

WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – DAVID G. ARGALL, CHAIRMAN

Monday, February 3, 2020

[Senate Bill 94](#) (Martin) would amend the Workers' Compensation Act to expand the definition of "employee" to ensure workers' compensation coverage for all active duty volunteer members and officers of fire companies and ambulance corps if injured in the performance of their duties. The definition would not include social members of a company or corps. The legislation would also clarify that when a volunteer member is injured while performing duties on state game land, he or she would be deemed to be an employee of the Pennsylvania Game Commission.

[Passed: 50-0.](#)

[Senate Resolution 292](#) (Tartaglione) recognizes February 7, 2020 as "National Wear Red Day" in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 293](#) (Killion) designates the week of February 17 through 23, 2020 as "THON Week" in Pennsylvania and honors the work of the Pennsylvania State University IFC/Panhellenic Dance Marathon student volunteers. [Adopted by Voice Vote.](#)

[Senate Resolution 294](#) (Hughes) designates February 7, 2020 as "National Black HIV/AIDS Awareness Day" in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 295](#) (Schwank) designates March 11, 2020 as "Registered Dietitian Nutritionist Day" in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 296](#) (Schwank) recognizes the month of March 2020 as "National Nutrition Month" in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 297](#) (Langerholc) designates February 3 through 7, 2020 as "National School Counseling Week" in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 298](#) (Dinniman) recognizes the week of February 24 through 28, 2020 as "Public Schools Week" in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 299](#) (Dinniman) designates the month of February 2020 as "Career and Technical Education Month" in Pennsylvania. [Adopted by Voice Vote.](#)

[House Bill 330](#) (Emrick) would amend the Taxpayer Relief Act to correct references to amended portions of the Local Tax Enabling Act (Act 511 of 1965). [Passed: 50-0.](#)

Executive Session

Nominations to the Council of Trustees of Various State System of Higher Education Institutions. [Confirmed: 50-0.](#)

Tuesday, February 4, 2020

[Senate Bill 432](#) (Phillips-Hill) would amend the Achieving Better Care by Monitoring All Prescriptions Program (ABC-MAP) Act to provide a Medicaid managed care organization (MCO) with the ability to query the ABC-MAP electronic prescription drug monitoring system. The legislation would expand the list of authorized users permitted to query the system to include:

- Contracted staff of the Department of Human Services who are responsible for the development and evaluation of quality improvement strategies, program integrity or internal compliance reviews and data reporting;
- Medical directors and pharmacy directors, or their designees, of an organization that has an agreement to be paid on a capitated basis to provide services to medical assistance beneficiaries, if those personnel are engaged in care management, the development and evaluation of quality improvement strategies, program integrity or internal compliance reviews and data reporting. The authorized personnel of a Medicaid MCO could query the system to review the requested dispensing or prescribing of a controlled substance to an individual to whom the organization provides services under the Social Security Act. The personnel would be required to notify the Department of Human Services and the Office of Attorney General if Medicaid fraud is suspected based on the results of the query and review of the database; and
- An authorized employee of a county or municipal health department or the Pennsylvania Department of Health to develop educational programs or public health interventions relating to specific prescribing practices, controlled substances, the prevention of fraud and abuse, and conducting analyses on prescribing trends in their respective jurisdictions.

A county or municipal health department would be required to implement appropriate technical and physical safeguards to ensure the privacy and security of data obtained from the system. An additional provision would prohibit political subdivisions of the Commonwealth from establishing a database requiring the submission and querying of prescription data by prescribers and dispensers in addition to the ABC-MAP database. [Concurrence in House Amendments, as Amended: 41-9.](#)

[Senate Bill 850](#) (Langerholc) would amend the Public School Code of 1949 to add Article XV-K providing for the Community Engaged Schools for Success Pilot Program Act. Under the pilot program, any school would be eligible for designation as a community engaged school if it meets at least one of the following criteria:

- It is ranked in the lowest 15 percent of the school's designation as an elementary school or a secondary school based on the combined mathematics and reading scores from the annual assessment administered in the previous years; or

- It is located in a school district where the acute poverty percentage is equal to or greater than 30 percent and the school's enrollment is representative of the school district's acute poverty percentage.

A school seeking designation as a community engaged school would apply to the Department of Education. No later than September 30, 2020, the Secretary of Education would have to designate no less than 20 schools as community engaged schools. A designated school would be required to appoint a program manager, a coordinator for the school and develop and implement a community engagement plan approved by the Secretary. The plan would have to address the areas delineated in the legislation and be submitted no later than March 30, 2021. Within 30 days of receipt, the Secretary would have to approve the plan or notify the school district that revisions are needed. A plan that is denied could be revised and resubmitted. Among other components, a community engagement plan would have to address the areas of need and any academic or nonacademic barriers to achievement, a description of services and programs to be provided and goals and benchmarks to measure performance.

The Department could award grants to school districts for community engaged schools upon approval of the school's community engagement plan. The amount of the grant could not exceed \$125,000 for each community engaged school. A school district would have to match the grants with school district funds at least equal to the state allocation. To the extent funding is available and the school continues to be follow its plan, an annual award would be made in five consecutive years. No school district could receive an annual grant allocation that exceeds 10 percent of the funds available. Grant funds would have to be used exclusively for the purpose of supporting a community engaged school's plan and would be subject to audit by the Auditor General. The Secretary would be required to ensure that grant funding is geographically dispersed throughout the Commonwealth. No later than December 31, 2021, and each year thereafter, the Department would be required to submit an annual report on the information collected from the community engaged schools to the Governor and the chairs of the Senate and House Appropriations and Education Committees. [Passed: 50-0.](#)

[House Bill 1001](#) (Oberlander) would create the Keystone Mothers' Milk Bank Act to provide for the licensing of milk banks. Under the bill, any entity operating or seeking to operate a milk bank in the Commonwealth would be required to apply to and be licensed by the Department of Health. The Department would have to issue a license if an applicant submitted a completed application and is certified as a member in good standing of a professional association for the operation of milk banks or is otherwise determined to be in compliance with the requirements of the Act. The Department would be required to maintain a list of approved professional associations that are nationally recognized accrediting bodies and publish the list on its website. If the Department denies an application, it would have to provide a written explanation to the applicant who would be entitled to a hearing. The license fees would be \$1,000 for the initial license and \$250 for a renewal. A milk bank in operation prior to the effective date of the act could continue to operate pending a decision on its application. The Department would be authorized to inspect milk banks.

Each milk bank would have to develop and implement policies and procedures necessary to implement the Act, and to have a managing director, medical director and medical advisory

committee. A milk bank would also be required to have a board of directors or similar body that is ultimately responsible to ensure compliance and provide oversight over the managing director, medical director and medical advisory committee. A facility would be prohibited from distributing donor milk or a derived product without testing to address associated risks, and otherwise satisfying the provisions of the Act. Milk banks would have to be able to trace donated milk from donor to distribution and individual donor files would have to contain the donor's consent to participate in the program and any laboratory test results. Potential donors would have to be medically screened initially and periodically reassessed and provide consent for the milk bank to contact the health care providers of the donor and donor's baby regarding their health status.

It would be a third degree misdemeanor to operate a milk bank without a license or to sell or distribute milk in violation of the Act. The Department could exempt a milk bank from the requirement that donors provide donor milk voluntarily and for no remuneration if the milk bank satisfies the stated requirements in the Act and any additional standards required by the Department. A violation of this provision would constitute a third degree misdemeanor. The Department would be required to report to the chairs of the Senate Health and Human Services Committee and the House Health Committee every two years on milk banks in the Commonwealth. **Passed: 50-0.**

House Bill 1100 (Kaufer) would amend the Tax Reform Code of 1971 to add Article XVII-L creating the Energy and Fertilizer Manufacturing Tax Credit. The tax credit would be equal to \$0.47 per unit of natural gas purchased and used in the manufacturing of petrochemicals or fertilizers in the state by a qualified taxpayer as defined in the legislation. A qualified taxpayer could apply to the Department of Revenue for the tax credit by March 1 for the natural gas purchased during the prior year. The Department could require information necessary to document the amount of gas purchased and used. Applications would have to be reviewed and approved or disapproved by March 20.

A qualified taxpayer would have to use a tax credit against the qualified tax liability incurred in the taxable year for which the tax credit was approved. Further, the tax credit could only be applied against up to 20 percent of the qualified taxpayer's tax liabilities and after all other statutory tax credits and deductions available to the taxpayer have been used. Credits could not be carried back, carried forward or used to obtain a refund. Qualified taxpayers that are pass-through entities could transfer all or a portion of the tax credits to shareholders, members or partners of the entity. In addition, upon application to and approval by the Department of Community and Economic Development, a qualified taxpayer could sell or assign a tax credit under the provisions outlined in the legislation.

By October 1, 2021, and each October 1 thereafter, the Department would have to report to the chairs of the Senate and House Appropriations and Finance Committees on the tax credit. On May 1, 2030, the Department of Community and Economic Development would be required to submit a reconciliation report on the effectiveness of the tax credit to the General Assembly. The reports required under the legislation would be public records and would have to be made available on the website of either the Department of Revenue or Department of Community and Economic Development. The article would expire December 31, 2050. **Passed: 39-11.**

Wednesday, February 5, 2020

[Senate Bill 309](#) (Mensch) would create the First-Time Home Buyer Savings Account Act. Under the provisions of the legislation, beginning six months after the effective date, an individual could open a first-time home buyer savings account with a financial institution for eligible costs associated with first-time purchase of a home. Eligible costs would include the down payment and allowable closing costs for the purchase of a single-family residence in the Commonwealth. The account holder could not use funds held in the account to pay the expenses for administering the account, except that a service fee could be deducted from the account by the financial institution. The amount contributed by an account holder during each tax year could not exceed \$5,000 for an account holder who files an individual personal income tax return or \$10,000 for joint account holders who file a joint personal income tax return.

The contributions would be deductible, up to the contribution limits, from the taxable income of the account holder under the personal income tax during the tax year the contribution is made. Earnings on an account could also be excluded from taxable income. An account holder could claim a deduction and exclusion for a period of no more than ten years for an aggregate amount of principal and earnings not to exceed \$50,000 within 10 years. An individual other than the account holder could contribute to the account but the maximum amount for all contributions to an account would be \$150,000. An individual other than the account holder who contributes to an account could not claim any deduction or exclusion. Any funds remaining in the account after the ten-year period would be included in the account holder's taxable income. Any funds withdrawn and not used for eligible costs would be included in the account holder's taxable income and subject to a penalty equal to ten percent of the amount withdrawn. The Department of Revenue could promulgate regulations to administer and enforce the act. **Passed: 48-0.**

[Senate Bill 640](#) (Boscola) would create the Physical Therapy Licensure Compact Act to grant the Governor the authority to enter into a physical therapy compact with other states to facilitate the interstate practice of physical therapy. The compact regulates the practice of a physical therapist or physical therapy assistant working in another compact member state under the other state's laws and rules. The compact would be effective when the Governor executes the compact on behalf of the Commonwealth and files a verified copy with the Secretary 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 Physical Therapy Compact Commission is the national administrative body whose membership consists of all states that have enacted the compact and are responsible for the oversight of the compact. The commission is responsible for establishing bylaws, maintaining financial records, promulgating uniform rules to implement and administer the compact, and bringing and prosecuting legal proceedings. **Passed: 48-0.**

[Senate Resolution 291](#) (Mastriano) commemorates Pennsylvania's contribution to Operation Desert Shield and Operation Desert Storm. **Adopted by Voice Vote.**

[Senate Resolution 300](#) (Vogel) designates the week of February 22 through 29, 2020 as “FFA Week” in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 301](#) (Martin) recognizes February 15, 2020 as “International Childhood Cancer Day” in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 302](#) (Tartaglione) designates the month of March 2020 as “Disabilities Awareness Month” in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 303](#) (Baker) observes March 1, 2020 as “St. David’s Day” in Pennsylvania and honors the many Pennsylvanians of Welsh heritage. **Adopted by Voice Vote.**

[Senate Resolution 304](#) (Baker) designates the week of February 9 through 15, 2020 as “Cardiac Rehabilitation Week” in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 305](#) (Collett) designates February 7 through 14, 2020 as “Congenital Heart Defect Awareness Week” and February 14, 2020 as “Emersyn’s Day” in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 306](#) (Collett) designates February 21, 2020 as “Keith Valley Challenge Day” in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 308](#) (Scavello) recognizes the week of February 2 through 8, 2020 as “National Future Business Leaders of America-Phi Beta Lambda Week” in Pennsylvania. **Adopted by Voice Vote.**

[House Bill 1578](#) (Helm) would amend Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes to update various sections of the Uniform Condominium Act, the Real Estate Cooperative Act and the Uniform Planned Community Act. The legislation would make the following changes to all three laws:

- Require a community declaration to include a description of all fees or charges unit owners would be required to pay for use of common elements, limited common elements or any other facilities within the community;
- Clarify the term "independent" with respect to legal counsel required to provide an opinion to effect corrective amendments to the community declaration;
- Provide a procedure for facilitating corrective amendments to community bylaws and/or codes of regulations similar to the procedure for effecting corrective amendments to community declarations already provided under the statutes; and
- Clarify the requirements for inclusion in a public offering statement all fees or charges unit owners would be required to pay for use of common elements, limited common elements or any other community facilities. **Passed: 48-0.**