

WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – DAVID G. ARGALL, CHAIRMAN

Monday, June 29, 2020

[Senate Bill 273](#) (J. Ward) would amend the Community Based Health Care Act to eliminate the cap on state funding under Section 111 for federally qualified health centers or federally qualified health care center look-alikes. [Passed: 50-0.](#)

[Senate Bill 352](#) (J. Ward) would create the Tax Exemption and Mixed-Use Incentive Program Act to authorize local taxing authorities to, by ordinance or resolution, exempt from real property taxation the assessed valuation of improvements and new construction to blighted properties within certain designated deteriorated areas. If a deteriorated area is zoned for mixed-use housing and development, improvements would have to incorporate mixed-use housing and development. The ordinance or resolution would have to specify a description of each deteriorated area, as well as the cost of improvements per unit to be exempted, and the schedule of taxes exempted.

Prior to the adoption of the ordinance or resolution, a taxing authority would be required to affix the boundaries of the deteriorated area. At least one public hearing would have to be held by the municipality to determine the boundaries of the deteriorated area. Two or more municipal corporations could join together to determine the boundaries of a deteriorated area, establish a uniform maximum cost per unit, and agree to adopt tax-exempt schedules. A local taxing authority could rescind an ordinance or resolution if it determines that the tax exemption has accomplished the goal of revitalizing the deteriorated area. Any property granted tax exemption within the boundaries of the deteriorated area prior to the ordinance or resolution being rescinded would continue to receive the tax exemption until it is terminated.

The tax abatement would be provided for over a 10-year period, with 100 percent of the tax assessment exempted in the first three years gradually reduced to 10 percent in the tenth and final year. A local taxing authority would be entitled to the return of its proportional share of taxes exempted if, within five years following completion of the new construction or improvements, there is a serious violation of a state law or a property maintenance code and the owner has taken no substantial steps to correct the violation within six months following notification of the violation.

The legislation outlines the process for interested parties to apply for the exemption and establishes eligibility requirements such as increasing the property value by at least 25 percent and correcting all code violations at the property. Certain properties would not be eligible for the program such as properties receiving other property tax abatement/exemption incentives for new construction or improvement or tax relief through a state program. The amount of assessment eligible for exemption would be offset by the amount of any property tax rebate received under the Taxpayer Relief Act. [Concurrence in House Amendments: 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. For purposes of the subsection, the term “child care center” would include for-profit and nonprofit child care centers.

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. [Concurrence in House Amendments: 50-0.](#)

[Senate Bill 1193](#) (Browne) would amend the Sheriff and Deputy Sheriff Education and Training Act to provide for increases in the surcharges imposed on each fee collected by the sheriff of every county for service required for any complaint, summons, writ or other legal paper required to be served or posted by the sheriff. The legislation would also increase the surcharges in counties of the first and second class collected by the prothonotary for each defendant named in a document filed to commence a civil action. The surcharges collected are used to fund the Sheriff and Deputy Sheriff Education and Training Program. [Passed: 50-0.](#)

Tuesday, June 30, 2020

[Senate Bill 987](#) (Hutchinson) would amend Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes to restructure and enhance the Office of the State Fire Commissioner.

The bill would authorize the State Fire Commissioner to do the following:

- Serve as the primary representative for fire services in the Commonwealth and work with federal agencies to ensure coordination at the state and local levels;
- Chair the State Fire Advisory Board;
- Develop curriculum and provide and assist in the coordination of fire, rescue and emergency services training, including online training and issue certifications;

- Administer the State Fire Academy;
- Collect data, provide analysis and periodic reports and serve as a focal point for information relative to fires, property damage, injuries to the public and firefighters and the loss of life;
- Conduct after-action reports on significant incidents that involve firefighter deaths and significant injuries;
- Administer grant and loan programs for fire, ambulance and rescue organizations in accordance with the title or as otherwise provided by law, including assistance for firefighter relief associations, the Volunteer Loan Assistance Program, fire and emergency medical services loan assistance, fire and emergency medical services grants and money received by the Office of State Fire Commissioner from the Unconventional Gas Well Fund;
- Assist with statewide recruitment and retention efforts;
- Hire regional technical advisors to assist fire companies with grant and loan assistance mergers, consolidation and regionalization and promote best practices for system improvements;
- Promote public education and community risk reduction efforts; and
- Administer a fire equipment distributor certification program as provided by law.

The State Fire Commissioner would be appointed by the Governor, subject to the consent of a majority of the Senate, and would have to be a former chief officer or administrative officer in a career, combination or volunteer fire company. The Commissioner would establish guidelines for the development, delivery and maintenance of a system of fire and emergency services training which could be lecture-based, hands-on or online. The training would be conducted at the Pennsylvania State Fire Academy, a county training center, a community college, a local fire station or other appropriate area. A listing of the available fire and emergency services training courses would have to be posted on the office's publicly accessible Internet website.

The Fire Safety Advisory Committee would be renamed the State Fire Advisory Board with updated membership as outlined in the bill. The chairperson and minority chairperson of the Veterans Affairs and Emergency Preparedness Committee of the Senate and House of Representatives, or their designees, would be authorized to serve as nonvoting members of the Board. The Board would meet at least quarterly and would advise the Commissioner on matters pertaining to: 1) legislation; 2) innovative programming; 3) standards of cover for municipalities; 4) operation of the Pennsylvania Fire Academy; and 5) any other matters as the Commissioner may request or as directed by the General Assembly. **Passed: 34-16.**

[Senate Bill 1045](#) (Argall) would amend the Recorder of Deeds Fee Law to remove the 10-year sunset on the demolition fee. The law allows counties to impose a special deed and mortgage recording fee of up to \$15 to be used for the demolition of blighted property located in the county. **Passed: 49-1.**

[Senate Bill 1182](#) (Brooks) would amend the Pennsylvania Agricultural Fair Act to establish the COVID-19 Emergency Agricultural Fair Grant Program to assist county agricultural societies, independent agricultural societies or other organizations impacted by the COVID-19 disaster emergency. Under the program, an organization that conducts an annual agricultural fair and cancels its fair in 2020 due to the COVID-19 disaster would be eligible for a grant and eligible to apply for capital improvement grants. An organization that holds its annual agricultural fair in 2020 would not be eligible for the program but would remain eligible for all other related grants. The amount of a grant would be the same amount that an eligible organization received in 2019. **Passed: 50-0.**

[Senate Bill 1195](#) (Scavello) would amend the Insurance Company Law of 1921 to adopt the National Association of Insurance Commissioners (NAIC) Credit for Reinsurance Model Law, which modernizes “reinsurance” regulation in the United States. (Reinsurance refers to the portion of risk that a primary insurer passes on to a reinsurer. This allows a primary insurer to reduce its risk exposure to an insurance policy it has underwritten by passing that risk to another company.) Specifically, the legislation would allow Pennsylvania insurers who transfer or “cede” risk to reinsurers to take a “credit” on their financial statements for that reinsurance. The bill would provide that a domestic insurer could take a credit for reinsurance as either an asset or reduction from liability based on the reinsurance ceded if it meets the requirements under the section. The bill would also direct the Insurance Commissioner to allow credit for reinsurance ceded by a domestic insurer to an assuming insurer that is licensed in a reciprocal jurisdiction and meets the requirements of the law.

Reinsurers that assume the risk would have to meet certain criteria in order for a ceding insurer that is domiciled in the Commonwealth to be allowed to take credit. They would have to be licensed to transact reinsurance by, and have their principal office domiciled in, a reciprocal jurisdiction; maintain specified minimum capital and surplus, and also meet minimum solvency or capital ratios; and consent to submit to the jurisdiction of the Pennsylvania courts, and to designate the Commissioner as their agent for service of process. The Commissioner would be required to create and publish a list of reciprocal jurisdictions and assuming insurers that have met the requirements and conditions specified in the act on the Department’s website.

Senate Bill 1195 would also update the provisions related to the Life and Health Insurance Guaranty Association to bring it into compliance with the NAIC model act. (An insurance guaranty association protects policyholders and claimants in the case of an insurance company's impairment or insolvency.) The changes would specify that coverage is intended for insurance consumers, such as the original payees of structured settlement annuities, and would not extend to sophisticated investors who acquire rights to receive structured settlement annuity benefits. In order to avoid duplicate coverage, if a person, who would otherwise receive coverage under Pennsylvania law, is provided coverage under the laws of any other state, the person would not be provided coverage in Pennsylvania. The benefit level for which the

Guaranty Association could become liable would be updated as outlined in the bill. Among other provisions, the legislation would update member insurer requirements and the calculation of assessments for long-term care insurance insolvencies. [Passed: 50-0.](#)

[Senate Bill 1199](#) (Aument) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to provide for personal delivery devices. “Personal delivery device” would be defined as a device that is manufactured for transporting cargo and goods in a pedestrian area, or on the berm or shoulder of a highway; equipped with an automated driving system; not capable of exceeding 12 miles per hour in a pedestrian area; not capable of exceeding 25 miles per hour on the berm or shoulder of a highway; and, weighing less than 550 pounds.

A business entity or an agent of a business entity that exercises physical control over the navigation and operation of the personal delivery device (PPD) and is within 30 feet of the PPD would be authorized to operate a device. Beginning January 1, 2022, a business entity or an agent of a business entity that enables the operation of the PPD with remote support would be authorized to operate a device if the agent possesses a valid driver’s license from a licensing authority in the United States.

A business entity would be required to file an annual plan with the Department of Transportation for general operation of a PDD. The Department would review the plan with local authorities. If the plan is not rejected by the Department within 30 days, the business entity would be permitted to operate the PDD. The business entity or its agent, whichever is engaging the PDD, would be designated as the operator of the PDD for the purpose of assessing compliance with applicable traffic laws. An individual who requests a delivery or dispatches the PDD would not be considered the operator.

A PDD would be permitted to operate: 1) in a pedestrian area; 2) on the berm or shoulder of a highway under the jurisdiction of the Department with a posted speed limit 25 miles per hour or less; and 3) on local roadways under the jurisdiction of local authorities with a posted speed limit 25 miles per hour or less. Both the Secretary and local authorities would have the power to permit a PDD on a highway with a speed limit of 35 miles per hour or less and would be able to prohibit the use of a PDD on a highway where its operation would constitute a hazard. A PDD would not be permitted to operate on an interstate highway or freeway.

A PDD would be required to operate in a manner that complies with Chapter 35 (relating to special vehicles and pedestrians); yield the right-of-way to all traffic and pedestrians; comply with all municipal codes and ordinances; refrain from transporting hazardous materials; and, remain monitored or controlled. A PDD would be required to be equipped with clearly identifiable markers or labels approved by the Department, braking systems certified by a third party, and a lighting system. A business entity and its agent would be required to maintain an insurance policy including general liability of not less than \$100,000 for damages arising from the operation of a PDD. The definition of “pedestrian” would be amended to include both an individual afoot and an individual with a mobility-related disability on a self-propelled wheelchair or an electrical mobility device. [Passed: 31-19.](#)

[House Bill 256](#) (Metzgar) would amend Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes to clarify the grading of the offense of assault by prisoner and to also expand the applicability of the crime of institutional assault. Specifically, the bill would clarify that assaults by prisoners would include assaults on a detention facility or correctional facility employee. An assault would constitute a felony of the first degree if it is likely to produce serious bodily injury. The provisions relating to institutional sexual assault would be amended to add a person being supervised under probation or parole to the list of protected persons for the offenses of institutional sexual assault and institutional sexual assault of a minor. The legislation would make it a felony of the third degree if a peace officer engages in sexual intercourse, deviate sexual intercourse or indecent contact with another person who is under official detention, in the custody of the person or is a confidential informant of the person. Custody would be defined to include a traffic stop, a custodial interrogation or an interview conducted in connection with an investigation. The legislation expressly provides that consent would not be a defense to institutional sexual assault. Institutional sexual assault by a peace officer on another would constitute a Tier 1 sexual offense, while institutional sexual assault by a peace officer on a child would be a Tier 3 sexual offense. **[Passed: 50-0.](#)**

[House Bill 632](#) (Rothman) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to authorize the use of electronic power of attorney documents for transferring a vehicle's title to an insurance company. The bill would allow a licensed dealer to use a secure power of attorney to transfer a vehicle when the transferor has lost the title and the licensed dealer is applying for a duplicate title or the manufacturer certificate of origin for a new vehicle is in possession of the lienholder. It would also authorize the Department of Transportation to permit the use of a secure power of attorney signed electronically for the transfer of vehicles by licensed dealers. The bill would likewise permit an insurer to use a secure power of attorney to transfer a salvage vehicle when the certificate of title is encumbered with a lien or when the transferor has lost the title and the insurer is applying for a duplicate title. The power of attorney would not need to be notarized and could be signed electronically. The Department, at its discretion, could permit the use of a secure power of attorney as described in the bill for the transfer of other vehicles. An additional provision would extend a limited power of attorney specifically for manufactured homes beyond its 90-day limit if the 90th day occurs during a disaster declaration. **[Passed: 50-0.](#)**

[House Bill 943](#) (Gaydos) would create the Consumer Prescription Drug Pricing and Freedom Disclosure Act to permit a pharmacy or pharmacist to provide a covered individual with information regarding the cost of a prescription drug, including the individual's cost share. The measure would prohibit a pharmacy benefits manager or pharmacy services administration organization from penalizing a pharmacy, pharmacist or contracting agent of a pharmacy or pharmacist for disclosing the following to a covered individual:

- Costs related to a prescription drug, including an individual's cost share;
- Availability of therapeutically equivalent alternative medications; and
- Selling a more affordable alternative if an affordable alternative is available.

[Passed: 50-0.](#)

[House Bill 1841](#) (Readshaw) would amend Title 44 (Law and Justice) of the Pennsylvania Consolidated Statutes to add Chapter 73 regarding law enforcement background investigations and employment information. Under the new chapter, a law enforcement agency would be required to conduct a thorough background investigation on an applicant, including a review of the applicant's employment information and separation record, if applicable, before the individual could be employed. The investigation would have to determine, at a minimum, whether the applicant meets the standards established by the Municipal Police Officers' Education and Training Commission.

Upon request from a prospective employing law enforcement agency, a law enforcement agency would be required to disclose the employment information of an applicant. The request would have to be in writing, and signed by both the applicant and the chief of police or other authorized representative of the prospective employing law enforcement agency. If a law enforcement agency refuses to disclose employment information to a prospective employing law enforcement agency, the prospective agency could petition Commonwealth Court to issue an order requiring the disclosure of the requested information. A law enforcement agency would be immune from civil liability for employment information released to a prospective employing law enforcement agency, except in the case of fraud or malice. Should employment information be released in violation of the chapter, an applicant adversely affected by the release could seek declarative and injunctive relief and actual and punitive damages attributable to the violation. The court would be required to award reasonable expenses to the applicant adversely affected if the final determination of the court is in favor of the applicant.

An applicant would be required to inform a prospective employing law enforcement agency if his or her employment information is subject to a confidentiality agreement. If employment information is sealed or subject to a nondisclosure order by a court, the law enforcement agency would have to notify the prospective employing law enforcement agency of the existence of the nondisclosure order, along with the information identifying the court and case number.

A law enforcement agency would be required to maintain the separation records outlined in the legislation. A law enforcement officer could review a separation record by submitting a form developed by the Commission and made available on the law enforcement agency's publicly accessible website. If the officer disagrees with the accuracy of the record, the individual could submit, in writing, a request to correct or remove the portion of the record believed to be inaccurate. If the agency and officer are able to reach agreement on the contents of the record, the law enforcement agency would provide the written reasons for correction or removal of a portion of the record. If the agency and officer are unable to reach an agreement on the contents of the record, the law enforcement agency would provide written reasons for refusing to remove or correct that portion of the record. In addition, the officer could submit a written statement explaining the basis for disagreement to be kept with, and as part of, the separation records.

The Municipal Police Officers' Education and Training Commission would be directed to establish and maintain an electronic database containing separation records to be accessible to all

law enforcement agencies in the state. The Commission would have to log all requests, and could not disclose the name of any law enforcement officer subject to a request for separation records. A law enforcement agency would have to submit records to the Commission within 15 days of separation from an officer. A prospective law enforcement agency could not hire an applicant until it receives a copy of separation records, or certification that none exists, from the Commission. A prospective employing agency, that hires an applicant whose separation record includes certain specified disciplinary actions, would be required to file a report with the Commission explaining the reasoning and rationale for hiring the applicant. The Commission would be directed to promulgate temporary regulations within six months of the effective date of the section that would expire no later than two years following their publication in the *Pennsylvania Bulletin*. [Passed: 50-0.](#)

[House Bill 1860](#) (Longiotti) would amend the Urban Redevelopment Authority Act to allow municipalities of any size to create a redevelopment authority. [Passed: 49-1.](#)

[House Bill 1910](#) (Williams) would amend Title 42 (Judiciary and Judicial Procedure) and Title 44 (Law and Justice) and Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes to require magisterial district judges to receive additional training in child abuse and to update training and hiring practices for law enforcement officers. The legislation would amend the Judicial Code to require that magisterial district judges, as part of their annual continuing education program, receive one course in the identification and reporting of suspected child abuse and court proceedings involving children.

The measure would also add Chapter 72 to Title 44 to require mental health evaluations for law enforcement officers who are required to be trained under 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal police education and training). As a condition for continued employment, a law enforcement officer would be provided with a mental health evaluation for post-traumatic stress disorder (PTSD) by a licensed mental health professional in any of the following situations:

- Upon request of the law enforcement officer;
- Upon the recommendation of a supervising law enforcement officer; or
- Within 30 days of an incident involving use of lethal force during the course of law enforcement duties.

If a mental health professional determines that the law enforcement officer is exhibiting signs of PTSD, the officer would be provided with treatment until a licensed physician determines in writing that the officer is able to resume full duties. A law enforcement officer would have to be assigned to administrative duty under the following conditions:

- The officer fails to undergo a mental health evaluation for PTSD when required; or

- The officer experiences symptoms of PTSD as determined by a mental health professional and a licensed physician has not determined that the officer is able to resume full duties.

The Municipal Police Officers' Education and Training Commission would be required to promulgate temporary regulations within six months of the effective date of the section that would expire no later than two years following the publication of the temporary regulations in the *Pennsylvania Bulletin*. The Commission would be required to establish procedures by regulation to guarantee the following:

- Confidentiality of requests for recommendations for mental health evaluations;
- Confidentiality of mental health records; and
- Any other procedure deemed necessary by the Commission for the implementation of the chapter.

Title 53 would be updated to:

- Provide police officers with instruction on interacting with individuals of diverse racial, ethnic, and economic backgrounds;
- Clarify that, in order for an officer to maintain certification, the Commission would have to require all police officers to attend a minimum number of hours of in-service training;
- Require in-service training for police officers to include annual instruction on the use of force, including deadly force, de-escalation and harm reduction techniques; and biennial instruction in community and cultural awareness, implicit bias, procedural justice and reconciliation techniques as developed by the Commission;
- Mandate training for officers with respect to recognizing child abuse, the provisions regarding reporting suspected child abuse, and the efficacy of conducting forensic interviewing of child abuse victims within the setting of a children's advocacy center; and
- Require training for officers in trauma informed care with respect to recognizing and interacting with individuals with PTSD, including intervening with or on behalf of other officers exhibiting PTSD. **Passed: 50-0.**

[House Bill 2045](#) (Dowling) would authorize the Department of Conservation and Natural Resources (DCNR) to convey a 2.65 acre tract of land in Ohiopyle Borough, Fayette County, free of restrictions imposed by the Project 70 Land Acquisition and Borrowing Act, to Ohiopyle Borough. In return, Ohiopyle Borough would exchange a separate tract of 2.65 acres to the state that would be added to Ohiopyle State Park. The exchange would allow additional water access for DCNR and the Ohiopyle State Park. It will also provide Ohiopyle Borough with a future

revenue stream by providing developable property and give the Borough additional room to potentially update an adjacent sewage treatment plant, if necessary. [Passed: 50-0.](#)

[House Bill 2455](#) (Lawrence) would amend the Administrative Code of 1929 to require reporting on COVID-19 testing and to clarify provisions relating to an agreement between Pittsburgh and the Pittsburgh Sewer and Water Authority.

The legislation would require the Governor to submit the plan for COVID-19 testing, including any amendments to the plan, which was submitted to the U.S. Secretary of Health and Human Services pursuant to the Paycheck Protection Program and Health Care Enhancement Act to the legislative leaders and the legislative committee chairs listed in the bill. Beginning 14 days after the effective date of the legislation, and every 14 days thereafter, the Pennsylvania Department of Health would be required to submit a report regarding its testing of COVID-19 to the legislative leaders and the chairs of the Senate and House Appropriations Committees. The report would have to provide the information delineated in the legislation including the number of tests performed and the results, as well as demographic test result data. A health care provider ordering COVID-19 testing would be required to report a patient's self-reported demographic data. These provisions would expire December 31, 2021.

The measure would also clarify certain provisions related to the cooperation agreement entered into between Pittsburgh and the Pittsburgh Sewer and Water Authority on October 3, 2019. Among other changes, the legislation would establish that the cooperation agreement would have the force and effect of law until January 1, 2025, or an earlier termination to which the city and authority mutually agree. [Passed: 50-0.](#)

Executive Session

Diane M. Baldi – State Board of Examiners of Nursing Home Administrators. [Confirmed: 50-0.](#)

Mark J. Moore, Judge, Court of Common Pleas, Philadelphia County. [Confirmed: 49-1.](#)

George R. Twardy, Jr., Judge, Court of Common Pleas, Philadelphia County. [Confirmed: 49-1.](#)

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