

# WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – DAVID G. ARGALL, CHAIRMAN

## Monday, October 19, 2020

[Senate Bill 845](#) (Langerholc) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to allow a vehicle that is operated by an engine powered primarily by means of electric battery power to exceed the gross vehicle weight limit by a maximum of 2,000 pounds to accommodate the weight of the battery or battery pack. **[Passed: 49-0.](#)**

[Senate Bill 1279](#) (Mensch) would create the Essential Family Caregiver Designation Act to provide for essential family caregivers in assisted living residences, personal care homes or intermediate care facilities during a state of disaster emergency due to a communicable disease. Facilities that have the ability to follow necessary precautions outlined by the federal and state government would be required to designate at least one essential family caregiver per resident to provide companionship and assist with activities, including compassionate care situations as defined in the legislation. Visitation by essential family caregivers could be conducted through different means based on a facility's structure and the needs of the residents. Visits could be restricted due to a COVID-19 county positivity rate greater than 10 percent, the facility's COVID-19 status, a resident's COVID-19 status or visitor COVID-19 symptoms. Visits would be contingent on the facility having no new COVID-19 cases in the last 14 days. However, visits could not be restricted without a reasonable clinical or safety cause. Essential family caregivers would have to follow COVID-19 health precautions such as proper hand hygiene, wearing of a face covering and physical distancing. An "essential family caregiver" would be defined as any of the following individuals who are at least 18 years old, who, prior to visitor restrictions, were regularly engaged with a resident at least once a week: 1) an immediate family member; or 2) a caregiver of the resident who is not employed by a facility. **[Passed: 33-16.](#)**

[Senate Bill 1339](#) (Yaw) would authorize the Department of General Services to grant a permanent easement of approximately 1.78 acres of land on the grounds of the Muncy State Correctional Institution in Clinton Township, Lycoming County to Harry E. Frey, Jr. and Jeffrey L. Frey for \$2,670 under terms and conditions to be established by an easement agreement. The agreement would have to contain a provision stating that the easement would be utilized solely for the purpose of ingress and egress to the Frey property and for no other purpose. If the easement is not used for ingress and egress, it would automatically extinguish. All costs and fees incidental to the conveyance would be borne by the grantee. Proceeds from the sale would be deposited in the General Fund. If the easement is not granted within two years of the effective date of the legislation, the authority provided in the legislation would expire. **[Passed: 49-0.](#)**

[Senate Bill 1341](#) (Yudichak) would authorize the Department of General Services, with the approval of the Department of Military and Veterans Affairs, to grant and convey, at a price to be determined through a competitive bid process, approximately 3.33 acres of land, buildings and improvements at the West Pittston Armory located in the Borough of West Pittston, Luzerne County. The conveyance would be made by special warranty deed. Proceeds from the sale would be deposited in the State Treasury Armory Fund. **[Passed: 49-0.](#)**

[House Bill 1033](#) (Moul) would amend the Assessors Certification Act to provide for qualifications and training of revaluation company personnel. The bill would prohibit any person from performing valuation of real property unless the individual holds a valid certification from the State Board of Certified Real Estate Appraisers as a Certified Pennsylvania Evaluator (CPE). All revaluation company personnel who are responsible for the valuation of real property would have to complete the education requirements and be certified as a Certified Pennsylvania Evaluator. In addition, any municipal employee assigned the duty of valuing real property would have to be certified as a CPE. An applicant for certification would have to fulfill the following requirements: 1) Have a high school diploma, or its equivalent, or two years of assessing experience; 2) Be at least 18 years of age; 3) Be a resident of Pennsylvania for at least 6 months (would not apply to revaluation company personnel); and 4) Have successfully completed a minimum of 90 hours of the basic courses of study approved by the Board covering the appraisal assessing profession including instruction on judicial interpretation of the uniformity clause of the Pennsylvania Constitution. Assessors employed by a county of the first class would have three years to become certified under the act. The board could deny certification to an applicant that has pled guilty to a crime that directly relates to the duties of the job. **Passed: 49-0.**

[House Bill 1584](#) (Everett) would amend Title 30 (Fish) of the Pennsylvania Consolidated Statutes to remove language that bars Waterways Conservation Officers of the Pennsylvania Fish and Boat Commission from being covered by Act 111 of 1968, the Policemen and Firemen Collective Bargaining Act, for the purpose of seeking collective bargaining. **Passed: 48-1.**

[House Bill 1838](#) (Causar) would amend Title 35 (Health and Safety) and Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to further provide for emergency medical services (EMS) funding. The measure would:

- Increase the amount of funds in the Emergency Medical Services Operating Fund (EMSOF) required to be allocated to provide training to underserved rural areas from 10 percent to 30 percent;
- Stipulate that not less than 10 percent of the funds be provided to EMS agencies to assist with medical equipment purchases for ambulances;
- Require the Legislative Budget and Finance Committee to review court records to ensure that funds are being properly collected and deposited into the EMSOF. The review would have to be completed within one year of the effective date of the legislation and include pertinent records of the past five years of all courts required to impose costs for moving violations and driving under the influence (DUI) convictions; and
- Increase the fines for moving violations from \$10 to \$20, and for DUI convictions that result in Accelerated Rehabilitative Disposition from \$25 to \$50. **Passed: 49-0.**

**Tuesday, October 20, 2020**

[Senate Bill 120](#) (DiSanto) would amend Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes to expedite the voluntary termination of parental rights in the course of the legal adoption process. Specifically, the bill would require the court to set a hearing date no more than 30 days after the filing of a petition to voluntarily relinquish parental rights, unless the birth parent(s) request a later date, in which case the hearing would be scheduled no later than 40 days after the filing of the petition. The court would determine whether a diligent search had been made to identify a birth parent or putative father for purposes of providing notice in a proceeding based on the six criteria outlined in the bill. Search inquiries which are not answered within 45 days would be considered answered as having no record, unless the court determines otherwise. If the court determines that an unsuccessful diligent search has been made, notice of the proceeding could be made by publication.

Under the legislation, if a putative father is provided notice of the hearing, the court could terminate his parental rights even if he filed a claim of paternity if he fails to either file a written objection to termination or to appear at the hearing. Consent to adoption would not be valid if executed prior to or within 72 hours after the birth of the child, except that the birth father or putative father could execute a consent or a denial of paternity at any time after receiving notice of the expected or actual birth of the child as outlined in the legislation. A birth parent or putative father who has consented to an adoption could waive notice to all legal proceedings concerning the child. The bill would maintain the existing requirement that the birth mother, father or putative father who has executed a waiver of further notice be provided with notice of their continuing right to file personal and medical history. Further, the legislation would expand the list of convictions for which the rights of a parent could be terminated to include the offenses of rape, statutory sexual assault, involuntary deviate sexual intercourse, sexual assault, aggravated indecent assault, or a felony or misdemeanor conviction of indecent assault.

**Passed: 48-0.**

[Senate Bill 793](#) (Brooks) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to exempt municipal trucks from state bonding requirements. Specifically, the bill would exempt a driver, employed by a political subdivision, from having to obtain a commercial driver's license, if operating a commercial motor vehicle within the boundaries of the political subdivision for the purpose of removing snow or ice from a roadway by plowing, sanding or salting. The bill would also exempt vehicles operated by or under contract with municipalities for road maintenance or construction from vehicle weight or size restrictions on highways while maintaining or constructing municipal roads. Vehicles operated by persons under contract would have to carry written documentation signed by an official of the municipality or local authority that specifically identifies the vehicle as exempt.

An additional change would mandate the Department of Transportation's current optional authority to issue a statement of policy to adopt an appropriate methodology to provide Letters of Local Determination that identify particular vehicles, routes or uses as "local" in nature. The methodology would allow for exemptions to hauling in excess of posted weight limits for the at-risk logging industry that experienced a 20 percent decline in employment between March 2002 and March 2019. The sunset date of December 31, 2023 for this provision would also be

removed. Finally, the bill would allow a permitted vehicle hauling a dozer with an attached blade in excess of 12 feet in width, but not wider than 15 feet, to move upon a highway if a traffic protector guiderail device is securely fastened to the dozer or the blade is angled for the total width of the load not to exceed 12 feet. If the blade is over 15 feet in width, a permitted vehicle or combination would have to remove it and haul it separately. **Passed: 31-17.**

**Senate Bill 940** (DiSanto) would create the Municipality Condemnation Order Act to allow a municipality that issues a condemnation order on a property to record the order with the recorder of deeds of the county in which the property is located. If recorded, the order would serve as constructive notice to all purchasers and other persons who are responsible for the property. Any costs associated with the recording of the order could be recovered from tax sale proceeds or directly from the purchaser. A properly recorded condemnation order would be a lien on the property and could not be affected by an upset sale, a judicial sale or repository sale of the property. If the municipality vacates the condemnation order, it would have to record, within 15 days, a statement with the office of the recorder of deeds indicating that the condemnation order has been vacated. **Concurrence in House Amendments: 48-0.**

**Senate Bill 952** (Regan) would amend Chapters 71 and 72 of Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes regarding the Veterans Preference Law. The legislation would clarify that the purpose of Chapter 71 is to provide a hiring preference to qualified veterans seeking public employment in recognition of the discipline and experience represented by the veteran's military training. The bill would provide for an additional 10 points to be added to a veteran's passing final examination score on both Commonwealth and municipal examinations for determining the veteran's standing on any eligibility list certified or provided to an appointing authority. The same hiring preference afforded to veterans would be extended to the surviving spouse or spouse of a disabled veteran.

The Office of Administration would be required to provide annual statistics to the Department of Military and Veterans Affairs on the appointment of veterans to civil service and non-civil service positions during the previous year. The Department would be directed to provide an annual report to the State Government Committee and Veterans Affairs and Emergency Preparedness Committee of the Senate and House of Representatives. The Department would also be required to annually establish veterans' preference guidelines and verify the federal qualifying periods of service during a war or armed conflict to ensure understanding of the required documents and compliance with Chapters 71 and 72.

**Concurrence in House Amendments: 48-0.**

**Senate Bill 1199** (Aument) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to authorize the Department of Transportation to regulate the operation of personal delivery devices (PDD) on roadways or shoulders of roadways and in pedestrian areas. A "personal delivery device" would be defined as a ground delivery device that: 1) is manufactured for transporting cargo or goods; 2) is operated by a driving system that allows remote or autonomous operation; and 3) weighs 550 pounds or less without cargo or goods. No person could operate a PDD in a roadway, including the shoulder or berm, or in a pedestrian area unless the person holds a PDD authorization from the Department or is a PDD operator and the PDD is operated in accordance with the bill.

The Department of Transportation would be granted general and sole regulatory authority over the operation of PDD and authorized operators to ensure the safe operation of PDD on roadways and in pedestrian areas. An application for PDD authorization or renewal would have to be submitted to the Department for approval as outlined in the legislation. The Department would be required to review all applications for PDD authorization and renewal. A PDD authorization would be valid for one year.

An authorized entity, which receives an initial issuance of a PDD authorization, would be limited to Phase I operation allowing remote or autonomous operation where the device is controlled remotely and an operator is within 30 feet and a line of sight of the PDD. The Department could allow an authorized entity to move to Phase 2 if the PDD operators have demonstrated safe operation under Phase 1. Phase 2 operation would permit remote monitoring and control of the PDD by the operator. The bill specifies that a PDD could not exceed 12 miles per hour in a pedestrian area or 25 miles per hour on a roadway or shoulder or berm of a roadway except by order of the Secretary.

Municipalities would be authorized to:

- Permit the use of a PDD on a roadway or shoulder where the posted speed limit is greater than 25 miles per hour, but not greater than 35 miles per hour; and
- Prohibit the use of a PDD on any roadway or shoulder, or pedestrian area where the municipality determines that the operation would constitute a hazard.

An authorized entity would be required to maintain an insurance policy that includes general liability coverage of not less than \$100,000 per incident for damages arising from the operation of the PDD. Commonwealth agencies and municipalities would have no duty to make streets, highways or real estate safe for use by PDD and would be immune from suit for property damage. The Department would be authorized to revoke a PDD authorization where a knowing and willful violation occurred that resulted in death, serious bodily injury or property damage or when the authorized entity has demonstrated an inability to operate safely. The bill also provides criminal penalties for violations. [Concurrence in House Amendments: 29-19.](#)

[House Bill 81](#) (Kauffman) would create the Central Service Technician and Surgical Technologist Regulation Act to provide for the certification of surgical technologists and central service technicians. The bill would establish requirements for central service technicians (individuals responsible for ensuring that equipment and instruments used during surgical procedures are properly disassembled, cleaned, inspected, sterilized, and reassembled prior to patient use) including: successfully passing a nationally accredited exam for central service technicians, annually completing 10 hours of continuing education, and hold one of the following:

- A certified registered central service technician credential; or
- A certified sterile processing and distribution technician credential.

Technicians would have 18 months from the date of hire to comply with the certification requirements. Individuals employed or contracted as a central service technician by a health care facility on or before the effective date of the act would be exempt from the certification requirement. Health care facilities would be required to maintain documentation that employed or contracted individuals meet the certification or exemption requirements. The Department of Health would administer these provisions and promulgate regulations as necessary.

The bill would also establish requirements for surgical technologists (individuals responsible for setting-up and managing instruments and performing other tasks in the operating room) including annual compliance with continuing education requirements as necessary to maintain the Certified Surgical Technologist Credential. Surgical technologists would also have to meet at least one of the following:

- Successful completion of a program sponsored by an entity holding a nationally recognized accreditation and the possession of a surgical technologist certification from an accredited certification program;
- Successful completion of an appropriate training program for surgical technology in the U.S. Army, Navy, Air Force; or
- Evidence that the individual maintains a surgical technologist certification from an accredited certification program, was employed to practice surgical technology by the health care facility on or before the effective date of the legislation, or was employed to practice surgical technology as the individual's primary function in another health care facility at any time during the two years immediately preceding the effective date.

The bill would provide an exemption from certification if a health care facility asserts that, following a diligent search, it was unable to employ or contract with a sufficient number of qualified surgical technologists, and it maintains a written record of its efforts to do so at the facility. Health care facilities would have to verify that employed or contracted individuals meet the certification or exemption requirements. The Department of Health would enforce these provisions. **Passed: 48-0.**

[House Bill 770](#) (DeLuca) would amend the Pharmacy Act to provide training, registration, and education requirements for pharmacy technicians and pharmacy technician trainees. A "pharmacy technician" would be defined as an individual who is registered with the Board of Pharmacy as a pharmacy technician and who could assist in the practice of pharmacy under the direct and immediate personal supervision of a licensed pharmacist upon registration. The term would not include an individual performing clerical support with no direct interaction with prescription medication. An applicant for registration would have to be at least 17 years of age, possess a high school diploma or equivalent, complete a Board-approved pharmacy technician training program and submit to a criminal history record check. The legislation would allow pharmacy technicians to conduct data entry including prescription entry, drug order or patient information into a patient profile without oversight of a licensed pharmacist if the pharmacy has

documented policies and procedures and other adequate safeguards to protect against patient harm and privacy incidents.

The bill would require a “pharmacy technician trainee” to apply for a temporary registration and to be responsible to and under the direct and immediate personal supervision of a Board-licensed pharmacist. Applicants would have to be at least 16 years of age and submit to a criminal history record check. The legislation would allow the board to issue only one temporary registration to an applicant which expires two years after issuance or upon obtaining a pharmacy technician registration. A pharmacy technician trainee would have to wear a name tag that clearly identifies the trainee’s first name with the title “Pharmacy Technician Trainee.” An additional provision would authorize a pharmacy with a waiver from the Center for Medicare and Medicaid Services to allow the pharmacists to order and perform COVID-19, influenza and streptococcal tests authorized by the Food and Drug Administration under the Clinical Laboratory Improvement Amendments of 1988 (Public Law 100-578, 102 Stat. 2903).

**Passed: 47-1.**

**House Bill 885** (Gaydos) would amend the Public Works Contractors’ Bond Law of 1967 to require contractors to secure two of the acceptable financial security options provided for under the act. One would have to be equal to 100 percent of the contract amount, conditioned upon the faithful performance of the contract in order to protect the governing body that awarded the contract. The other would have to be 100 percent of the contract amount for the protection of claimants supplying labor or materials to the prime contractor in order to protect subcontractors from failure to receive payment from the prime contractor. **Passed: 48-0.**

**House Bill 1673** (Farry) would amend Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes to modify the Volunteer Loan Assistance Program, the Office of the State Fire Commissioner (OSFC), Relief Associations, the Fire and Emergency Medical Services (EMS) Grant program and First Responder Tax Credits. Among other changes, the legislation would:

- Change the name of the Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance program to the Fire and Emergency Medical Services (EMS) Loan Program and the name of the Volunteer Companies Loan Fund to the Fire and Emergency Services Loan Fund. The amounts for eligible loans would be increased and the repayment periods would be adjusted based on the new loan limits. Beginning one year after the effective date and biannually thereafter, the loan amounts would be adjusted for inflation. Applications would be reviewed by a new application review committee consisting of the individuals outlined in the bill. The bill provides for a voter referendum to allow for the expanded use of previously approved debt to include career fire and EMS companies. The referendum would appear on the ballot in the next primary or general election held after November 3, 2020. The consolidation incentive currently available to volunteer fire companies would be extended to EMS companies. The Office of the State Fire Commissioner would be required to produce an annual report with information on the beginning and ending balances of the Fund and the number of applications received and loans issued;

- Provide new duties for the State Fire Commissioner and require that the Commissioner be subject to the consent of a majority of the Senate. In addition, the Commissioner would have to be a former chief officer or administrative officer of a municipal, 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 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;
- Expand the eligible uses of relief association funds and include fire companies that are a combination of a volunteer and paid fire company. The bill would also move the certification and distribution of funds to the volunteer firefighters' relief associations from the Office of the Auditor General to the Office of State Fire Commissioner. The State Fire Advisory Board would be directed to undertake a Fire Relief Formula Study to review and make recommendations on the Fire Relief Funding Formula by November 30, 2022;
- Include "airport fire companies" as entities eligible for funds under the grants to Fire Companies and EMS companies program. The legislation would move the administration of the program from the Pennsylvania Emergency Management Agency to the Fire Commissioner. It would expand the eligible uses of funds for both fire companies and EMS companies to include recruitment and retention programs, length of service award programs and for grants awarded in 2021 and 2022 to replace revenue lost due to the COVID-19 pandemic. (Eligible fire companies must have responded to at least 15 emergencies in the previous calendar year.) Fire companies could apply for grant funding for the construction of a new facility for up to five years. Awarded funds would have to be deposited into the Construction Savings Account within the State Treasury and withdrawn by application of the fire company. A fire company could withdraw money from the account for emergency purposes by application and at the discretion of the Commissioner. The legislation would reauthorize the program until June 30, 2024; and
- Allow municipalities and school districts to provide the tax credit for active service as a volunteer against earned income taxes and real property taxes up to 100 percent of the individual's liability. Municipalities and school districts would have to notify the Fire Commissioner if a tax credit is adopted. The Commissioner would have to provide an annual report on the credits to the chairs of the Senate and House Veterans Affairs and Emergency Preparedness Committees. **Passed: 48-0.**

[House Bill 1961](#) (Schmitt) would amend Title 71 (State Government) of the Pennsylvania Consolidated Statutes to require the State Employees' Retirement System (SERS) to prepare a separate report detailing its investment performance for the period of July 1 through June 30 each year. The measure would also authorize SERS to allow the investment and administrative expenses of defined contribution plan members to be charged to individual accounts and to assess a per-participant charge to each employer for the payment of administrative fees, costs and expenses under the defined contribution program. The legislation would also require SERS to retain non-vested employer defined contributions, interest and investment gains (that are forfeited when a participant terminates state service) for the payment of administrative fees, costs and expenses of the defined contribution plan. An additional provision would repeal language currently in the Fiscal Code that allows SERS to assess an annual per-participant charge for the payment of administrative fees, costs and expenses of the plan. **[Passed: 48-0.](#)**

[House Bill 2370](#) (M. K. Keller) would amend 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 proofing 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 for remote notarization as outlined in the legislation. 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: 48-0.](#)**

[House Bill 2561](#) (Schlegel Culver) would amend the Optometric Practice and Licensure Act to modernize provisions pertaining to the practice of optometry. Under the legislation, optometrists would be allowed to administer and prescribe all drugs approved by the State Board of Optometry for the treatment of glaucoma and the use of epinephrine auto-injectors for anaphylaxis. The bill would revise the therapeutic drug approval process by removing the Secretary of Health and permitting the Board to approve drugs for use in the practice of optometry after the drugs are approved by the FDA, as published in the Code of Federal Regulations. Further, optometrists could order and interpret angiography via noninvasive imaging, limited to optical coherence tomography, and prescribe a 72-hour supply of codeine and hydrocodone combinations. The legislation would also expand the types of conditions an optometrist could treat longer than six weeks without consultation with a licensed physician to include dry eye and allergies, in addition to glaucoma. Finally, the bill would add language to penalize an optometrist for advertising a service that is prohibited. For a first offense, the person would be subject to a fine of not more than \$1,000. For a second or subsequent violation, the person would be subject to a fine of not less than \$2,000 and a license suspension for up to 30 days. **[Passed: 48-0.](#)**

**Wednesday, October 21, 2020**

[Senate Bill 30](#) (Killion) would amend Article XVIII-C of the Tax Reform Code to make changes related to the City Revitalization and Improvement Zone (CRIZ) program and create the Pennsylvania Housing Tax Credit. Regarding the CRIZ program, the legislation would:

- Extend the deadline for qualified businesses to submit state zone reports and local zone reports from June 15 to August 31, 2020 and prohibit penalties from being imposed for failure to file a timely and complete report in 2019 or 2020;
- Expand the authorized uses of funds for zones located in cities of the third class that have not adopted a home rule charter as outlined in the bill;
- Authorize funds to be utilized for maintenance or repair of a facility for the period of April 1, 2020 through June 30, 2021; and
- Provide that any money not utilized, budgeted, or appropriated by official resolution of the contracting authority would have to be submitted to the State Treasurer for deposit into the General Fund.

The measure would add Article XIX-G to create the Pennsylvania Housing Tax Credit to encourage the development of qualified low-income housing projects in the Commonwealth. The Pennsylvania Housing Finance Agency (PHFA) could not accept applications for a tax credit or award any tax credits until enactment of subsequent legislation making an amount available for tax credits under the article. Following the enactment, the Secretary of the Budget would have to publish a notice of the amount available in the Pennsylvania Bulletin. Upon publication of the available amount, a taxpayer could apply for the tax credit by submitting a form prescribed by PHFA including such information as necessary to verify compliance with the article. The Agency would be required to conditionally reserve tax credits for the approved qualified low-income housing project.

Upon notification that a qualified low-income housing project has been completed, PHFA would determine compliance. Following verification of compliance, PHFA would issue the tax credit certificates in an amount not to exceed 20 percent of the conditional reservation for each taxable year in the tax credit period. The tax credit period would be defined as a five-year period that begins with the taxable year in which a taxpayer is awarded a tax credit certificate. A taxpayer could claim the tax credit at an amount not to exceed 50 percent of the qualified tax liability for a single taxable year. A tax credit could be carried forward for a period not to exceed five taxable years. A taxpayer could not carryback or obtain a refund of all or any portion of the unused tax credit. A taxpayer could, upon application and approval, sell or assign a tax credit, in whole or in part. If the taxpayer is a pass-through entity, any unused tax credit may be transferred to shareholders, members or partners in proportion to the share of the entity's distributive income to which the shareholder, member or partner is entitled. The legislation would provide for the recapture of tax credits and penalties for fraud or intentional misrepresentation.

The Agency could charge a reasonable application fee not to exceed five percent of the tax credit awarded for the administrative expenses of processing applications. By the first September 30 of the calendar year after the notice is published and each September 30 thereafter, PHFA would be required to submit a report to the General Assembly on the number and amount of tax credits awarded, the taxpayers that were awarded tax credits and the amount of tax credits issued to each taxpayer in the prior fiscal year [Concurrence in House Amendments: 47-0.](#)

[Senate Bill 94](#) (Martin) would amend the Workers' Compensation Act to expand the definition of "employee" to ensure workers' compensation coverage for all active duty volunteer members and officers of fire companies and ambulance corps if injured in the performance of their duties. The definition would not include social members of a company or corps as defined in the bill. The legislation would also clarify that when a volunteer member is injured while performing duties on state game land, he or she would be deemed to be an employee of the Pennsylvania Game Commission. The Pennsylvania Compensation Rating Bureau would be required to conduct a review to determine whether any modifications to the applicable classification codes are necessary. The Bureau could make modifications, create separate classifications, or revise loss cost values at any time as necessary. [Concurrence in House Amendments: 47-0.](#)

[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. [Concurrence in House Amendments: 47-0.](#)

[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.

The legislation would also authorize the Superior Court and the courts of common pleas of a judicial district to establish from available funds a commerce court program with specialized jurisdiction as defined in the legislation. The Supreme Court, to the extent funds are available, would be authorized to appoint a statewide commerce court coordinator to assist in the establishment of commerce courts in each judicial district, to develop model guidelines for the administration of commerce courts and to establish procedures for monitoring commerce courts and for evaluating their effectiveness. The Supreme Court could also establish an interdisciplinary and interbranch advisory committee to advise and assist the statewide commerce court coordinator in monitoring and administering the commerce courts statewide.

**Concurrence in House Amendments: 47-0.**

**Senate Bill 1076** (Baker) would amend Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes to reenact the Military Family Relief Assistance Program and to eliminate the expiration date of June 30, 2020. **Concurrence in House Amendments: 47-0.**

**Senate Bill 1110** (K. Ward) would amend the Disease Prevention and Control Law to require a health care facility or personal care home to report to the Department of Health or local board of health the incidence of a communicable disease at the licensed facility during a disaster emergency based upon a communicable disease. State and local health authorities would be permitted to disclose reports of diseases and related reports or records to any person who is not a member of the Department or of a local board or department of health in the following situations: 1) where necessary to carry out the purposes of the act; and 2) where necessary to inform the public of the risk of a communicable disease. Upon a proclamation of disaster emergency issued or renewed by the Governor due to a communicable disease infectious through aerosolized transmission, and continuing until 60 days after the expiration or termination of the disaster emergency, the following confidentiality provisions would apply to information collected or maintained as a result of the emergency:

- The Department or a local board or department of health would have to release, within 24 hours of receiving information of a confirmed case of the disease, the address of the confirmed case to a public safety answering point as defined in 35 Pa.C.S. § 5302. The public safety answering point would provide the address to law enforcement, fire department and emergency medical services personnel.
- The Department or a local board or department of health would have to release, within 24 hours of receiving information of a confirmed case of the disease, the address of the confirmed case to a coroner or medical examiner in a manner prescribed by the Department.

- The Department could disclose additional information determined to be essential to protect public health and safety and to prevent the spread of the communicable disease. In determining additional factors to disclose the Department would have to consider information outlined in the bill.

The confidentiality provisions would not apply to cities and counties of the first class for the duration of the period of proclamation of disaster emergency issued by the Governor on March 6, 2020, and any renewal of the state of disaster emergency. [Concurrence in House Amendments: 47-0.](#)

[Senate Bill 1112](#) (Phillips-Hill) would amend Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes to eliminate regulatory burdens which affect the ability of landline telephone companies to expand into broadband. Specifically, the bill would require the Pennsylvania Public Utility Commission (PUC) to publish an order within 30 days which permanently waives the regulations identified in the legislation. The PUC would be required to undertake a review of all regulations (other than those specifically exempted) applicable to telecommunications carriers every three years. The Commission would have to rescind regulations that are no longer necessary or in the public interest. Any new regulations applicable to telecommunications carriers would have to be supported by factual findings and determinations, based on an evidentiary record, demonstrating a need for the regulation and benefits that outweigh the cost to comply with and enforce the regulation.

An additional provision would require the Commission to contact the local exchange telecommunications company regarding a customer issue or dispute to allow the company to make a good faith effort to resolve the matter. If it cannot be resolved in 30 days, the local exchange telecommunications company would have to inform the PUC so it could advise the customer on mediation before the Commission. Finally, the legislation would require the local exchange telecommunications company to make a good faith effort to establish a mutually agreeable date and appointment window for customer voice service installation or repair appointments. [Passed: 33-16.](#)

[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. [Concurrence in House Amendments: 47-0.](#)

[Senate Bill 1246](#) (Regan) would amend Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes to establish a program for the Governor to recognize and decorate law enforcement officers in the Commonwealth who have demonstrated bravery, sacrifice or other exceptionally meritorious conduct in the line of duty. The qualifications for the medals would be established by the Municipal Police Officers' Education and Training Commission (MPOETC). Nominees for a medal could include a member of the Pennsylvania State Police, a sheriff, deputy sheriff or a police officer of a police department. A nomination for a medal could be submitted to the MPOETC by the Governor, a member of the General Assembly, the Commissioner of the Pennsylvania State Police, a county sheriff or the chief executive of a municipality or police department. The final decision to issue a medal would rest with the Governor. The Governor would be authorized to delegate to the Lieutenant Governor or a member of the General Assembly the act of presenting a medal. The authorized medals would include:

- The Blue Star of Valor - For exceptional gallantry, heroism and bravery in the face of life-threatening circumstances above and beyond the call of duty;
- The Blue Heart - For those injured in the line of duty; and
- The Medal of Ultimate Sacrifice - For those who have fallen in the line of duty.

The design of each medal would be approved by the MPOETC. The medals would be cast in bronze or other metal, and the design would have to incorporate the seal of the Commonwealth. The cost of a medal would be paid by the State Police, county sheriff's department or the police department by which the law enforcement officer is or was employed.

The family of a medal recipient could request and receive a second medal upon payment to the MPOETC for the cost of the medal. **Passed: 49-0.**

**Senate Bill 1252** (Dinniman) would amend the Public School Code of 1949 to authorize intermediate units to establish a retired volunteer educator tutor program for the school districts assigned to the intermediate unit to provide for individualized tutoring sessions by retired volunteer educators for students during a mandated school closure under a disaster emergency. The program would assist students attending a school district with limited technology resources and students identified as having difficulty with online or distance learning. Tutoring sessions would be conducted by telephone or other electronic means of communication. The parent or guardian of the student could monitor the tutoring sessions. The Department of Education would be directed to collaborate and guide the intermediate units or school districts to develop and replicate a model program. As the need for virtual education increases, the Department, intermediate units and school districts would have to collaborate to evaluate and share information on the impact of the program, and to investigate methods to provide social wraparound services and school guidance counseling services. No student or school district would be required to utilize or participate in a retired volunteer educator program. Nothing in the legislation could be construed as limiting the authority of a school entity from developing and implementing similar volunteer tutoring programs. **Passed: 48-0.**

**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 or disabled vehicle 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. An additional provision would add enhanced penalties for bodily injury or death in relation to emergency response areas or disabled vehicles. A driver licensed in the Commonwealth who is convicted of a violation would also be assessed two points on their driver’s record. A disabled vehicle would be required to use at least two of the following markings: vehicular hazard signal lamps, caution signs or other traffic control devices, or road flares. The Department of Transportation would be required to educate the public on these provisions periodically throughout the year and maintain information on its website.

**Concurrence in House Amendments: 47-0.**

**Senate Resolution 360** (Mensch) honors the life of Dr. Frank Erdman Boston as a World War I veteran, military surgeon, community doctor and founder of the Elm Terrace/Landsdale Hospital and the Volunteer Medical Services Corps (VMSC) ambulance corps. **Adopted: 47-0.**

**Senate Resolution 375** (Dinniman) recognizes the month of November 2020 as “Carbon Monoxide Awareness Month” in Pennsylvania. **Adopted: 47-0.**

**Senate Resolution 385** (Pittman) recognizes October 23, 2020 as “Drugs Kill Dreams Day” in Pennsylvania and encourages all Pennsylvanians to participate in drug prevention education

activities throughout the year to demonstrate their strong commitment to stopping drug and alcohol addiction and abuse before it begins. [Adopted: 47-0.](#)

[Senate Resolution 393](#) (Dinniman) commemorates the 125<sup>th</sup> anniversary of Frederick Douglass' last public lecture at the West Chester Normal School, now West Chester University. [Adopted: 47-0.](#)

[House Bill 86](#) (Maloney) would amend Act 49 of 1970 to require that when the United States flag is displayed on any ground or building owned or under the control of the Commonwealth, the official POW/MIA flag would also have to be displayed where it can reasonably be accommodated. [Passed: 49-0.](#)

[House Bill 375](#) (Goodman) would amend the State Lottery Law to exclude veterans' disability and state veterans' benefit payments from the income eligibility calculations for the PACE and PACENET prescription drug programs. [Passed: 49-0.](#)

[House Bill 440](#) (Delozier) would amend Title 18 (Crimes and Offenses) and Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes to mandate expungement of criminal history record information where a person has been acquitted following a trial. The legislation would require criminal history record information to be expunged in a proceeding when a judicial determination has been made that a person is acquitted of an offense, if the person has been acquitted of all charges based on the same conduct or arising from the same criminal episode following a trial and a verdict of not guilty. A judicial determination could be made only after the court provides notice in writing to the person and to the Commonwealth. Upon receipt of the notice, the Commonwealth would have 60 days to object to the automatic expungement on the basis that the person has not been acquitted of all charges relating to the same conduct, arising from the same criminal episode.

If the Commonwealth files an objection, the court would have to conduct a hearing to determine whether expungement of the acquittal relates to the same conduct, arises from the same criminal episode or otherwise relates to a partial acquittal. Following the hearing, or if no objection is filed or the hearing is waived, the court would be required to order that the person's criminal history record information be automatically expunged unless the court determines the expungement relates to the same conduct, arises from the same criminal episode or otherwise relates to a partial acquittal. Expungement could occur no later than 12 months from the date of acquittal.

The bill would also make changes to the sections regarding limiting access to records and "clean slate" to require that a person pay all court-ordered restitution and the fee previously authorized to carry out the limited access and clean slate limited access provisions, instead of paying all court-ordered financial obligations of a sentence. A record subject to limited access/clean slate would remain part of a person's criminal history record information and would be disclosed to a court for any relevant purpose in accordance with the law. Further, the bill would provide that criminal history record information pertaining to a conviction for which a pardon was granted would be subject to clean slate limited access provisions. [Passed: 49-0.](#)

[House Bill 616](#) (Owlett) would amend the Controlled Substance, Drug, Device and Cosmetic Act to place carfentanil, a fentanyl analogue, on Schedule II of the schedules of controlled substances and to clarify that Epidiolex (used to treat two rare childhood epilepsies and certain types of seizures) is not subject to control under the act. [Passed: 49-0.](#)

[House Bill 703](#) (Brown) would amend the Public School Code of 1949 to require each school district, within 180 days of the effective date of the legislation, to publish the email address for each member of the board of school directors on its publicly accessible internet website. An additional provision would also require each charter school and cyber charter school to publish the email address for each member of its board of trustees on its website. [Passed: 49-0.](#)

[House Bill 716](#) (Galloway) would amend the Administrative Code to create a Joint Task Force on Misclassification of Employees within the Department of Labor and Industry to investigate the practice of employee misclassification and to develop and implement a plan to reduce such practices. The duties of the task force would include, but would not be limited to, evaluating existing enforcement, reviewing existing law, developing a plan to educate employers and employees, and determining the amount of revenue lost due to misclassification. Members of the task force would include the Attorney General, the Secretary of Labor and Industry, the Secretary of Revenue, and appointees by the President Pro Tempore, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives. The task force would have to report to the General Assembly before March 1, following the first full year of the task force. The authorization for the task force would expire two years after the effective date of the legislation. [Passed: 49-0.](#)

[House Bill 941](#) (Heffley) would amend the Human Services Code to increase transparency in pharmacy benefit manager (PBM) pricing practices in the Medicaid program. Specifically, the bill would define “pharmacy benefit management” as any of the following: the procurement of prescription drugs at a negotiated contracted rate; the administration or management of prescription drug benefits provided by a managed care organization (MCO); or the administration of pharmacy benefits such as operating a retail or mail-service pharmacy. The term “pharmacy benefit manager” would be defined as a business that performs pharmacy benefit management. The term would not include a business that holds a valid license from the Insurance Department to issue health insurance policies. A “pharmacy services administration organization” (PSAO) would be defined as an entity that negotiates or contracts with an MCO or PBM; negotiates payment rates, payments or audit terms; and collects or reconciles payments on behalf of its pharmacy members. The Department of Human Services would be authorized to conduct an audit or review of any entity, including a pharmacy, PBM, or PSAO that manages, processes, influences the payment for or dispenses pharmacy service to medical assistance recipients in the managed care delivery system. Information disclosed or produced by an entity to the Department would not be subject to the Right-to-Know Law.

Under the provisions of the legislation, a PBM or PSAO would be prohibited from doing the following:

- Requiring a pharmacist or pharmacy to participate in a network managed by the PBM or PSAO as a condition for the pharmacist or pharmacy to participate in another network managed by the same PBM or PSAO;
- Automatically enrolling or disenrolling a pharmacist or pharmacy without cause;
- Charging or retaining a differential between what is billed to an MCO as reimbursement for a pharmacy service and what is paid to pharmacies by the PBM or PSAO for the pharmacy service; and
- Charging pharmacy transmission fees unless the amount of the fee is disclosed and applied at the time of claim adjudication.

The bill would prohibit a contract between an MCO and a PBM from containing a confidentiality provision, which would prohibit the disclosure of information to the Department or restrict communication between the MCO and the Department. Entities would also be prohibited from retroactively denying or modifying an adjudicated claim for payment unless it is fraudulent or duplicative. Finally, the bill would direct the Legislative Budget and Finance Committee to conduct a study analyzing prescription drug pricing under the medical assistance managed care program. The Committee would be required to submit a report of its findings and recommendations for legislative action to the General Assembly and the Department within 12 months of the receipt of data from the Department. [Passed: 47-2.](#)

[House Bill 1032](#) (James) would amend the Real Estate Appraisers Certification Act to expand the membership of the State Board of Certified Real Estate Appraisers from 11 members to 13 members. In addition to six appraisers, the Secretary of the Commonwealth, the Attorney General and the Secretary of Banking currently serve on the Board. Under the changes in the bill, two of the other four members would have to be “certified Pennsylvania evaluators” and two would have to be public members. In the case of an appointment of a professional member who is both a certified Pennsylvania evaluator and a state-certified real estate appraiser, the appointment would have to specify in which capacity the individual is being appointed. For the initial appointments, the Governor would have 90 days to nominate one certified Pennsylvania evaluator to serve a two-year term and another to serve a four-year term. For purposes of the act, a “certified Pennsylvania evaluator” would be defined as a person who holds a current valid certificate issued under the Assessors Certification Act, while a “professional member” would be defined as a certified Pennsylvania evaluator or a state-certified real estate appraiser.

[Passed: 49-0.](#)

[House Bill 1439](#) (Kaufer) would amend Title 40 (Insurance) of the Pennsylvania Consolidated Statutes to require attestation of compliance by an insurer with federal and state insurance laws regarding mental health and substance abuse disorder benefits. Health insurers would be required to file with the Insurance Department an attestation of the insurer’s documented analysis of efforts to comply with federal and state law governing mental health and substance use disorder parity. The annual attestation would have to be filed for each insurance policy form offered, issued or renewed by the insurer and would have to be filed by April 30 or during form filing, whichever is earlier. [Passed: 49-0.](#)

[House Bill 1538](#) (White) would amend Title 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes to require that certain offenders wait three years from the date of their current application to reapply for parole. Individuals affected by this provision would include any person designated as a sexually violent predator or any person convicted of the offenses listed in the legislation. An additional provision would require a hearing examiner, hearing officer or member of the Board charged with making the parole release decision to hear and see in person, without the use of videoconferencing or similar virtual presence technology, any in-person victim testimony. **[Passed: 46-3.](#)**

[House Bill 1662](#) (Tomlinson) would amend the Methadone Death and Incident Review Act to change the name of the Methadone Death and Incident Review Team to the Medication Death and Incident Review Team and to expand the duties of the team to include a review of all deaths and incidents from any medication approved by the United States Food and Drug Administration for the treatment of opioid use disorder. The legislation would expand the Medication Death and Incident Review Team, established by the Department of Drug and Alcohol Programs, to include the following individuals: 1) a representative from a recovery organization; 2) an office-based agonist treatment provider who is assigned a waiver from the Drug Enforcement Administration to provide office-based prescribing of buprenorphine; 3) a representative of the Department of Health who is affiliated with the Achieving Better Care by Monitoring All Prescriptions Program; and 4) a toxicologist. **[Passed: 48-0.](#)**

[House Bill 1696](#) (Murt) would amend the Insurance Company Law of 1921 to require insurers to file annually with the Insurance Department a statement attesting to the insurer's documented analyses of its efforts to comply with federal and state law concerning mental health parity and substance use disorder treatment benefits. Each attestation would have to be filed by April 30 or with each form filing, whichever is earlier. The bill would require that insurers:

- Specify the contents of the parity analyses, which includes the baseline and any changes;
- Provide a comparative analysis, detailing each factor applicable to the limitation of the mental health parity and substance use disorder benefits comparable to that same factor as applicable to the limitation of medical and surgical benefits; and
- Ensure that documentation is available upon request to the Department, the insured and the provider in accordance with state and federal law. **[Passed: 49-0.](#)**

[House Bill 2073](#) (Moul) would recodify and incorporate the First Class Township Code into Title 73 (Townships) of the Pennsylvania Consolidated Statutes with revisions and modernizations to reflect case law and to make it consistent with provisions of other municipal codes. **[Passed: 49-0.](#)**

[House Bill 2175](#) (Schroeder) would amend Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes to further provide for expert testimony and add judges to the Court of Common Pleas. The measure would provide that in any criminal proceeding for an

offense listed under Subchapters H or I of Chapter 97 (relating to registration of sexual offenders and the continued registration of sexual offenders), an expert could provide testimony on sexual violence, if the testimony will assist the trier of fact in understanding the dynamics of sexual violence, victim responses to sexual violence and the impact of sexual violence on victims during and after being assaulted. An additional provision would allow such testimony to be introduced in a criminal proceeding, including attempt, solicitation or conspiracy, for any of the offenses listed in the bill under the Crimes Code. The bill would 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: 47-0.**

**House Bill 2296** (Mizgorski) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to provide for a bioptic telescope learner's permit and driver's license and make certain commercial driver's license (CDL) changes. The bill would allow an individual with visual acuity less than 20/100 combined visual acuity but at least 20/200 visual acuity in the best corrected eye to be eligible to apply for a bioptic telescope learner's permit and provide certain requirements for an individual to take the driver's examination. An individual who meets the biopic telescope learner's permit requirements and successfully passes a driver's examination would be allowed to operate a motor vehicle under certain conditions.

Changes related to commercial driver's license holders would include:

- Reducing the timeframe from 30 to 15 days for when a CDL holder would have to provide notice to their employer that they were convicted of violating a law relating to motor vehicle traffic control other than parking violations. The bill would clarify that an employer that receives timely notice (within 30 days of the infraction) by a CDL employee of a citation, arrest or charge in relation to the violation of a law relating to motor vehicle traffic control could not terminate the employee solely for providing notice unless the employee is convicted of the violation. In addition, a new penalty would be established providing for an additional fine of \$300 for certain unreported violations;
- Allowing a driver at least 18 years of age and employed by a political subdivision to operate a commercial motor vehicle for the purpose of removing snow or ice from a roadway within the boundaries of the political subdivision with a certificate of authorization from the political subdivision;
- Requiring a CDL candidate to complete training under 49 CFR Part 380 before taking the knowledge test for a hazardous materials endorsement for the first time;
- Extending the timeframe from 180 days to one year for an individual to hold a commercial learner's permit;
- Requiring a CDL candidate to complete training as prescribed by 49 CFR Part 380 before taking the skills test for a Class A or B CDL and for a passenger (P) or school bus (S) endorsement for the first time; and

- Directing the Department of Transportation to disqualify an individual from operating a commercial motor vehicle for life upon receiving a record of conviction for using a commercial motor vehicle in human trafficking.

An additional provision would require the Department of Transportation to provide homeless individuals with a free identification card upon request. **Passed: 47-0.**

**House Bill 2438** (Owlett) would amend Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes to help expand broadband infrastructure in rural parts of the Commonwealth. Specifically, the legislation would authorize electric cooperative corporations or an affiliate to provide broadband services or construct, operate and maintain broadband facilities through an existing easement owned, held or used by the electric cooperative corporation. However, an electric cooperative corporation could only supply retail broadband services through an affiliate. The attachment of broadband facilities to existing infrastructure and across existing easements of a rural electric cooperative's affiliate would not constitute a change to the physical use of the easement or interfere with, impair any vested rights subject to the existing easement, or place additional burdens on the property.

The measure would allow a broadband service supplier that is not an electric cooperative corporation to access and attach broadband facilities within an electric cooperative corporation's easement if the electric cooperative corporation or its affiliates have attached broadband facilities to provide broadband services, or if an electric cooperative corporation, in its sole discretion, gives express written permission to the broadband service provider to utilize an existing easement. A cooperative would be prohibited from requiring a person to purchase broadband services from an affiliate as a condition of receiving electric energy from the cooperative or, disconnecting, or threatening to disconnect, electric service to a customer due to the customer's failure to pay for broadband services. The bill would also prohibit a cooperative from using its electric service revenues to subsidize the provision of retail broadband services to the public by an affiliate. Nothing in legislation would limit any rights that exist of any broadband service supplier to secure its own easements for the construction or installation of broadband facilities. **Passed: 49-0.**

### *Executive Session*

Kirk A. Davis – State Board of Vehicle Manufacturers, Dealers and Salespersons. **Confirmed: 47-0.**

Tim Holden – Pennsylvania Liquor Control Board. **Confirmed: 47-0.**