necessary until all residents have been transitioned into home or community-based services. **Passed: 40-9.**

Senate Resolution 273 (Aument) commends the International 22q11.2 Foundation, Inc., and recognizes November 22, 2019 as “22q Awareness Day” in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 274 (Stefano) designates the month of January 2020 as “Learn to Ski and Snowboard Month” in Pennsylvania. **Adopted by Voice Vote.**

House Bill 1410 (Stephens) would amend the Transit Revitalization Investment District Act of 2004 to add a chapter establishing a Military Installation Remediation Program in municipalities which have within their geographic boundaries a qualified former military installation as defined in the legislation. A municipality would be authorized to form an authority under the Municipality Authorities Act to fund the remediation of former military installations. The primary concern is the remediation of per- and polyfluoroalkyl substances (PFAS) present in

drinking water related to the presence of a former military installation. The governing body of a qualified authority would be composed of the individuals outlined in the legislation.

A qualified authority would submit an application to the Department of Revenue (DOR), with a list of parcels in need of remediation. Parcels included within the application that meet certain criteria would receive full designation for the program. Approved applications would be in effect for no longer than 30 years from the effective date. By October 15, 2019, June 1, 2020 and each June 1 thereafter, a qualified authority would have to file an annual report with a list of all qualified taxpayers located in the designated parcels and a commitment from the governing board of a municipality that approves designating local revenues to be used for the local efforts. By November 15, 2019, September 1, 2020 and each September 1 thereafter, each qualified taxpayer would file a parcel report with the Department that includes the amount of each qualified tax paid and the amount of each qualified tax refund received in the prior calendar year.

A Military Installation Remediation Fund would be created in the State Treasury for each qualified former military installation. By January 15, 2020, and each December 1 thereafter, the Department would certify to the Office of the Budget the amount of tax paid less the refunds received with regard to the designated parcels. The Office of the Budget would direct the State Treasurer to transfer the aggregate amount of tax paid by all qualified parcels from the General Fund to the Military Installation Remediation Fund for the benefit of that authority. Eligible uses of the funds would include:

- The operation costs of the authority;
- Offsetting any surcharges applied to customers for remediation;
- Offsetting any amount billed to customers for remediation; and
- Offsetting the costs of connecting a residence with a contaminated private well to a public water supply.

Any remaining monies could be used for transportation infrastructure and economic development costs, or payment of debt service on bonds or refinances for the acquisition, development, construction, reconstruction, renovation or refinancing of remediation projects of the qualified municipality. The legislation would also require the Pennsylvania Infrastructure Investment Authority (PennVEST) to establish a per-and-polyfluoroalkyl substance remediation program using funds available to PennVEST. PennVEST would provide grants to water providers whose supply is contaminated with PFAS substances which are not due to the presence of a former military installation. Guidelines for the program would be established by PennVEST. [Passed: 42-7.](#)

Tuesday, November 19, 2019

[Senate Bill 74](#) (Martin) would amend the Tax Reform Code of 1971 to add Article XVII-L creating a pediatric cancer research tax credit for taxable years beginning after December 31, 2019. Under the article, a business firm could apply to the Department of Revenue for a tax

credit against certain state taxes for a contribution to one of the four pediatric cancer research institutions listed in the bill. A contribution would have to be made no later than 30 business days after the business firm receives notice of the approval of its application. The tax credits would be limited to \$10 million in any one fiscal year and to \$2.5 million for any one pediatric cancer research center per fiscal year. No tax credit could be approved for activities that are part of the business's normal course of business. Tax credits would be available on a first-come, first-served basis.

At the time of application, the Department would be required to advise a business that it could choose to have its tax credit application for a contribution to a particular research center be considered an application for an alternative center if its preferred choice has already reached its annual limit. Tax credits could be carried forward, but could not be carried back or refunded. Pass-through entities could transfer all or a portion of the tax credit to shareholders, members or partners in the business firm. By October 1, 2021, and October 1 of each year thereafter, the Department would be required to report to the Senate and House Appropriations and Finance Committees on the program. A business firm could not apply for a tax credit after the tenth fiscal year after the effective date of the article. Contributions received by a pediatric cancer research center from a business firm claiming a tax credit would have to be used exclusively for pediatric cancer research. **Passed: 49-0.**

Senate Bill 327 (Argall) would amend the Administrative Code of 1929 to direct the Department of General Services to conduct an annual survey of state facility usage. The legislation would require each executive agency, independent agency and state-affiliated entity to report to DGS each state facility, which is under its control or it uses. The report would have to provide the information outlined in the bill, including whether the facility is state-owned or leased and whether it is occupied or vacant. On or before July 31 of each year, DGS would have to compile and report the survey information to the chairs of the Senate and House State Government Committees. **Passed: 48-1.**

Senate Bill 596 (Mensch) would amend Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes to require the Public Utility Commission (PUC) to establish a goal for statewide expansion of transportation electrification that is 50 percent above the current market forecasts for December 31, 2030, based on existing governmental and private sector forecasts. The goal would have to be established within 60 days of the effective date of the legislation. At the time the statewide goal is established, the PUC could also establish regional goals for each group of priority alternative transportation infrastructure counties that are served, in whole or in part, by an electric distribution company. A priority alternative transportation infrastructure county would be defined as a county with at least 200,000 people that includes all or part of a metropolitan statistical area with a population of at least 500,000 people as defined by the U.S. Census Bureau. Within 180 days, the PUC would have to issue transportation electrification infrastructure development plan guidelines for electric distribution companies addressing the areas listed in the bill, including electric vehicle charging stations and the electrification of other forms of transportation.

An electric distribution company serving one or more priority alternative transportation infrastructure counties would be required to contract with a qualifying independent

transportation analyst to develop a transportation electrification infrastructure regional framework for those counties. The regional framework development process would have to include representatives from the state and local agencies delineated in the legislation. If multiple electric companies serve a single county, the companies could elect to collaborate on the selection of an analyst and allocate framework-related costs proportionally based on the number of customers served, or by another mutually agreeable method. A company serving less than 50,000 customers in a county would not be required to participate in the development of the framework for that county. An electric distribution company serving one or more of the priority counties would have to file a transportation electrification infrastructure development plan consistent with the PUC-issued plan guidelines within one year of the establishment of the statewide goal. The company would have to include its regional framework as part of its development plan filing. The plan would describe the company's proposal to support deployment of the infrastructure necessary to achieve the regional or statewide goal. If the PUC does not approve a plan, the company would have 60 days to address the deficiencies and submit a revised plan.

Companies could recover costs for the development and implementation of approved plans. Electric companies that are not required to develop plans could do so voluntarily. The legislation could not be construed to limit in any manner the establishment of third-party owned and operated electric vehicle charging stations that are established without ratepayer funds. An electric distribution company or third party that owns an electric vehicle charging station would be subject to the alternative fuels taxes under Section 9004 of the Vehicle Code. A public electric vehicle charging station installed or operated with incentives authorized under an approved development plan could not limit its usage by requiring customers to enroll in an association or membership organization or pay a fee as a condition to use the station. Within one year of the effective date of the legislation, the PUC would be required to complete a statewide assessment of current natural gas and propane-fueled vehicle usage and fueling infrastructure in the state. The assessment would identify opportunities and goals for the expansion of natural gas and propane-fueled vehicle usage and fueling infrastructure in the Commonwealth and make recommendations to the General Assembly to support the expansion. [Passed: 43-6.](#)

[Senate Bill 842](#) (Phillips-Hill) would amend the Health Care Facilities Act to require only a health care facility employee's first name be printed on his or her photo identification tag. A notation, marker or indicator that differentiates employees with the same first name would be considered acceptable in lieu of displaying an employee's last name. An additional change would remove the exception that permitted the last name of an employee to be omitted or concealed when delivering direct care to a consumer who exhibits symptoms of irrationality or violence. [Passed: 49-0.](#)

[House Bill 17](#) (Ryan) would amend the Tax Reform Code of 1971 to make a number of changes. Among other modifications, the measure would:

- Add a Sales and Use Tax exclusion for the sale at retail or use by a financial institution of canned computer software directly utilized in conducting the business of banking;

- Authorize the Department of Revenue to enter into agreements with financial institutions, and for financial institutions to share with the Department, certain bank account information for purposes of delinquent tax collection;
- Provide that for all taxes administered by the Department of Revenue, except for the Inheritance Tax, the Department could collect the tax owed if collection commences within 10 years of the date the settlement, determination or assessment of the tax becomes final; and
- Establish a time limit on criminal tax prosecutions so that a person could not be prosecuted, tried or punished for an offense under a tax statute administered by the Department except if prosecution is instituted within three years after the commission of the offense. **Passed: 48-1.**

House Bill 57 (Fritz) would abolish the following entities and make related repeals:

- The Advisory Committee on Probation within the PA Board of Probation and Parole;
- The Industrial Resource Center Strategic Advisory Board within the Department of Community and Economic Development;
- The joint committee to review cost-of-living supplements under the SERS and PSERS Acts;
- The PA Public Television Network Commission;
- The Public Television Broadcasting Advisory Council;
- The PA Quality Leadership Awards Council;
- The Small Business Advocacy Council within the Department of Community and Economic Development;
- The Tobacco Use Prevention and Cessation Advisory Committee within the Department of Health; and
- The legislative representative for collective bargaining appointed under 71 Pa.C.S. § 2205 (relating to civil service). **Passed: 46-3.**

House Bill 754 (Thomas) would amend the State Lottery Law to allow individuals enrolled in PACE and PACENET as of December 31, 2018 to remain eligible for the programs if their maximum income limit is exceeded solely due to a Social Security cost-of-living-adjustment. The eligibility would be extended until December 31, 2021. **Passed: 49-0.**

House Bill 947 (Schweyer) would amend the Liquor Code to:

- Adjust the hours of operation for performing arts facilities to sell liquor and malt beverages on Sunday from 10:00 a.m. (currently 1:00 p.m.) to 10:00 p.m.;
- Add a definition of “commercial and mixed-use overlay project” which would be a planned development constructed after January 1, 2019, on at least 25 acres, with at least 275,000 square feet of actual or proposed commercial and residential development, adjacent to an existing hotel property with at least 90 rooms;
- Authorize the Liquor Control Board to approve the transfer of up to 20 restaurant liquor licenses that are available for auction to any county for the purpose of a commercial and mixed-use overlay project. The applicant would have to pay a \$25,000 surcharge for each license. The licenses would be non-transferable and ineligible for wine expanded permits. The licensee could not sell malt and brewed beverages for off-premises consumption;
- Permit manufacturers to sell malt and brewed beverages for on-premises consumption on Monday through Saturday between the hours of 9:00 a.m. and 12:00 a.m. and on Sunday from 9:00 a.m. to 11:00 p.m.; and
- Allow distilleries and limited distilleries to sell bottled liquors produced on the licensed premises to the public and provide tasting samples Monday through Saturday from 9:00 a.m. to 12:00 a.m. (currently 11:00 p.m.) and Sunday from 9:00 a.m. to 11:00 p.m.
Passed: 48-1.

House Bill 1547 (Pyle) would designate:

- The highway interchange of U.S. Route 422 with Pennsylvania Route 66, Manor Township, Armstrong County as the Senator Donald C. White Interchange;
- The portion of Pennsylvania Route 144 beginning at the intersection of Pennsylvania Route 26 in Pleasant Gap and ending at the intersection of Pennsylvania Route 45 in Centre Hall, Centre County as the Duster-Quad 50-Searchlight Highway;
- The bridge located on State Route 2047 over the Flaugherty Creek in Meyersdale Borough, Somerset County as the Harry Beal Bridge;
- The bridge on the portion of U.S. Route 219 over Buffalo Creek in Brothersvalley Township, Somerset County as the John Vatavuk Memorial Bridge;
- The bridge carrying State Route 4009 in York County over the Conewago Creek as the Staff Sergeant Gary Crone Memorial Bridge;
- The bridge located at 39°57'48.9"N 79°02'40.7"W (U.S. Route 219 over Walters Mill Road) as the Mark J. Baserman Memorial Bridge;

- The bridge located on State Route 3041 in Texas Township, Wayne County as the PFC Raymond P. Schwesinger Memorial Bridge;
- The bridge on the portion of Washington Street over Stoneycreek River in Johnstown City, Cambria County as the SFC Raymond R. Buchan Memorial Bridge;
- The bridge located on the portion of State Route 2034, also known as Edge Hill Road, over Pennsylvania Route 611, also known as Old York Road, in Abington Township, Montgomery County as the Captain Samuel Schultz Memorial Bridge;
- The bridge located on State Route 1002, as known as Friend Lea Road, over U.S. Route 219 in Cambria Township, Cambria County as the PFC Cyril T. Yeckley Memorial Bridge;
- The bridge known as the Buena Vista Bridge, located on Pennsylvania Route 56 over Blacklick Creek in East Wheat Township, Indiana County as the SPC Beverly S. Clark Memorial Bridge;
- The bridge located on Pennsylvania Route 553 over Dutch Run in Pine Township, Indiana County as the Private Chancy Franklin Davis Memorial Bridge;
- The bridge located on Pennsylvania Route 403 over Dixon Run, Clymer Borough, Indiana County as the PFC Martin J. Popson Memorial Bridge;
- The bridge located on U.S. Route 422 over Yellow Creek, Cherryhill Township, Indiana County as the PFC Ralph E. Dias Memorial Bridge;
- The bridge located on the portion of U.S. Route 119 over the Yellow Creek in Center Township, Indiana County as the Dr. Patricia Hilliard-Robertson Memorial Bridge;
- The bridge located on Pennsylvania Route 897 (Main Street) over Little Cocalico Creek in West Cocalico Township, Lancaster County as the Sheriff Terry A. Bergman Memorial Bridge;
- The portion of State Route 3059 near its intersection with Little Creek Road to the area immediately before where State Route 3059 intersects with Officer David D. Tome Memorial Circle located on State Route 116 at Hanover Road and Roth's Church Road in Spring Grove, York County as the Corporal Earl H. Markle Memorial Road;
- The portion of State Route 2012 South beginning at the intersection of South Courtland Street and Day Street and ending at its intersection with Brown Street in East Stroudsburg Borough, Monroe County as the Samuel Newman Way; and
- The bridge located on State Route 4021 over the Honeoye Creek, Sharon Township, Potter County as the TEC 5 C. Virgil Voorhees Memorial Bridge. **Passed: 49-0.**

Executive Session

William K. Lieberman – Pennsylvania Turnpike Commission. [Confirmed: 49-0.](#)

Kathy Boockvar – Secretary of the Commonwealth. [Confirmed: 45-4.](#)

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

Wednesday, November 20, 2019

[Senate Bill 60](#) (Phillips-Hill) would amend Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes to provide for increased penalties and asset forfeiture for human trafficking and patronizing a victim of sexual servitude. Among other provisions, the measure would:

- Amend Section 3011 (trafficking in individuals) by providing that a person is guilty of a felony:
 - Of the first degree if the person recruits, entices, solicits, advertises, harbors, transports, provides, obtains or maintains someone knowing or in reckless disregard of the fact that the person will be subject to sexual servitude, or knowingly benefits financially or receives anything of value from any act that facilitates any activity described above; and
 - Of the second degree if the person recruits, entices, solicits, advertises, harbors, transports, provides, obtains or maintains someone knowing or in reckless disregard of the fact that the person will be subject to labor servitude, or knowingly benefits financially or receives anything of value from any act that facilitates any activity described above;
- Provide that despite the limitations on terms for felonies provided by Section 1103, a person would be subject to a term of imprisonment of not more than 40 years if the person is guilty of subjecting another to sexual servitude and:
 - The violation results in a minor being subject to sexual servitude; and
 - The violation is part of a course of conduct of subjecting minors to sexual servitude;
- Amend Section 3013 (patronizing a victim of sexual servitude) to provide that in addition to engaging in a sex act with an individual “knowing” that the individual is the victim of human trafficking, a person is guilty of a violation of Section 3013 if they engage in a sex act with an individual and “recklessly disregard” the fact that the individual was the victim of human trafficking. The change would increase the grading of the offense for a “knowing” violation from a felony of the second degree to a felony of the first degree. A

violation based on “reckless disregard” would be a felony of the third degree for a first offense, and a felony of the first degree for a second or subsequent offense;

- Amend Section 3013(c) by increasing the fine for a violation from \$500 to:
 - For a first offense: Not less than \$1,000 nor more than maximum amount under Section 1101 (\$15,000 for a felony of the third degree; \$25,000 for a felony of the first degree).
 - For a second offense: Not less than \$5,000 and not more than \$25,000.
 - For a third or subsequent offense: Not less than \$10,000 and not more than \$50,000.
 - If the victim of sexual servitude was a minor (first or subsequent offense): Not less than \$10,000 and not more than \$50,000.
- Provide that fines collected under Section 3013 be divided equally between the Safe Harbor for Sexually Exploited Children Fund, and a newly-established restricted account called the Prevention of Human Trafficking Fund to be used by the Pennsylvania Commission on Crime and Delinquency to fund the grant programs under Section 3031; and
- Amend Section 3021 (asset forfeiture) to add a reference to the new Prevention of Human Trafficking Fund.

The legislation would also amend Section 5982 of Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes by increasing the age to be considered a “child” from under 16 to under 18. [Passed: 49-0.](#)

[Senate Bill 79](#) (Tartaglione) would amend the Minimum Wage Act of 1968 to make a number of changes. Among other modifications, the measure would:

- Require an employer that permits a customer to pay a gratuity by credit card to pay the employee the full amount of the gratuity that the customer indicated on the credit card slip without deduction for any credit card payment processing fee or cost that may be charged to the employer by the credit card company. Payment of a gratuity made by a customer using a credit card would have to be made to the employee not later than the next regular payday following the date the customer authorized the credit card payment;
- Clarify that the minimum wage and overtime requirements under the act would be applied in accordance with the minimum wage and overtime provisions of the Fair Labor Standards Act of 1938 and the regulations promulgated under that act, except when a higher standard is specified under this act;

- Increase the minimum wage to \$8 an hour beginning July 1, 2020; \$8.50 an hour beginning January 1, 2021, \$9 an hour beginning July 1, 2021, and \$9.50 an hour beginning January 1, 2022; and
- Align the compensation of certain employees with federal law as it relates to nondiscretionary bonuses, incentives, and commissions paid annually or more frequently.
Passed: 42-7.

Senate Bill 902 (Baker) would amend the County Code to clarify that, upon a vacancy in the office of district attorney in a county of the fourth through eighth class, the first assistant district attorney would be appointed as district attorney upon a showing that the individual satisfies the requirements of Section 1401 (regarding the qualifications, eligibility, and compensation of a district attorney). If the first assistant district attorney is unwilling or unable to serve, or does not satisfy the requirements of Section 1401, the judges of the court of common pleas would fill the vacancy by the appointment of a competent person who does satisfy Section 1401.

Passed: 48-0.

Senate Resolution 272 (Argall) designates the month of November 2019 as “Victims of Communism Memorial Month” in Pennsylvania. **Adopted: 48-0.**

House Bill 227 (Gabler) would amend the Pennsylvania Election Code with regard to the minimum number of signatures that candidates for school director must collect, and make other changes. Specifically, the legislation would amend Section 912.1 of the Election Code to provide that the nomination petition signature requirement for school director will be a minimum of 10. The bill would also eliminate the requirement in Section 1004 that paper ballots used in optical scan voting systems include serially-numbered perforated stubs. An additional provision would require the county board of elections in each county with paper optical scan voting systems to provide each election district with supplies necessary to ensure that voters may insert their ballots into the automatic tabulating equipment in secret. The Secretary of the Commonwealth would be required to establish standards for these supplies. **Passed: 49-0.**

House Bill 321 (Klunk) would amend Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes to clarify that an abortion could not be deemed necessary if sought because the unborn child receives a prenatal diagnosis of Down syndrome. The prohibition would not apply if the child was conceived as the result of rape or incest or if the abortion is required due to a medical emergency. **Passed: 27-22.**

House Bill 962 (Rozzi) would amend Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes to:

- Establish that an individual under the age of 18 would be entitled to commence civil action arising from sexual abuse for a period of 37 years after reaching 18 years of age.
- Allow an individual that is at least 18 years of age and less than 24 years of age when the sexual abuse occurs to bring a civil proceeding until the age of 30, regardless of the filing of criminal complaints;

- Eliminate the statute of limitations for criminal proceedings for the offenses listed in the bill;
- Allow for an increase in the statute of limitations by five years for certain offenses committed against a child under the age of 18;
- Provide that for any sexual offense committed against an individual who is 23 years of age or younger, the statute of limitations would be the date the individual reaches 55 years of age;
- Provide that sovereign and governmental immunity would not apply with respect to offenses committed under Section 5551(7), if the conduct of the entity that caused injury to the plaintiff constitutes gross negligence; and
- Add a new section to provide an individual who is a direct victim of sexual abuse, which occurred in Pennsylvania, with counseling services related to the sexual abuse with payment for services made from the Crime Victims' Compensation Fund. The total value of the services would be capped and could not exceed \$5,000 for an individual who at the time of the sexual abuse was 18 years of age or older; and \$10,000 for an individual who at the time of sexual abuse was under the age of 18. The total value of services provided to an individual would be reduced by the amount of certain payments received or made by the individual for counseling as a result of sexual abuse. **Passed: 48-0.**

House Bill 963 (Gregory) would amend Article I, Section 11 of the Pennsylvania Constitution by creating a two-year period in which victims of childhood sexual abuse could commence an action in cases where a statutory limitations period has already expired. As a proposed constitutional amendment, the legislation must pass the General Assembly in two consecutive sessions and then be presented to the voters for approval. **Passed: 42-6.**

House Bill 1051 (Stephens) would amend the Child Protective Services Law to clarify that it is a “continuing course of action,” subject to enhanced penalties, when a mandated reporter’s willful failure to report an individual suspected of child abuse continues while the person knows or has reasonable cause to suspect a child is being subjected to child abuse by the same individual, or while the person knows or has reasonable cause to suspect that the same individual continues to have direct contact with children through the individual’s employment, program, activity or service. The legislation would increase the grading for a continuing offense from a first degree misdemeanor to a third degree felony. Where the underlying abuse constitutes a first degree felony, the grading would be increased from a third to a second degree felony. An additional provision would establish that the statute of limitations for an offense under the section would be either the statute of limitations for the crime committed against the minor child or five years, whichever is greater. **Passed: 47-1.**

House Bill 1171 (Toohil) would amend Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes to declare any provision of an agreement or settlement which imposes certain nondisclosure requirements relating to childhood sexual abuse void and

unenforceable. Any agreement settling a claim of childhood sexual abuse would be presumed to satisfy the section if it does not contain one of the prohibited provisions and it includes the notice outlined in the bill. **Passed: 48-0.**

House Bill 1402 (Nesbit) would amend Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes to provide for the offense of sexual extortion. A person would commit the offense of sexual extortion if he or she knowingly or intentionally coerces or causes a complainant by means specified in the bill, to: 1) engage in sexual conduct, the simulation of sexual conduct or be in a state of nudity; or 2) make, produce, disseminate, transmit or distribute any image, video, recording or other material depicting the complainant in a state of nudity or engaging in sexual conduct or in the simulation of sexual conduct. A person would subject a complainant to sexual extortion through any of the following means:

- Harming or threatening to harm the complainant or the complainant's property, their reputation or any other thing of value to the complainant;
- Making, producing, disseminating, transmitting or distributing or threatening to make, produce, disseminate, transmit or distribute any image, video, recording or other material depicting the complainant in a state of nudity or engaged in sexual conduct or in the simulation of sexual conduct;
- Exposing or threatening to expose any fact or piece of information that, if revealed, would tend to subject the complainant to criminal proceedings, a civil action, hatred, contempt, embarrassment or ridicule;
- Holding out, withholding or threatening to withhold a service, employment, position or other thing of value; and
- Threatening to cause or causing a loss, disadvantage or injury, including a loss, disadvantage or injury to a family or household member.

A person would also commit the offense of sexual extortion if he or she knowingly or intentionally: 1) solicits or demands the payment of money, property, services or any other thing of value from the complainant or a family or household member of the complainant in exchange for removing from public view or preventing the disclosure of any image, video, recording or other material depicting the complainant in a state of nudity or engaged in sexual conduct or the simulation of sexual conduct; or 2) disseminates, transmits, or distributes an image, video, recording or other material depicting the complainant in a state of nudity or engaging in sexual conduct or the simulation of sexual conduct to another person or entity, including a commercial networking site, and solicits or demands the payment of money property or services or any other thing of value from the complainant or a family or household member of the complainant in exchange for removing from public view or preventing disclosure of the image, video, recording or other material. Except as otherwise outlined in the bill, the violation would constitute a misdemeanor of the first degree. In certain instances, the violation would be upgraded to a felony of the third degree. The bill would not apply to acts committed within the legitimate and lawful scope of a person's employment and would not apply to works of public interest, including commentary, satire or parody. **Passed: 48-0.**

Thursday, November 21, 2019

[Senate Bill 473](#) (Scavello) would amend Title 18 (Crimes and Offenses) and Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes to increase the legal age to purchase tobacco products to 21. Among other provisions, the legislation would:

- Provide that anyone under 21 years of age who purchases tobacco products or attempts to purchase such products by providing false identification is guilty of a summary offense. A “minor” would be defined as an individual under 21 years of age;
- Create an exemption for active or reserve members of any branch of the armed forces of the United States to purchase tobacco products regardless of whether they have reached 21 years of age;
- Require retailers to adopt and implement a written policy that includes training employees selling tobacco products to verify that the purchaser is at least 21 years of age or a member of the active or reserve component of any branch of the armed forces of the United States before selling the products in order for the retailer to maintain an affirmative defense for selling tobacco products to a minor;
- Add or update numerous definitions including tobacco product, nicotine product, electronic cigarette and electronic nicotine delivery system;
- Exclude from the definition of “tobacco product” any product that has been approved by the United States Food and Drug Administration as a tobacco cessation product or for other therapeutic purposes so long as the product is not inhaled, and any device sold by a licensed dispensary under the Medical Marijuana Act;
- Create a summary offense for the use of tobacco products in a school or on school property;
- Transfer the duty to designate certain areas on school property where tobacco products may be used under the Fire and Panic Act to Title 18 in order to impose the same requirements on electronic devices;
- Expand the definition of “school” to include career and technical schools, charter schools and intermediate units; and
- Preempt any municipal ordinance or school board regulation. [Concurrence in House Amendments: 44-5.](#)

[Senate Bill 572](#) (Aument) would amend Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes to provide for signed “opioid treatment agreements” between a prescriber and patient designed to ensure that the individual understands his or her treatment responsibilities, the conditions of medication use, and the conditions under which the treatment of the individual may be terminated. Specifically, a treatment agreement would have to include:

the goal of the treatment, a prohibition on sharing the prescribed medication with other individuals, a statement certifying that the prescriber engaged in a required discussion of the risks of using opioids and information on appropriate disposal methods for opioids.

Before issuing an individual the first opioid prescription in a course of treatment, a prescriber would have to assess whether the individual has taken or is currently taking a prescription drug for treatment of a substance use disorder. A prescriber would be required to discuss with the individual the risks of opioid treatment, including: (i) the risks of addiction and overdose (ii) the increased risk of addiction if the individual suffers from a mental disorder, (iii) the dangers of combining an opioid with other substances like alcohol, and (iv) other nonopioid treatment options.

A prescriber would also have to obtain and record the consent of the patient to a required baseline test and any targeted drug tests deemed medically necessary by the physician. The testing would be used, as described in the agreement, to establish a general assessment for an individual new to treatment for chronic pain and in monitoring adherence to an existing individual treatment plan, as well as to detect the use of non-prescribed drugs. Prior to the issuance of an initial prescription for chronic pain, a baseline test to identify the presence or absence of illegal or prescribed substances would be required. An individual who is treated for addiction or an individual who is considered moderate or high risk by the prescriber would have to be tested at least once annually. Exceptions to drug testing are provided for cases involving the management of pain associated with cancer, palliative or hospice care, or the professional judgment of the prescriber. The Department of Health would be authorized to promulgate temporary and final regulations. A violation by a prescriber would be subject to sanctions under the prescriber's professional practice act and by the appropriate licensing board. [Concurrence in House Amendments: 28-21.](#)

[Senate Bill 637](#) (DiSanto) would amend Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes to expand the list of provisions that cannot be used to prohibit consideration of a license, certificate, registration or permit application to include convictions, which have been annulled, expunged or subject to limited access under Section 9122.1 (petition for limited access) and Section 9122.2 (clean slate limited access) and adjudications of delinquency. A board or commission under the Department of State's Bureau of Professional and Occupational Affairs, when determining eligibility for licensure, certification, or registration, could only consider an applicant's conviction of a crime, if the conviction directly relates to the duties, functions and responsibilities for that license, registration, certificate or permit's profession or occupation.

A board or commission could refuse to grant or renew based on the conviction of a crime if the conditions outlined in the legislation are met. A board or commission would be prohibited from considering moral character when determining whether to grant or renew, deny, suspend, revoke or otherwise discipline a license, certificate, registration or permit. A crime of moral turpitude could only be considered if the conviction for the crime is directly related to the duties, functions and responsibilities of the profession or occupation or that the individual poses an unacceptable risk to people with whom the individual would interact in the conduct of the profession or occupation.

The boards and commissions would be required to promulgate regulations within 18 months regarding the consideration of criminal history records as part of the determination on whether to grant, deny, suspend, revoke or renew a license, certificate, registration or permit. The Supreme Court or an entity of the Supreme Court would be exempt from these provisions and would retain its capacity to govern the practice, procedure and conduct of all courts, admission to the bar, the practice of law, administration of all courts and supervision of all judicial officers. [Passed: 49-0.](#)

[House Bill 49](#) (Brown) would amend the Public School Code of 1949 to make a number of changes. Among other provisions, the measure would:

- Clarify that school police officers, if authorized by the court, could exercise the same powers as exercised under the authority of law or ordinance by the police of the municipality in which the school property is located;
- Extend the deadline for current school police officers, school resource officers, and unarmed school security guards to receive the required training specified under Act 67 of 2019 until the beginning of the 2020-2021 school year. Current armed security guards would have until February 28, 2020 to complete the instruction unless an extension is approved through the process outlined in the legislation;
- Permit a public high school student who successfully completes a course in personal finance during grades nine through twelve to apply up to one credit earned for completion of the course to satisfy the student's social studies, family and consumer science, mathematics or business education credit requirement for graduation. The governing body of the student's school would have discretion to determine the graduation credit to which the credit earned would be applied. A student could not apply more than one credit earned to satisfy the mathematics credit requirement. The change would apply beginning with students graduating at the end of the 2020-2021 school year and continue each school year thereafter;
- Extend the deadline for the Public Higher Education Funding Commission to issue its report to November 30, 2020;
- Clarify that to be eligible for a fostering independence waiver an individual would have to apply for all available federal and state grants; and
- Establish that school police officers appointed prior to September 2, 2019 would have all authorities and powers granted by the court at the time of appointment. [Concurrence in House Amendments to Senate Amendments: 35-14.](#)

[House Bill 97](#) (Rapp) would amend Title 18 (Crimes and Offenses) and Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes to provide further for the sale of tobacco products. Among other provisions, the legislation would:

- Add or update numerous definitions including tobacco product, nicotine product, electronic cigarette and electronic nicotine delivery system;
- Exclude from the definition of “tobacco product” any product that has been approved by the United States Food and Drug Administration as a tobacco cessation product or for other therapeutic purposes so long as the product is not inhaled, and any device sold by a licensed dispensary under the Medical Marijuana Act;
- Create a summary offense for the use of tobacco products in a school or on school property;
- Transfer the duty to designate certain areas on school property where tobacco products may be used under the Fire and Panic Act to Title 18 in order to impose the same requirements on electronic devices;
- Expand the definition of “school” to include career and technical schools, charter schools and intermediate units; and
- Preempt any municipal ordinance or school board regulation. **Passed: 48-1.**

House Bill 917 (Schmitt) would repeal Act 598 of 1929, which authorizes municipalities other than townships to acquire, operate and maintain a hospital. **Passed: 48-1.**

House Bill 956 (Murt) would amend the State Lottery Law to require the Department of Revenue, for fiscal years beginning after June 30, 2019 and ending June 30, 2024, to apportion no less than 20 percent of the total revenues accruing from lottery profits to property tax relief and free or reduced fare transit service for the elderly. The rate would return to 25 percent on July 1, 2024. **Passed: 49-0.**

House Bill 1203 (Ryan) would amend Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes to add new standards for annual audits of municipal authorities. The annual audit would have to comply with the following standards:

- Generally accepted government auditing standards, including those published by the General Accountability Office;
- The federal Single Audit Act of 1984;
- The federal guidelines for uniform administrative requirements, cost principles and audit requirements for federal awards; and
- Any other federal or state financial audit requirements relating to the finances of an authority.

The measure would allow the municipal government to request a review of the authority’s current audit as needed each year. The review by the municipality would have to be

conducted within one year of an authority's annual audit. The review would be done at the expense of the municipality and the authority would be exempt from conducting an audit the following fiscal year. If the review by the municipality is done due to the failure of the authority to make an annual audit, the review would be done at the expense of the authority.

Passed: 49-0.

House Bill 1542 (Saylor) would amend the Liquor Code to:

- Allow a special occasion permit to be used for nine consecutive or nonconsecutive days and an additional ten consecutive days in a calendar year;
- Update the list of eligible entities for a special occasion permit to include a nationally recognized community-based voluntary health organization committed to fighting cancer, which has been in existence for at least 100 years;
- Provide that an entity operating in conjunction with a holder of a special occasion permit could collect and manage funds raised with a special occasion permit provided that the special occasion permit holder is the primary host of the event and the funds raised are used for the benefit of the special occasion permit holder; and
- Allow the following entities to be eligible to receive a wine and spirits auction permit:
 - Any nonprofit that is registered with the Pennsylvania Bureau of Corporations and Charitable Organizations of the Department of State that is recognized as a community-based voluntary organization committed to fighting cancer that has been in existence for at least five years; and
 - Any community-based voluntary health organization in a second class county, which enriches the lives of children and young adults with disabilities and chronic illness. **Passed: 49-0.**

House Bill 1772 (Keefer) would amend Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes to allow a property owner to use identifying purple paint marks on trees or posts to provide notice not to trespass on the property. The provision would not apply in first or second class counties. In addition, the section would not apply to any unarmed person who enters onto posted property for the sole purpose of retrieving a hunting dog. **Passed: 49-0.**

House Bill 1896 (Hennessey) would authorize the Department of General Services to:

- Release a use restriction and reversionary interest on property previously conveyed to the Owen J. Roberts School District by the Commonwealth, so that the school district can convey the land to Pennsylvania American Water Company. Pennsylvania American Water Company plans to use the land to replace its existing Shady Land Water Treatment plant to meet new Department of Environmental Protection regulations. The current use restriction only allows the property to be used for educational purposes. The release of restrictions would be made based on terms, conditions and for such consideration as are

acceptable to DGS. Costs and fees incidental to the conveyance described herein shall be borne by the grantee. Any proceeds received incidental to the release would be deposited in the General Fund;

- Convey 14.67 acres of land in Benner Township, Centre County to the Centre County Industrial Development Corporation for \$1.5 million. Costs and fees incidental to the conveyance described herein shall be borne by the grantee. In the event the parties have not entered into an agreement of sale within 24 months of the effective date of the legislation, the authorization for the conveyance would expire; and
- Convey, with the approval of West Chester University of Pennsylvania of the State System of Higher Education and the Governor, to Aqua Pennsylvania, Inc., a potable water tower and all appurtenances thereto, together with a permanent utility easement from lands of the Commonwealth of Pennsylvania at West Chester University in the Borough of West Chester, Chester County for the purpose of public water distribution for \$1.00. The bill of sale, easement agreement, and any other documents necessary to effectuate the above described conveyance, would be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania. Costs and fees incidental to the conveyance would be borne by the grantee. In the event that the parties have not entered into a bill of sale and easement agreement within three years of the effective date of this act, the authorization would expire.

Passed: 49-0.

House Bill 1982 (Benninghoff) would amend Title 71 (State Government) of the Pennsylvania Consolidated Statutes to allow participating employers in State Employees Retirement System (SERS) to prefund all or a portion of their unfunded accrued liability in exchange for the development of a tailored employer contribution schedule in accordance with their allocated share of plan costs as reduced by the prepayment. The amount of the payment would be determined by the SERS actuary and approved by the SERS board. Each employing unit, agency or department could make only one lump sum advance payment of accrued liability contributions. The lump sum would be based on not less than 75 percent and not more than 100 percent of the portion of the unfunded actuarial accrued liability of the system allocated to the employer. The agreement between SERS and the employer would have to establish a schedule of annual setoffs (credits) against future contributions of the employer to amortize the lump sum advance payment of the actuarial accrued liability contributions. Once the lump sum payment is made, the annual setoff schedule and amounts established in the agreement could not be changed. If the legislature changes the actuarial cost method under which employer contributions are determined, the board could change the schedule and or the amount of annual setoffs to conform to the changes.

If an employer issues bonds or other financial instruments to pay the lump sum, SERS could not be involved in the issuance or advise the employer regarding the issuance. Any lump sum payment made could not be refunded. If the amount of a setoff for a given year exceeds the employer's scheduled payment of its actuarial accrued liability contribution, the overpayment would be applied to other costs. The employer would remain subject to all changes in employer contribution rates and contribution amounts caused by changes in assumptions, economic and

financial factors and actual investment returns. An employer that has entered into an agreement would have to pay the costs incurred by SERS in estimating the lump sum and formulating the agreement. SERS could require advance payment of costs prior to preparing an estimate or agreement. Agreements would have to be entered into by December 31, 2024, and any lump sum payment would have to be made by May 1, 2025. The SERS board would not be obligated to enter into any agreement for the prepayment of an employer's unfunded actuarial accrued liability contributions. Certain employers as listed in the bill would be excluded from participating in an agreement. **Passed: 49-0.**

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