

WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – DAVID G. ARGALL, CHAIRMAN

Monday, October 5, 2020

[Senate Bill 890](#) (Mensch) would amend the Tobacco Settlement Act to provide for a new category of Medical Assistance for Workers with Disabilities (MAWD), known as Workers with Job Success. The bill would require a worker with job success, as defined in the legislation, seeking to purchase MA benefits to pay 7.5 percent of his or her monthly income to the Department of Human Services or its designee. Failure to make payments would result in termination of MA coverage. The bill would require a worker with job success, who participates in MAWD with income at or above \$75,000 compounded by the annual cost-of-living increases granted by the federal government under the Social Security program annually since the year 2000 and who is seeking to purchase MA benefits, to pay the Department or its designee 100 percent of the Commonwealth's average cost of the MAWD program. Assets developed by a MAWD enrollee who was made eligible under the job success category would not be counted in the determination of eligibility for the MAWD program if the enrollee loses eligibility in the job success category. An additional provision would require the Department of Human Services to post its annual report on the MAWD program on its internet website. **Passed: 50-0.**

[Senate Bill 1173](#) (Yaw) would amend the Air Pollution Control Act to standardize the membership of the Air Quality Technical Advisory Committee in the Department of Environmental Protection (DEP). The Committee provides technical advice on DEP policies, guidance and regulations necessary to implement the Air Pollution Control Act and the Clean Air Act. The membership of the committee would include:

- Six members appointed by the Governor;
- Four members appointed by the Majority Leader of the Senate;
- Four members appointed by the Majority Leader of the House of Representatives;
- Two members appointed by the Minority Leader of the Senate; and
- Two members appointed by the Minority Leader of the House of Representatives.

The members of the committee would have to be appointed within 30 days of the effective date of the legislation. The chairperson would be elected by a majority vote of the members and serve as chair for two years. A member could not serve more than two consecutive terms as chair. Members of the committee would serve without compensation but could be reimbursed for travel and other expenses incurred during the performance of their duties.

Passed: 29-21.

[House Bill 1984](#) (Benninghoff) would amend Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes to allow victims of rape and incest to terminate the parental rights of the

rapist without first identifying another individual who has a present intent to adopt the child. The measure would also add a section to clarify that, notwithstanding any provision of law to the contrary, when a victim seeks to terminate the parental rights of the rapist on the grounds that the child was conceived as a result of rape or incest, the victim would not need to first establish that: the petitioner will assume custody of the child until the child is adopted; adoption is presently contemplated; or a person with a present intention to adopt exists. Parental rights would be terminated if all other legal requirements have been met. The changes would apply to petitions to involuntarily terminate parental rights filed on or after the effective date of the legislation.

Passed: 50-0.

Tuesday, October 6, 2020

Senate Bill 810 (Phillips-Hill) would amend Title 71 (State Government) of the Pennsylvania Consolidated Statutes to add Chapter 43 related to information technology. The legislation would establish the Office of Information Technology in the Governor's Office of Administration to oversee and achieve information technology consolidation for state agencies. Among other duties, the Office would be required to develop and administer a comprehensive, long-range plan to ensure the proper management of the information technology resources of the Commonwealth. The Office could provide information technology services on a cost-sharing basis to independent departments, the General Assembly and the Judiciary.

The Secretary of Administration would appoint the Director of the Office who would be required to have at least five years of experience dealing with public sector information systems in a state government agency. Among other responsibilities, the Director would be required to ensure that each state agency establishes a disaster recovery planning team and work with them to develop a disaster recovery plan. The Director would also be required to develop a biennial State Information Technology Plan to be submitted to the General Assembly, in conjunction with the Governor's budget submission that year.

All state agencies would be required to adopt new cybersecurity standards created by the Director, who would be required to develop a two-year schedule to test the cybersecurity capabilities of all state agencies. The cybersecurity assessments would have to be performed by a nationally recognized organization in the field of cybersecurity. The measure would also clarify that the Pennsylvania State Police, through a PA-STARNet Division, would develop, operate and maintain PA-STARNet, including infrastructure, equipment, software, services and licenses. The PA-STARNet Committee would be established in the State Police to provide a standing forum for participating agencies to ensure coordination and cooperation among participating state agencies and county and local agencies in the development and use of PA-STARNet and its application to public safety and emergency communications. **Passed: 29-21.**

Senate Bill 983 (DiSanto) would amend the Newborn Child Screening Act to provide for comprehensive newborn health screening and follow-up services for every recommended disorder by two mandatory panels. The Department of Health would remain responsible for the first panel of 10 disorders, while birthing facilities and healthcare practitioners would be required to order screening tests for the 24 disorders previously included on the supplemental (optional) panel. The Department of Health would be required to establish a program of follow-up services

and, with the approval of the Newborn Screening and Follow-up Technical Advisory Board, to transmit notice to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* changes to the disorders screened on either mandatory list. Prior to making any changes to the list of disorders, the Board and the Department would have to publish a notice in the *Pennsylvania Bulletin* establishing a public comment period of at least 30 days. Diseases and conditions mandated for screening and follow-up services would have to include: 1) diseases on the combined list of current disorders, 2) diseases added by the Board, and 3) conditions listed in the federal Recommended Uniform Screening Panel by the U.S. Department of Health and Human Services. An additional provision would specify the multidisciplinary members that would have to be appointed to Board by the Secretary of Health. **Passed: 50-0.**

Senate Bill 1075 (Arnold) would amend Title 18 (Crimes and Offenses), Title 23 (Domestic Relations) and Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes to enhance penalties related to child pornography and to establish a Task Force on Child Pornography. Specifically, the legislation would:

- Increase the grading for child pornography offenses when the child depicted is either under the age of ten or prepubescent; and
- Require the Sentencing Commission to provide for a sentence enhancement within sentencing guidelines for child pornography offenses where the child depicted is known to the defendant or if indecent contact with a child is depicted and the child depicted is under the age of ten or prepubescent.

The measure would also establish the Task Force on Child Pornography composed of the individuals delineated in the bill to conduct a review to ascertain any inadequacies relating to the offense of child pornography in Section 6312 (relating to sexual abuse of children) of the Crimes Code. Appointed members of the Task Force would have to be individuals who have experience in investigations or prosecutions or are victims of child pornography or sexual abuse. The Task Force could hold public hearings necessary to obtain the information required to conduct its review. Action by the Task Force would have to be ratified by a majority vote. Within one year of its first meeting, the Task Force would be required to submit a report with its recommendations to the Governor, the President Pro Tempore of the Senate, the Speaker of the House and the chairs of the Senate and House Judiciary Committees. The Task Force's report would have to be adopted at a public meeting and would be considered a public record under the Right-to-Know Law. **Passed: 50-0.**

Senate Bill 1268 (J. Ward) would amend the Nurse Aide Resident Abuse Prevention Training Act to provide for the certification of temporary nurse aides hired under the waiver processes authorized by the federal and state emergency declarations related to COVID-19. Under the legislation, an individual would satisfy the requirements of completing a nurse aide training and competency evaluation program if the person:

- Completed a training program and competency assessment authorized under the Centers for Medicare and Medicaid Services' COVID-19 pandemic waiver, including online training and an online examination;

- Completed a minimum of 80 hours of temporary nurse aide or supervised practical nurse aide training, on-the-job training or regular in-service nurse aide education during the declared COVID-19 emergency under the supervision of a licensed or registered nurse; or
- The individual's competency has been established by one of the following:
 - The successful completion of the state nurse aide examination;
 - Certification by a site administrator responsible for assessing the individual's competency skills as part of an approved apprenticeship program; or
 - Through an assessment in all areas of required nurse aide training as provided for in 42 CFR 483.152(b) (relating to requirements for approval of a nurse aide training and competency evaluation program) by the hiring entity.

Individuals who meet the eligibility provisions outlined in the bill would be deemed to have completed all nurse aide training and competency evaluation program requirements and would be placed on the state nurse aide registry. The Department of Education would be required to incorporate the section as part of the state-approved nurse aide training programs.

Passed: 50-0.

Senate Bill 1296 (Argall) would amend the County Code to prohibit a fourth class county from purchasing a property in a third class city, if the property has been designated by the city for redevelopment in the city's redevelopment plan, unless the city and any affected school districts have passed a resolution approving the purchase. **Passed: 45-5.**

Senate Bill 1330 (Vogel) would amend Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes to require that pasteurized milk sold for resale be conspicuously and legibly marked with a "sell by date" or "best by date." A "sell by date" would be the date after which the product could not be sold or offered for sale and a "best by date" would be a date established by the milk processor as a product quality guideline. The "sell by date" or "best by date" could not exceed 17 days from the date the milk was pasteurized, unless the Department of Agriculture approves a longer time period. A milk processor could apply to the Department to use a date that exceeds the 17-day period after providing the required information to the Department. The legislation would exempt certain pasteurized milk products that contain a lot number or manufacturing date code that is traceable in the marketplace. The Department could sample containers of pasteurized milk in the possession of a processor or distributor at any time before the pasteurized milk is delivered to the store or the customer. Samples would have to be analyzed by a Pennsylvania-approved dairy laboratory, with results reported to both the milk processor and the Department. The legislation would require the Department to establish reasonable rules and regulations necessary to carry out these provisions. **Passed: 50-0.**

Senate Resolution 358 (Farnese) recognizes the Wesley A.M.E. Zion Church on its 200 years of service to the City of Philadelphia and its dedication to improving lives in its community.

Adopted by Voice Vote.

[Senate Resolution 398](#) (Killion) designates the month of October 2020 as “Domestic Violence Awareness Month” in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 400](#) (Browne) adopts a temporary rule of the Senate relating to amendments to the Supplement to the General Appropriation Bill and other appropriation bills for the fiscal year beginning July 1, 2020, including any amendments offered to or for supplemental appropriations for prior fiscal years. The temporary rule requires any amendment offered on the floor of the Senate to the Supplement to the 2020-2021 Budget that proposes spending from the General Fund or any special fund at a level different from the amount contained in the 2020-21 Budget as reported from the Appropriations Committee to contain sufficient revisions or reductions so that the amendment does not result in a net increase in total spending and yields a balanced budget based on current and projected revenues. The rule could be temporarily suspended only by a vote of the majority of the members elected to the Senate. The rule expires upon enactment of the Supplement to the General Appropriation Act for the fiscal year beginning July 1, 2020. **Adopted: 50-0.**

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