

WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – DAVID G. ARGALL, CHAIRMAN

Monday, January 27, 2020

[Senate Bill 491](#) (J. Ward) would amend the Real Estate Appraisers Certification Act to expand the membership of the State Board of Certified Real Estate Appraisers from 11 members to 13 members. In addition to six appraisers, the Secretary of the Commonwealth, the Attorney General and the Secretary of Banking currently serve on the Board. Under the changes in the bill, two of the other four members would have to be “certified Pennsylvania evaluators” and two would have to be public members. In the case of an appointment of a professional member who is both a certified Pennsylvania evaluator and a state-certified real estate appraiser, the appointment would have to specify in which capacity the individual is being appointed. For the initial appointments, the Governor would have 90 days to nominate one certified Pennsylvania evaluator to serve a two-year term and another to serve a four-year term. For purposes of the act, a “certified Pennsylvania evaluator” would be defined as a person who holds a current valid certificate issued under the Assessors Certification Act, while a “professional member” would be defined as a certified Pennsylvania evaluator or a state-certified real estate appraiser.

[Passed: 48-1.](#)

[Senate Bill 906](#) (Yudichak) would amend the Mental Health and Intellectual Disability Act of 1966 to prohibit the closure of any state center until the Task Force on the Closure of State Centers established in the legislation completes a comprehensive evaluation of the state center and provides a recommendation to the Department of Human Services. The Task Force would be composed of the individuals delineated in the legislation. The group 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. [Concurrence in House Amendments: 28-21.](#)

[Senate Resolution 280](#) (Phillips-Hill) designates the month of January 2020 as “School Director Recognition Month” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 281](#) (Killion) designates the week of January 26 through February 1, 2020 as “Catholic Schools Week” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 282](#) (Bartolotta) recognizes the month of January 2019 as “National Slavery and Human Trafficking Prevention Month” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 283](#) (Baker) designates January 23, 2020 as “Maternal Health Awareness Day” in Pennsylvania to recognize all women who die from complications of pregnancy or childbirth. [Adopted by Voice Vote.](#)

[Senate Resolution 284](#) (Iovino) commemorates the decommissioning of USS Pittsburgh in Pennsylvania. [Adopted by Voice Vote.](#)

Executive Session

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

Tuesday, January 28, 2020

[Senate Bill 30](#) (Killion) would amend the Tax Reform Code of 1971 to create the Pennsylvania Housing Tax Credit. Under the program, eligible applicants would apply to the Pennsylvania Housing Finance Agency (PHFA) for tax credits for a qualified low-income housing project as defined in the legislation. As much as practical, PHFA would be required to administer the tax credit using the same guidelines, procedures and priorities it uses to administer the federal housing tax credit. The agency could allocate tax credits in an amount not to exceed the sum of \$10 million per fiscal year plus unused or returned tax credits for the preceding year. PHFA would be required to allocate the tax credits in a manner that it reasonably believes will result in at least 10 percent of the credits being used to provide housing for households with incomes at or below 30 percent of the area median income. The agency would have to post an annual report regarding the tax credit allocations on its website that includes the tax credits awarded, the identities of the eligible applicants receiving tax credits and the amount of tax credits issued to each recipient. The agency and the Department of Revenue would establish guidelines that include procedures for the carryover, sale and assignment of credits. Any money generated through these provisions would be limited to the uses allowed under the federal housing tax credit guidelines. The legislation would provide for the recapture of tax credits and other penalties for fraud or intentional misrepresentation. [Passed: 49-0.](#)

[Senate Bill 133](#) (Argall) would amend Article IV, Section 4 of the Pennsylvania Constitution to modify the provisions governing the election of the Lieutenant Governor. Under the proposed changes, each candidate for Governor, once nominated, would select a candidate for Lieutenant Governor, subject to the approval of the candidate’s political party. The General Assembly would establish, by law, the amount of time before the gubernatorial general election the selection would have to be made. A person could not seek election to both offices simultaneously. As a constitutional amendment, identical legislation must pass during the next legislative session and be approved by the electorate before becoming effective. [Concurrence in House Amendments: 46-3.](#)

[Senate Bill 492](#) (Martin) would amend the Assessors Certification Act to clarify that revaluation company personnel who are directly responsible for the valuation of real property must not only complete the educational requirements pursuant to the act but also be certified as a Certified Pennsylvania Evaluator (CPE). The legislation would extend the educational and CPE certification requirements to any individual employed by a revaluation company, or by a contractor of a county or a revaluation company who is directly responsible for the development of a property valuation model. The measure would also require the basic course of study for CPE certification to include instruction about Pennsylvania appellate court decisions interpreting the uniformity clause in the Pennsylvania Constitution. An additional provision would prohibit any person from valuing real property for ad valorem tax purposes, including valuations for mass appraisals or developing property valuation models, unless certified as a CPE. The measure would repeal the section of the act that exempts counties of the first class and give an assessor employed by a county of the first class three years from effective date to become certified.

[Passed: 49-0.](#)

[Senate Bill 773](#) (Killion) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to create “Deana’s Law” to increase penalties for repeat DUI offenders and to help ensure that serious DUI offenders receive alcohol treatment. The grading of certain DUI offenses would be increased as follows:

- A third DUI within 10 years with a blood alcohol content (BAC) of 0.08 percent to less than 0.10 percent would be upgraded from a misdemeanor of the second degree to a felony of the third degree;
- A third DUI within 10 years with a BAC of 0.10 percent to less than 0.16 percent would be upgraded from a misdemeanor of the first degree to a felony of the third degree;
- A fourth DUI within 10 years with a BAC of 0.08 percent or higher would be upgraded from a felony of the third degree to a felony of the second degree; and
- A fifth or subsequent DUI within 10 years with a BAC of 0.08 percent or higher would be upgraded from a felony of the third degree to a felony of the first degree.

The bill would require that a sentence imposed upon an individual for a third or subsequent offense be served consecutively to any other sentence the individual is serving and to any other sentence being then imposed by the court. The bill would extend the issuance of an unrestricted license from one year to two years for an individual with a third or subsequent DUI offense within 10 years. In addition, ignition interlock vendors would have to notify the Department of Transportation if an individual violates the terms of an ignition interlock device installed in a vehicle. The device usage would have to continue until no violations have occurred within a 60-day period.

The court would have the discretion to order an individual convicted of a DUI violation with two or more prior offenses within 10 years to be fitted with a CAM device as a condition of probation or parole for one year or the duration of the period of probation or parole, whichever is less. A “continuous alcohol monitory device” or “CAM device” would be defined as a monitoring device or instrument that: 1) is attached to an individual; 2) is designed to automatically test the presence of alcohol in an individual by contact with the skin at least once

per half hour; 3) detects the presence of alcohol; and 4) detects an attempt to tamper with or remove the device.

The bill would establish a 24/7 Sobriety Monitoring Program under the Unified Judicial System of Pennsylvania. An individual would be required to pay for all costs associated with the program. The court could authorize a county to finance the costs if the court determines an individual lacks the financial ability to pay all or part of the costs. The program would require the use of the following restrictions for no less than 90 days as a condition of bail while adjudication of a DUI violation is pending for an individual with two or more prior offenses: 1) a CAM device or any other similar alcohol monitoring device as determined by the court, and 2) random drug testing or any other controlled substance monitoring technology as determined by the court.

An individual required to participate in a 24/7 Sobriety Monitoring would be prohibited from all of the following for the duration of participation in the program:

- 1) Imbibing alcohol, using controlled substances or both as determined by the court;
- 2) Tampering with devices or technologies associated with the 24/7 Sobriety Monitoring Program; and
- 3) Failing to comply with any other requirements ordered by the court as part of the 24/7 Sobriety Monitoring Program.

The Department of Transportation, in consultation with the Pennsylvania State Police and the Administrative Office of Pennsylvania Courts, would be required to evaluate the effectiveness of DUI Courts in the Commonwealth and submit a report with findings and recommendations to the Transportation Committees of the Senate and House within six months of the effective date of the bill. [Passed: 43-6.](#)

[Senate Bill 908](#) (Regan) would amend Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes to update the provisions governing the Volunteer Companies Loan Fund program. Among other modifications, the legislation would:

- Expand the program to include career companies and rename it the Emergency Services Loan Assistance Fund;
- Transfer administration of the fire relief program from the Auditor General to the State Fire Commissioner;
- Increase the loan amount that any one fire company or EMS company could receive for the following purposes:
 - Establishing or modernizing facilities increase from \$400,000 to \$500,000,
 - Purchasing a firefighting apparatus, increase from \$200,000 to \$300,000,
 - Purchasing an aerial apparatus increase from \$300,000 to \$400,000,
 - Purchasing an ambulance or light duty vehicle increase from \$100,000 to \$200,000,

- Purchasing a watercraft rescue vehicle increase from \$30,000 to \$40,000,
 - Purchasing protective, accessory or communication equipment increase from \$20,000 to \$25,000,
 - Rehabilitating a single apparatus increases from \$2,000 to \$2,500 at a minimum and increase from \$70,000 to \$75,000 at a maximum, and
 - Purchasing a used single apparatus increase from \$120,000 to \$150,000;
- Increase the loan amounts in relation to the term by which the loans would have to be paid in full as follows:
 - The minimum amount of any loan from \$10,000 to \$25,000,
 - The maximum amount of a 10 year loan from \$30,000 to \$50,000,
 - The minimum amount of a 15 year loan from \$30,000 to \$50,000, and
 - The minimum amount of a 20 year loan from \$100,000 to \$300,000;
 - Provide for an inflation adjustment to increase loan limits;
 - Require the total amount of interest earned by the investment or reinvestment of all or any part of the principal of any loan to be returned and transferred to the EMS loan fund;
 - Require the State Fire Commissioner to establish an application review committee composed of the individuals delineated in the legislation, which would meet quarterly to review loan applications and make recommendations;
 - Provide for a referendum to be submitted to the electorate related to the question of expanding the use of indebtedness for volunteer loan assistance to include paid fire companies and emergency medical services companies;
 - Require the State Fire Commissioner to produce an annual report on the program;
 - Expand the ability of a volunteer firefighters' relief association to use funds;
 - Establish if the Auditor General finds that any money received by a volunteer firefighters' relief association has been expended for a purpose other than one authorized by the subchapter, the Fire Commissioner would have to decline to approve payment to the relief association until the improperly expended amount has been reimbursed to the relief association fund;
 - Require a Fire Relief Formula Study by the Fire Commissioner's Fire Safety Advisory Committee to review and make recommendations on the Fire Relief Funding Formula by November 30, 2020; and
 - Clarify that an applicant for a grant who is delinquent in loan payments or otherwise fails to comply with the Pennsylvania fire and EMS loan assistance program would be disqualified from applying to the grant program for a period of five years. **Passed: 49-0.**

[Senate Bill 910](#) (Mastriano) would amend Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes to reauthorize and update the provisions governing the Fire Company Grant Program and the Emergency Medical Services Company Grant Program. Among other changes, the legislation would:

- Require the State Fire Commissioner to publish notice of the grant program availability and provide applications and instructions for the grant program to the fire chief and president of every fire company, the chief executive of the municipality, and make the documents and information available on its website;
- Expand the authorized uses for the grants to include, among others, the construction and renovation of facilities and the education of the general public regarding community risk reduction;
- Increase the number of emergency responses during the previous year from 10 to 15 for a fire company to become eligible for grant funds;
- Encourage the consolidation of volunteer fire and EMS companies by offering to reduce interest rates from two percent to one percent on the outstanding principal balance of loans provided for volunteer fire company, ambulance service and rescue squad assistance;
- Authorize the Commissioner to award grants until June 30, 2024; and
- Require the Commissioner to prepare an annual report with the information outlined in the legislation on the Fire Company Grant Program and Emergency Medical Services Grant Program and provide copies to the chair and minority chairs of the Veteran’s Affairs and Emergency Preparedness Committees of the Senate and House of Representatives. The report would also have to be posted on the Fire Commissioner’s website. **Passed: 49-0.**

[Senate Resolution 286](#) (Iovino) recognizes the week of January 20 through 26, 2020 as “Community Risk Reduction (CRR) Week” in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 287](#) (Dinniman) designates the week of January 26 through February 1, 2020 as “Physician Anesthesiologist Week” in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 288](#) (Gordner) recognizes the week of January 19 through 25, 2020 as “Nurse Anesthetists Week” in Pennsylvania. **Adopted by Voice Vote.**

Wednesday, January 29, 2020

[Senate Bill 595](#) (Mensch) would amend the Insurance Company Law of 1921 to require coverage for additional types of diagnostic breast imaging. The measure would require coverage for supplemental magnetic resonance imaging or, if imagining is not possible, ultrasound if recommended by the treating physician because the woman is believe to be at risk for breast

cancer due to the factors listed in the legislation. Among others, these factors would include extremely dense breast tissue or a personal or family history of breast cancer. **Passed: 48-0.**

Senate Bill 779 (Gordner) would amend the Pennsylvania Election Code to move the presidential primary election from the fourth Tuesday of April to the third Tuesday of March. **Passed: 48-0.**

Senate Resolution 289 (Browne) designates February 11, 2020 as “PA 2-1-1 Day” in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 290 (Browne) recognizes the week of February 24 through March 1, 2020 as “Eating Disorders Awareness Week” in Pennsylvania in conjunction with the observance of “National Eating Disorder Awareness Week.” **Adopted by Voice Vote.**

House Bill 427 (Benninghoff) would create the Fair Access to Cancer Treatment Act. The legislation would prohibit a health insurance carrier or health insurance policy that, directly or indirectly, covers the treatment of stage four, advanced metastatic cancer from requiring an enrollee to first fail to successfully respond to a different drug before providing coverage for a covered drug for which both of the following apply:

- The drug is approved by the U.S. Food and Drug Administration, and
- The prescription of the drug is consistent with the best clinical practices for the treatment of the cancer or a severe adverse health condition experienced as a result of stage four, advanced metastatic cancer and is supported by peer-reviewed medical literature.

Passed: 48-0.

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