

# WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – DAVID G. ARGALL, CHAIRMAN

## Monday, May 11, 2020

[Senate Bill 959](#) (Bartolotta) would amend the Human Services Code to provide for an additional payment of \$130 per eligible Medicaid ventilator or tracheostomy day for qualified medical assistance nonpublic and county nursing facilities that meet the qualifying criteria. Payments would begin on or after fiscal year 2019-2020 and would be made on a quarterly basis as outlined in the legislation. The Department of Human Services would be required to ensure payment distribution is made to all qualifying nursing facilities in the fee-for-service program and managed long-term care services and supports program. An additional provision would require the Department to publish the information contained in the Supplemental Ventilator Care and Tracheostomy Care Payment file currently published on the Department's website, on a quarterly basis. [Passed: 49-0.](#)

## Tuesday, May 12, 2020

[Senate Bill 976](#) (Regan) would amend Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes to add veterans courts to the list of problem-solving courts that may be established by a court of common pleas and by the Municipal Court of Philadelphia. The legislation would:

- Provide that if a court of common pleas or the Municipal Court of Philadelphia has established a veterans court, the court could allow participation by veterans from other counties;
- Provide for the establishment of multicounty veterans courts;
- Allow for a court of common pleas or the Municipal Court of Philadelphia to establish a veterans track in other problem-solving courts; and
- Allow for the establishment of local rules that are not inconsistent with either these provisions or any rules established by the Pennsylvania Supreme Court. [Passed: 49-0.](#)

[Senate Bill 1122](#) (Pittman) would amend Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes to establish the COVID-19 Crisis Fire and Emergency Medical Services Grant Program within the Pennsylvania Emergency Management Agency (PEMA) to provide grants to fire and emergency medical services (EMS) companies that provide services during the emergency declaration. PEMA would be required to provide grants to fire and EMS companies in the same manner and amount in which funds were provided under Sections 7813 and 7823 (relating to the Fire Company Grant Program and Emergency Medical Services Grant Program), respectively. Eligible companies that did not apply for or receive a fire and EMS grant in fiscal year 2019-20 would be required to submit an application for this funding.

The measure would appropriate \$31 million from the federal Coronavirus Aid, Relief and Economic Security Act (CARES Act) for the grants. Of the money appropriated, \$26.4 million would be made eligible for grants to fire companies, and \$4.6 million would be made eligible for grants to EMS companies. PEMA could use up to \$200,000 in unencumbered funds for administration of the program. The grant program would expire six months after the effective date of the legislation. An additional change would allow volunteer firefighters' association relief funds to be used for the costs of cleaning and sanitizing equipment or property, or other expenses incurred to prevent the spread of communicable illnesses.

Senate Bill 1122 would also make the following appropriations from funds provided by the CARES Act:

- \$449 million for Medical Assistance – Long-Term Care;
- \$8 million for Medical Assistance - Long-Term Care – Managed Care; and
- \$50 million for Community HealthChoices. **Passed: 49-0.**

**Senate Bill 1128** (Baker) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to add Section 1533.1 (relating to declaration of judicial emergencies) to prohibit the Department of Transportation, during a declared judicial emergency, from suspending a driver's license for a violation of Section 1533 (relating to suspension of operating privilege for failure to respond to citation) or withholding the renewal of a driver's license under Section 1503 (a) (relating to persons ineligible for licensing; license issuance to minors; junior driver's license) if the time period for taking the action or making the payment required under Section 1533(a) or (b) expires during the declared judicial emergency. Under the changes, an individual would have 30 days to take the action or make the payment required under Section 1533 (a) or (b) after any of the following, whichever occurs first:

- The expiration of the declared judicial emergency;
- The judicial district establishes a method by which the action or payment could be commenced by rule of court or other judicial order during the declared judicial emergency; or
- The effective date of the judicial emergency if the judicial district has established a method by which the action or payment could be commenced by rule of court or other judicial order prior to the effective date.

If the person takes the action or makes the payment within the 30-day period, the individual would be deemed in compliance with Section 1533 (a) or (b). The provisions would apply to any judicial district for which a judicial emergency is declared. If a statewide judicial emergency is declared, the section would apply to all judicial districts. The changes would be retroactive to March 18, 2020. **Passed: 49-0.**

[House Bill 1076](#) (Hennessey) would amend the Taxpayer Relief Act by making changes to the Property Tax and Rent Rebate Program and creating the Senior Tax Reduction Incentive Volunteer Exchange Program. The provisions related to the Property Tax and Rent Rebate Program would:

- Add a subsection to permit claims for property tax or rent rebates for calendar year 2019 to be filed with the Department of Revenue on or before December 31, 2020;
- Require the Secretary of Revenue to expedite a claim satisfying the eligibility requirements for calendar year 2019 which had a calendar year 2018 claim approved for reimbursement; and
- Clarify that, if funds are available, a reimbursement claim for calendar year 2019 could be made from the State Lottery Fund immediately.

The legislation would also establish the Senior Tax Reduction Incentive Volunteer Exchange Program authorizing all public school districts to establish a program to allow individuals sixty years of age or older to volunteer in the school district and receive a real property tax credit in exchange for volunteer service. These provisions would:

- Require participating school districts to adopt specific guidelines for the program, including the acceptance of participants, which must include a criminal background check for each individual seeking to participate;
- Direct school districts to establish the rate of real property tax credits for a senior volunteer that could not exceed the total amount of real property taxes that are owed;
- Require each volunteer service hour to be compensated with a real property tax credit, the value of which could be no less than the minimum wage established by the Minimum Wage Act;
- Stipulate that the types of services that participants provide must enhance the academic program of the school district and provide a direct public benefit to the academic program of the school;
- Prohibit discrimination based on protected classes identified in the Human Relations Act;
- Exclude property tax credits received by a participant from the Personal Income Tax;
- Establish that a program could not replace or supplant existing job positions in a school district; and
- Authorize school districts to seek private and public funding sources to support a program. [Passed: 49-0.](#)

## **Wednesday, May 13, 2020**

[Senate Bill 327](#) (Argall) would amend the Administrative Code of 1929 to direct the Department of General Services (DGS) to conduct an annual survey of state facility usage and to enact provisions related to the COVID-19 pandemic emergency. 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.

The COVID-19 emergency provisions would add:

### *COVID-19 Emergency Regulatory Suspensions and Waivers Reporting Requirements*

- Article XXI-C to direct the Office of the Governor to notify the legislative leaders of the suspension or waiver of laws and regulations as outlined in the legislation. The initial notification would have to be made within two days of the effective date of the article to include notifications of all suspensions, modifications and waivers which occurred prior to the effective date. Subsequent notifications would have to be made within one day of the suspension, modification or waiver.

### *COVID-19 Debt Cost Reduction Review*

- Article XXI-D to direct the Treasury Department, in conjunction with the Secretary of the Budget, the Auditor General and any chairperson of an authority, commission, agency or board that has the power to issue debt, to identify and review all outstanding debt obligations of the Commonwealth and its authorities, commissions, agencies, and boards and to submit a report of the findings to the General Assembly no later than September 30, 2020. The report would also have to identify any options for the refinancing of the outstanding debt to reduce the costs to the Commonwealth and its authorities.

### *COVID-19 Cost and Recovery Task Force*

- Article XXI-E to establish the COVID-19 Cost and Recovery Task Force composed of the individuals delineated in the legislation to monitor and track the response by the Commonwealth to the COVID-19 public health emergency during the time that the Governor's declaration of disaster issued on March 6, 2020, remains active, including all actions taken under the authority of the declaration. Executive advisors and advisory committees would also be authorized to assist and advise the task force. The Office of the Governor, the Senate, the House of Representatives and the Administrative Office of the Pennsylvania Courts would be required to provide administrative services to the task force or advisory committee. The article would expire six months after the declaration is terminated. The task force would be directed to:

- Monitor and track the response by the Commonwealth to the COVID-19 public health emergency during the time that the order remains active, including all actions taken under the authority of the order;
- Identify immediate and urgent issues relating to the COVID-19 public health emergency that require executive, legislative or judicial action and to make recommendations to the proper body in a timely fashion;
- Develop a recovery plan that describes how the Commonwealth can quickly resume mission-critical functions, including the restoration of housing, transportation, education and other public services and economic activity to levels equal to or better than their pre-disaster state through a series of short-term, intermediate and long-term strategies and actions.; and
- Make a final report no later than six months after the order is terminated documenting all actions taken by executive agencies, enactments by the legislature, judicial orders, and local government actions made in response to the COVID-19 public health emergency.

#### *Emergency Regulatory Tolling*

- Article XXVIII-G to provide that the time period applicable under the Regulatory Review Act to a proposed regulation, a final-form regulation or a final-omitted regulation as of the effective date of the section would be tolled until 90 days after the declaration of an emergency is terminated by executive order, proclamation or operation of law. A Commonwealth agency could petition the appropriate standing committees of the Senate and House of Representatives for a waiver of the tolling. A waiver would have to be granted by a majority vote of each standing committee. In addition, the following would apply:
  - A proposed regulation could not be submitted as a final-form regulation;
  - A final-form regulation could not be promulgated as a regulation; and
  - A final-omitted regulation could not be promulgated as a regulation.

#### *COVID-19 County Emergency Mitigation Plan for Businesses*

The measure would also add Article XXVIII-H to authorize the governing body of a county, in consultation with its county emergency management agency, county health department, county health officer, or any other appropriate health or emergency management official, to develop and implement a countywide plan to mitigate the spread of COVID-19 for businesses. The county plan would have to be published on the county's website. Advance notice of a modification to expand or restrict the industries authorized to operate in that county,

or rescind the countywide plan entirely, would have to be published on the county's website two days prior to implementation.

All businesses identified as "essential critical infrastructure" in an Advisory Memorandum on Identification of Essential Critical Infrastructure Workers during COVID-19 Response, as published by the United States Cybersecurity and Infrastructure Security Agency (CISA), and which operate using recommended guidance for mitigating exposure to COVID-19 from the Centers for Disease Control and Prevention (CDC) would be permitted to operate within the county. Businesses not included in a CISA Memorandum as "essential critical infrastructure" would be permitted to operate within a county if the business complies with recommended guidance for mitigating exposure to COVID-19 from the CDC and has not been designated in the countywide mitigation plan as a disallowed industry. Any business authorized to operate by the Governor would also be permitted to operate under the countywide plan.

The article would supersede the Governor's and Secretary of Health's orders from March 19, 2020, and the Secretary's April 1, 2020 order, as amended, by authorizing any business that complies with the county mitigation plan to operate within the county. Nothing in the section would require a county to rescind a local declaration of emergency relating to COVID-19, or revoke, rescind or overrule the proclamation of disaster of emergency issued by the Governor on March 6, 2020. [Concurrence in House Amendments to Senate Amendments, as Amended: 28-20.](#)

[House Bill 327](#) (Warren) would amend the Liquor Code to allow sales of prepared beverages and mixed drinks for off-premise consumption during the COVID-19 disaster emergency. Under these provisions, a person holding a restaurant or hotel liquor license that has lost more than 25 percent of their average monthly sales as a result of restrictions imposed during the COVID-19 disaster emergency would be permitted to sell prepared beverages and mixed drinks for off-premises consumption where meals prepared for pick-up or curbside pick-up are also available. Sales of these beverages would be prohibited after 11:00 p.m. Licensees prohibited from selling prepared beverages and mixed drinks for off-premise consumption include: licensees subject to a pending objection from the Liquor Control Board and licensees whose license has been suspended under the license compliance program.

Within 60 days of the effective date of the legislation, a licensee selling prepared beverages and mixed drinks for off-premise consumption would have to begin utilizing a transaction scan device to verify the age of individuals that appear to be under 35 years of age before making a sale. The licensee would also be required to prominently post a warning sign alerting customers that prepared beverages and mixed drinks are considered open containers and may only be transported by the driver in the vehicle's trunk or in some other area that is not occupied by the driver or passengers.

Licensees would be permitted to sell liquor to another licensee qualified to sell prepared beverages and mixed drinks during the COVID-19 disaster emergency and would require the licensee selling the liquor to notify the LCB of the name of the purchasing licensee and identify the products sold. Sales authorized under the legislation could continue for the period after the disaster emergency when the licensee is operating at less than 60 percent capacity. The

legislation also restates language contained in the Local Option section that was included in Act 48 of 2019. A “prepared beverage and mixed drink” would be defined as a sealed container of no less than 4 fluid ounces and no greater than 64 ounces in a single transaction that holds spirits and mixers that are combined on a licensed premises. [Passed: 48-0.](#)

[House Bill 1522](#) (Ecker) would amend the Child Labor Law to permit a minor who is 16 years of age or older to participate in firefighting activities without completing a course of training prescribed by the Department of Conservation and Natural Resources as long as both of the following requirements are met:

- The minor has successfully completed training prescribed by the State Fire Commissioner; and
- The minor is under direct supervision and control of the fire chief, an experienced line officer or a designated forest fire warden. [Passed: 48-0.](#)

[House Bill 2388](#) (Mihalek) would amend the Administrative Code of 1929 to provide for the issuance of a waiver for various business activities under the Governor’s Business Closure Order related to the COVID-19 Emergency.

The measure would require the Secretary of Community and Economic Development to immediately issue a waiver to the Governor’s COVID-19 Business Closure Order for all of the following:

- Vehicle Dealers and other vehicle-related businesses;
- Lawn and Garden Equipment and Supplies Stores;
- Cosmetology Salons and Barber Shops;
- Messenger and Agent Services;
- Animal Grooming Services; and
- Manufacturing Operations.

All businesses would have to comply with social distancing practices and other mitigation measures defined by the Centers of Disease Control and the order of the Secretary of Health directing public health safety measures. The bill outlines additional mitigation measures for cosmetology salons and barber shops. [Passed: 31-17.](#)

[House Bill 2412](#) (Polinchock) would amend the Administrative Code of 1929 to provide for the issuance of a waiver for various business activities under the Governor’s Business Closure Order related to the COVID-19 Emergency. The measure would require the Secretary of Community and Economic Development to immediately issue a waiver to the Governor’s COVID-19 Business Closure Order for all providers of legal services and residential and commercial real

estate services, including settlement services. All businesses issued a waiver would have to comply with social distancing practices and other mitigation measures defined by the Centers of Disease Control and the order of the Secretary of Health directing public health safety measures.

Until the Governor's March 6, 2020 proclamation of disaster emergency, and any renewal of the state of disaster emergency, is terminated or expires, the following would apply:

- A municipality or municipal authority that requires a use and occupancy certificate, or any other similar certificate or certification as a condition of a property transfer, would be presumed to have issued a full and unconditional permit without requiring an inspection of the property. If a certificate is presumed to be issued, the municipality or municipal authority would be enjoined from conducting a property transfer inspection after the proclamation has terminated or expired; and
- Taxing authorities and public utilities would have to provide alternative means for residential home buyers or title insurers to ascertain the current status of tax payments or overdue utility obligations. [Passed: 33-15.](#)

#### *Executive Session*

Nominations to Boards and Commission. [Confirmed: 48-0.](#)

(2020-060)