

# WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – DAVID G. ARGALL, CHAIRMAN

## Monday, September 21, 2020

[Senate Bill 764](#) (Brooks) would amend the Telemarketer Registration Act to prohibit telemarketing and the making of a robocall between the hours of 8 p.m. and 8 a.m. The measure would also prohibit a person or entity from engaging, directly or indirectly, in caller ID spoofing from or to any person or entity in the Commonwealth with the intent to defraud, to cause harm to or wrongfully obtain anything of value from another. This prohibition would not apply to:

- The blocking of caller identification information;
- A federal, state or local law enforcement agency;
- A federal intelligence or security agency;
- A court order that specifically authorizes the use of caller ID manipulation; or
- A communications service provider, including telecommunications or Interconnected Voice over Internet Protocol service providers, as outlined in the legislation.

The bill would define “caller ID spoofing” as knowingly causing, directly or indirectly, any caller identification service to transmit inaccurate or misleading caller identification information to a person or entity receiving a call. [Passed: 48-0.](#)

[Senate Bill 881](#) (Martin) would amend the Agricultural Area Security Law to direct a portion of the annual allocation from the Agricultural Conservation Easement Purchase Fund for the purchase of agricultural conservation easements to land trusts. The legislation would require the State Land Preservation Board to annually allocate \$2,500,000 from the fund for the purpose of reimbursing land trusts for the purchase of easements and \$500,000 for the purpose of reimbursing land trusts for transaction expenses related to purchasing easements. The allocation made for the purpose of reimbursing land trusts could not exceed 10 percent of the annual allocation made to counties for easements. Up to 10 percent of the funds allocated for the purpose of reimbursing land trusts for transaction expenses could be used for administrative expenses incurred by the Department of Agriculture.

Reimbursement for the purchase of an easement through the land trust program could not exceed \$2,500 per acre or 50 percent of the appraised per-acre value, whichever is less. In addition, an easement would have to: (1) contain at least 10 acres; (2) contain at least 50 percent harvested cropland, pasture or grazing land; and (3) meet the minimum application criteria for easements as contained in regulations. A land trust would have to provide matching funds equal to the amount of the reimbursement for the purchase of an easement. Up to 50 percent of the donated value of the easement could be used to satisfy the matching requirement. The legislation would prohibit reimbursement to a land trust for the expense of purchasing an easement jointly

with a county and would limit reimbursement for transaction-related expenses to \$10,000 per easement. Further, if a land trust ceases to exist, an easement purchased by it which was reimbursed for purchase costs would have to be transferred to either the county where the easement was recorded or the State Board. [Passed: 47-1.](#)

[Senate Bill 1190](#) (Hutchinson) would authorize the Department of General Services (DGS), with the approval of the Department of Human Services, to convey 3.16 acres of land and improvements located on the grounds of the Warren State Hospital in Conewango Township, Warren County to Bollinger Enterprises, Inc., under an agreement of sale dated August 7, 2020. The conveyance could not be made until Bollinger Enterprises, Inc., has provided DGS with a final, unappealable subdivision plan approved in accordance with applicable law. No portion of the property conveyed could be used as a licensed gaming facility or it would revert to the Commonwealth. Costs and fees incidental to the conveyance would be borne by the grantee. In the event the conveyance is not executed in accordance with the agreement of sale, the property could be disposed of in accordance with Section 2405-A of the Administrative Code of 1929. [Passed: 48-0.](#)

[Senate Bill 1280](#) (Bartolotta) would authorize the Department of General Services, with the approval of the Department of Transportation, to convey approximately 5.186 acres of land and improvements located partially in the 6th Ward of the City of Washington and partially in South Strabane Township, Washington County, to the Washington Health System for \$1,150,000, subject to other terms and conditions as are to be set forth in an agreement of sale. Costs and fees incidental to the conveyance would be borne by the grantee. The proceeds from the sale would be deposited in the General Fund. If the conveyance is not completed within one year of the effective date of the legislation, the authorization for the transfer would expire and the property could be disposed of in accordance with Section 2405-A of the Administrative Code of 1929. [Passed: 48-0.](#)

[House Bill 2487](#) (Ryan) would amend the Public Official Compensation Law to suspend the annual cost of living adjustment (COLA) for judges, elected officers of the Commonwealth, heads of departments and members of boards and commissions beginning January 1, 2021, through December 31, 2021. The annual COLA for members of the General Assembly would be suspended beginning December 1, 2020 through November 30, 2021. Notice of the suspension would have to be published in the Pennsylvania Bulletin prior to December 1, 2020. The provisions related to the suspension of the COLA for judicial salaries would be severable. [Passed: 48-0.](#)

## **Tuesday, September 22, 2020**

[Senate Bill 85](#) (Phillips-Hill) would amend the Dog Law to provide for additional dog license fee exemptions, and to provide for the transfer of dog licenses or tags. The legislation would expand the license fee exemption to include service dogs that aid in the performance of services by police departments, fire departments, and sheriff's offices, or in the performance of rescue services or emergency medical services. Agencies that seek the exemption would have to provide a letter on official letterhead with the license application providing evidence that the dog performs these services. The bill would also clarify the provisions regarding the transfer of a

dog license when ownership or possession is permanently transferred from one person to another within the same county. Under the changes, the application would have to be made to an agent authorized under Section 200(a), including a county treasurer, and include the information outlined in the bill. [Passed: 49-0.](#)

[Senate Bill 395](#) (Brooks) would require the display of the POW/MIA flag at all roadside rest areas and welcome centers and at all Pennsylvania Turnpike service plazas. When the roadside area has an existing flagpole, the POW/MIA flag could be flown from the flagpole. When the POW/MIA is to be displayed with a flag flown at half mast, the POW/MIA flag could be removed. The POW/MIA flag would have to be displayed within 30 days of the effective date of the legislation, if the flag can be accommodated on an existing pole. If the flag cannot be accommodated on an existing pole, the Department of Transportation and the Turnpike Commission would be required to submit a plan, within 30 days of the effective date of the legislation, to display the flag by December 31, 2021 to the Chairs of the Senate and House State Government and Transportation Committees. The Department of Transportation and the Turnpike Commission would be required to report compliance with the requirements on or before December 31, 2021 to the same committee chairs. An additional provision would require the Governor to permit the display of the official Honor and Remember flag from the flagpoles of any public building or ground in the Commonwealth. [Passed: 49-0.](#)

[Senate Bill 487](#) (Laughlin) would amend Act 94 of 2005, the Breach of Personal Information Notification Act, to add medical and health insurance information to the items protected by the act. The legislation would also add protection of usernames and email addresses. Currently, the act requires government agencies and businesses to notify individuals of any unauthorized access and acquisition of computerized data that may compromise the security or confidentiality of their personal information. The bill would supplement the requirements for state agencies to require notice of a breach within seven days following the discovery and notice to the Attorney General and the Governor's Office of Administration within three business days following the discovery. A county, school district, or municipality that is the subject of a breach of security would have to provide notice of the breach within seven days following the discovery. Notification would have to be provided to the district attorney in the county where the breach occurred within three business days following the discovery of the breach.

A person or business could comply with the requirements by providing the security breach notification in electronic or other form that directs the person to promptly change the person's password and security question or answer, or to take other steps appropriate to protect the online account and all other online accounts for which the person whose information has been breached uses the same user name or email address. The measure would require all employees and contractors of the Commonwealth to utilize encryption to protect the transmission of personal information while working with the information on behalf of the Commonwealth. The bill would direct the Governor's Office of Administration to develop and maintain policies to govern the proper encryption, transmission and storage of data by state agencies. The policies would have to be reviewed at least annually and updated as necessary. [Passed: 49-0.](#)

[Senate Bill 1033](#) (Gordner) would amend Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes to add a second judge to the Court of Common Pleas in the

Twentieth Judicial District (Huntingdon County), and a third judge to the Court of Common Pleas in the Twenty-sixth Judicial District (Columbia and Montour Counties). The new judgeships would be established on January 3, 2022 and initially filled by election at the 2021 municipal election. **Passed: 49-0.**

**Senate Bill 1164** (J. Ward) would amend the County Code to require persons, including a health care facility, nursing home, personal care home, or physician, having actual knowledge of a death that is subject to reporting under Section 1218-B (Coroner's investigation) to report the death to the county coroner. The measure would clarify that a death known or suspected to be due to a disease constituting a health disaster emergency or pandemic would be reportable to the coroner. If a coroner determines that it is necessary to fulfill the statutory responsibilities of the coroner's office, the Department of Health would be required to provide the individual with electronic access to appropriate databases for information reportable under the Disease Prevention and Control Law for deaths known or suspected to be due to a contagious disease constituting a public health emergency or pandemic and death certificates. The Department could not charge a fee to the coroner for electronic access to the data and could not require the coroner to obtain a subpoena. Coroners would be required to follow all applicable federal and state laws, regulations and confidentiality standards for data obtained under these provisions. **Passed: 39-10.**

**Senate Bill 1189** (K. Ward) would amend the Disease Prevention and Control Act of 1955 to establish that, upon a proclamation of disaster emergency issued by the Governor due to a communicable disease, no individual who is less than fourteen days from testing positive for the communicable disease or who is less than fourteen days from being asymptomatic could be admitted as a resident to a facility without being placed in isolation within the facility with personnel dedicated and assigned only to the area of isolation during their work hours. The Secretary of Health could not force the admission of an individual in conflict with, or without the consideration of, a facility's admission policy and the ability of a facility to care for the individual.

The admissions policy of a facility would have to be consistent with relevant guidelines for the prevention and control of a communicable disease issued by the Centers for Disease Control and Prevention (CDC) and the Centers for Medicare and Medicaid Services (CMS). The Secretary of Health would also be required to ensure that facilities are adequately equipped to follow and implement recommendations and guidelines issued by the CDC and the CMS for the prevention and control of the communicable disease within facilities, including personal protective equipment for individuals admitted or working within the facility, laboratory testing and staff accessibility. A "facility" would be defined as an assisted living residence, a personal care home or a long-term care nursing facility. **Passed: 33-16.**

**Senate Bill 1241** (Argall) would amend the Administrative Code of 1929 to direct the Department of General Services to conduct an annual survey of state facility usage. 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. **Passed: 49-0.**

**Senate Bill 1281** (Mastriano) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to rebrand the “Steer Clear Law” the “Move Over Law” and increase the fines and penalties for drivers who fail to move over or slow down when approaching an emergency response area. The bill would clarify that a driver would have to reduce their speed to no more than 20 miles per hour below the posted speed limit if passing an emergency response area if a nonadjacent lane is impossible, illegal or unsafe. The bill would also increase the fines to \$500 for a first offense, \$1,000 for a second offense and \$2,000 for a third or subsequent offense. A driver licensed in the Commonwealth who is convicted of a violation would also be assessed two points on their driver’s record. The Department of Transportation would be required to educate the public on these provisions periodically throughout the year and maintain information on its website. **Passed: 49-0.**

**Senate Bill 1309** (Martin) would authorize the Department of Transportation to convey 10,629 square feet (0.244 acres) of unimproved land in Manheim Township, Lancaster County to High Properties , LP for fair market value based upon a Department of Transportation appraisal and under terms and conditions to be established in an agreement of sale. No portion of the property conveyed could be used as a licensed gaming facility or it would revert to the Commonwealth. Costs and fees incidental to the conveyance would be borne by the grantee. Proceeds of the sale would be deposited in the Motor License Fund. **Passed: 49-0.**

**Senate Resolution 384** (Corman) extends the emergency, temporary rules adopted to maintain the continuity of operations of the Senate during the COVID-19 disaster emergency until November 30, 2020, or 10 days following the expiration of the emergency declaration, whichever is earlier. **Adopted: 49-0.**

**House Bill 2513** (Everett) would amend the Administrative Code of 1929 to Add Article I-A to regulate the indoor and outdoor operations of establishments during the COVID-19 disaster emergency. An establishment would be defined as a restaurant, bar, hotel or private club which serves food and beverage; a brewpub, brewery, winery, or distillery; or an event venue, including a banquet hall, private club or establishment which regularly holds events. The term would not include a night club or music venue.

Under the provisions of the legislation, an establishment, with inside seating in existence on the effective date, could operate at a minimum of 50 percent capacity for indoor dining with social distancing consistent with guidelines issued by the Centers for Disease Control and Prevention (CDC) and the Commonwealth or the maintenance of physical barriers. An establishment could operate above 50 percent capacity for indoor dining if allowed by the guidelines issued by the CDC and the Commonwealth or the maintenance of physical barriers. An establishment would not be subject to an executive order during the COVID-19 disaster emergency which requires the purchase of a meal to buy alcoholic beverages or prohibits bar service for food and beverages. These provisions would expire upon the termination or expiration of the COVID-19 disaster emergency.

Regarding outdoor space operation during the COVID-19 declaration of emergency, the Liquor Control Board, upon request from a licensed club, catering club, restaurant, retail dispenser, hotel, limited distillery, distillery, brewery or limited winery, could temporarily extend the licensed premises of the applicant to include an outside serving area that is immediately adjacent to the existing licensed areas or is noncontinuous and within 250 feet of the main licensed building. The Board would be required to grant immediate operating authority to the applicant to use the outside serving area while the Board processes the request. No filing fee could be required from the applicant. The Board could request additional, relevant information from the applicant. The operating authority would expire at the earliest of any of the following:

- A valid protest is received;
- The Board determines that the proposed area does not meet the requirements of this act and the Board regulations for the licensing of the area; and
- The COVID-19 declaration of emergency is terminated.

An outdoor serving area approved under this act could only be utilized for purposes of outdoor dining and could not include a kitchen or a bar. **Passed: 43-6.**

#### *Executive Nominations*

Gary J. Masino – Pennsylvania Labor Relations Board (Majority Vote Required).

**Confirmed: 49-0.**

Albert Mezzaroba - – Pennsylvania Labor Relations Board (Majority Vote Required).

**Confirmed: 49-0.**

Andrea E. Puppio, Judge, Court of Common Pleas, Delaware County (Two-Thirds Vote Required). **Confirmed: 47-2.**

Christina E. Hale, Judge, Court of Common Pleas, Schuylkill County (Two-Thirds Vote Required). **Confirmed: 47-2.**

Wadud Ahmad – Pennsylvania Turnpike Commission (Two-Thirds Vote Required).

**Confirmed: 47-2.**

(2020-111)