

WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – DAVID G. ARGALL, CHAIRMAN

Tuesday, April 28, 2020

[Senate Bill 413](#) (Martin) proposes two distinct and separate amendments to the Pennsylvania Constitution. The first proposed change would amend Article XI, Section 15 to remove the requirement of a separate ballot or column on voting machines for the retention of justices, judges and justices of the peace. The second would amend Article VII, Section 14 to clarify that no election law under the subsection could require an elector to physically appear at a designated polling place on the day of the election. Constitutional amendments must pass two legislative sessions and be approved by the electorate. [Concurrence in House Amendments: 49-1.](#)

[Senate Bill 1030](#) (Yaw) would amend the Pennsylvania Sewage Facilities Act to allow for the use of alternate sewage systems for planning purposes throughout the state. The measure would change the requirements for satisfying site suitability from permissible by a sewage enforcement officer to one that meets the site conditions at the new land development. The legislation would also remove the authority for the Department of Environmental Protection to establish an evaluation standard for alternative sewage systems and to remove an alternative system's classification by a rulemaking. [Passed: 50-0.](#)

[Senate Bill 1097](#) (Mastriano) would amend Title 42 (Judiciary and Judicial Procedure) and Title 57 (Notaries Public) of the Pennsylvania Consolidated Statutes to permit the remote electronic notarization of documents. The legislation would allow for remote notarization if the notary public has personal knowledge of the identity of the individual, satisfactory evidence of the identity of the remotely located individual and the ability to reasonably identify the individual by at least two different types of identity processes or services. Remote notarization of records could also be performed for individuals located outside the United States.

The legislation would require the notary public, or someone acting on behalf of the notary public, to create an audio-visual recording of the performance of the notarial act. Audio-visual recordings would have to be retained for at least 10 years after the recording is created or otherwise required by regulation. The Department of State would be required to promulgate regulations regarding, but not limited to, communication technology, identity proofing and retention periods for recordings. The measure would also allow a recorder of deeds to accept for recording a tangible copy of a remote notarization if the notarial office certifies that the tangible copy is a true and correct copy of the electronic record. [Passed: 50-0.](#)

Wednesday, April 29, 2020

[Senate Bill 368](#) (Boscola) would amend Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statute to require the Department of Human Services to compile and publish notification data received from health care providers on infants that are born affected by substance abuse or withdrawal symptoms resulting from prenatal drug or alcohol exposure.

Under the provisions of the bill, the Department would be required to:

- Compile and publish on its Internet website on a quarterly basis the notification data submitted by health care providers regarding infants born affected by substance abuse or withdrawal symptoms so that it is segregated and searchable by county; and
- Submit an annual report to the General Assembly which could include statistical analysis to best represent frequencies and trends across the Commonwealth.

Child identifying information would have to remain confidential and would not be subject to disclosure under the Right-to-Know Law. [Passed: 50-0.](#)

[Senate Bill 863](#) (Scavello) would amend Title 48 (Lodging and Housing) of the Pennsylvania Consolidated Statutes to add recreational campgrounds and campground owners to the Code's existing provisions for hotels and hotelkeepers. By including recreational campgrounds in Title 48, campground business owners would be provided with the same rights and protections provided to hotel owners. The bill would also add a section providing for the handling of abandoned guest property at recreational campgrounds. A guest would have 10 days from the end of their stay to claim the property, and another 10 days to collect it. If the property is not collected, the campground owner could keep it or dispose of it. The campground's abandoned property policy would have to be disclosed to all guests in signed waivers.

The measure would add definitions for "recreational campground" and "campground owner." "Campground owner" would be defined as the owner of a recreational campground, but would not include the Department of Conservation and Natural Resources. "Recreational campground" would be defined as a lodging establishment with five or more campsites that may offer amenities and site-specific services. Seasonal sites would be permitted and month-to-month agreements would not be required. Approved guests could leave a trailer on the site throughout the year but could not maintain a permanent residence. The definition would not include state park facilities. [Passed: 50-0.](#)

[Senate Bill 934](#) (Laughlin) would amend the Human Services Code to provide requirements for smoke detectors in all child care centers and family child care homes. The legislation would require all child care centers and family child care homes to have a fire detection device or system that is operable and properly maintained in compliance with the Fire and Panic Act, the Pennsylvania Construction Code, and applicable regulations.

Child care centers and family child care homes would be required to manually test all of the fire detection devices or systems at least once every 30 days and to maintain a record of the tests with the facility's fire drill logs. If a fire detection device or system cannot be tested every 30 days, the facility would be required to have the device or system tested, at least annually, by a fire safety professional and maintain written documentation of the test results with the fire drill logs. The proof and date of purchase of an interconnected fire detection device or system would also have to be kept with the facility's fire drill logs.

The Department of Human Services certification staff would be required to conduct an inspection of child care centers or family child care homes to ensure the facilities are in compliance with fire safety requirements with respect to smoke detectors under the Fire and Panic Act and the Pennsylvania Construction Code. Notice of any suspected failure to satisfy the safety requirements would have to be provided to the building code official charged by law or ordinance with the enforcement of safety requirements. **Passed: 50-0.**

Senate Bill 935 (Laughlin) would amend the Fire and Panic Act of 1927 to require that family child care homes have smoke detectors that are interconnected with hardwire, Bluetooth connectivity or any other means that allows communication between devices. The smoke detectors would be required to have a non-replaceable 10-year battery and be placed on each floor and in the basement. The bill would also require family child care homes to have a portable fire extinguisher rated for class B fires in the kitchen and other cooking areas and to meet the exiting requirements for a family child care home under 55 Pa. Code Ch. 3290 (relating to family child day care homes). **Passed: 50-0.**

Senate Bill 1110 (K. Ward) would amend the Disease Prevention and Control Law of 1956 to require the Department of Health to provide communicable disease information by municipality.

The legislation would add a definition of “individually identifiable health information” which is information in any form that relates to an individual’s physical health status, condition, treatment service, or provision of care and:

- Reveals the identity of the individual whose health care is the subject of the information; or,
- Serves as a reasonable basis to reveal the identity of the individual whose health care is the subject of the information.

During a proclamation of disaster emergency issued by the Governor that is based upon a communicable disease, any health care facility administrator or personal care home administrator who has knowledge that a patient or resident is suffering from a disease related to the emergency would be required to make a prompt report of the disease to the local board or department of health which serves the municipality in which the facility is located.

The Department of Health or local health authority would be permitted to:

- Provide reports and records when necessary to carry out the provisions of the act; and
- Release, within 24 hours of receiving information of a confirmed case of a communicable disease, individually identifiable health information related to the communicable disease to 911 centers, law enforcement officers, fire department personnel, coroners, and emergency medical services personnel, in each county of the Commonwealth.

The bill would require 911 centers, law enforcement officers, fire department personnel, coroners, and emergency services personnel to follow all applicable federal and state laws, regulations, and confidentiality standards. **Passed: 47-3.**

Senate Bill 1119 (Baker) would amend Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the declaration of judicial emergencies. The measure would add Section 5506 (regarding declaration of judicial emergencies), to establish, that in the event of a judicial emergency, if the time in which a civil or criminal action must commence expires prior to the expiration of the earlier of the additional 30-day periods specified under paragraph 2 below, the following would apply:

1. The time within which the action must be commenced would be tolled.
2. A person would be required to commence the action within 30 days after any of the following, whichever occurs first:
 - i. The expiration of the declared judicial emergency.
 - ii. The judicial district establishes a method by which the action may be commenced by rule of court or other judicial order during the judicial emergency.
 - iii. The effective date of the judicial emergency, if the judicial district has established a method by which the action may be commenced by rule of court or other judicial order prior to such effective date.
3. An action commenced during the additional 30-day periods specified under paragraph (2)(i), (ii) or (iii) would be deemed timely filed under Section 5503(a) (regarding commencement of matters).

The section would apply to any judicial district for which a judicial emergency is declared, or all judicial districts if a statewide judicial emergency is declared. **Passed: 50-0.**

Senate Bill 1120 (Baker) would amend Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes to further provide for payment of court costs, restitution and fines. The legislation would extend the time period individuals are allotted to respond to a citation, or pay the appropriate fines, costs or restitution in the event of a judicial emergency. A defendant would have an additional 60 days to pay court costs, restitution or fines otherwise due after the following, whichever occurs first: 1) the expiration of the emergency; 2) the judicial district establishes a method by which the payment may be commenced by rule of court or other judicial order; or 3) the effective date of the emergency if the judicial district has established a method of payment prior to such effective date. These provisions would apply to any judicial district for which a judicial emergency is declared or all judicial districts if a statewide judicial emergency is declared. **Passed: 50-0.**

House Bill 360 (Topper) would amend Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes by repealing provisions for the issuance of marriage licenses to individuals under 18 years of age, permitting persons to apply for a marriage application through remote

means under certain circumstances and extending the deadlines for certification and recertification requirements under the Child Protective Services Law.

The bill would establish that no marriage license could be issued if either applicant is under the age of 18. Individuals would be permitted to apply for a marriage license without in-person appearances if the register of wills is closed due to a state of disaster emergency declared by the Governor or a declaration of judicial emergency. In these circumstances, the applicants could forward affidavits which verify the information.

The bill would also allow a person, who is required to recertify a background check during the COVID-19 disaster, to postpone obtaining an FBI background check until no later than December 31, 2020. Anyone who delays recertification would have to obtain a subsequent recertification within 60 months from the date of their most recent recertification. This provision would be retroactive to March 6, 2020.

An additional change would permit employers to hire a person on a provisional basis who generally would be required to obtain an FBI check prior to working with children, if the individual meets certain requirements outlined in the bill. Individuals who work in child day-care centers, group day-care homes or family child-care homes would have to comply with the provisions of the Child Protective Services Law relating to provisional hires as required by the federal waiver. A person hired under provisional status without an FBI check would have to obtain the check within 60 days after the COVID-19 emergency or December 31, 2020, whichever is sooner. If the FBI check reveals a disqualifying crime, the person would have to be immediately dismissed from employment. [Passed: 50-0.](#)

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