

WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – MARIO M. SCAVELLO, CHAIRMAN

Tuesday, April 27, 2021

[Senate Bill 106](#) (Argall) would amend Article IV, Section 4 of the Pennsylvania Constitution to modify the provisions governing the election of the Lieutenant Governor. Under the proposed changes, each candidate for Governor, once nominated, would select a candidate for Lieutenant Governor, subject to the approval of the candidate's political party. The General Assembly would establish, by law, the amount of time before the gubernatorial general election the selection would have to be made. A person could not seek election to both offices simultaneously. If passed by the legislature again this session, the proposed change will be presented to the electorate for approval. **Passed: 43-4.**

[Senate Bill 190](#) (Mensch) would create the Essential Family Caregiver Designation Act to provide for essential family caregivers in long-term care nursing facilities, hospices, 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 still be restricted based on the status of the communicable disease in the community or the facility. Essential family caregivers would have to follow 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. Nothing in the act could be construed to supersede federal authority or guidance regarding long-term care facilities or to prevent the Secretary of Health or the Secretary of Human Services from taking necessary actions to render the Commonwealth eligible for federal funds or reimbursement services provided in long-term care facilities. **Passed: 34-13.**

[Senate Bill 382](#) (Langerholc) would amend Title 74 (Transportation) of the Pennsylvania Consolidated Statutes to reform the Public-Private Transportation Partnership ("P3") provisions. Among other changes, the legislation would direct the Department of Transportation to include certain information outlined in the bill in the detailed analysis required for a request or recommendation for a proposed transportation project. The Department would be required to post a copy of the analysis on its website, submit the analysis to the Public-Private Transportation Partnership Board and the chairs of the Senate and House Transportation Committees and transmit a copy to the Legislative Reference Bureau (LRB) for publication in the *Pennsylvania Bulletin*. The Department would be required to collect comments on a proposed project for at least 30 days. Following the end of the public comment period, and prior

to any action by the Board, the Department would have to post a copy of all submitted comments and a summary of the comments on its website and provide the submitted comments and summary to the Board and the chairs of the Senate and House Transportation Committees.

After consideration of the analysis and public input, if the Board finds that the proposed project is in the best interests of the Commonwealth, it could approve the proposed project in the form of a resolution. Approval of a proposed project, with or without a user fee, would have to be in the form of a resolution signed by the chairperson of the Board. The resolution would have to be posted on the Department's website and transmitted to the chairs of the Senate and House Transportation Committees and LRB for publication in the *Pennsylvania Bulletin* within 24 hours after approval. The legislation would specify the process for the Governor and the General Assembly to consider and approve or disapprove a resolution. If a resolution is disapproved, the Department could submit one amended resolution with the approval of the Board. If the amended resolution is disapproved, the approval process would have to start over again. The changes would apply to resolutions considered after October 31, 2020 by the Public-Private Transportation Partnership Board. Any resolution considered after October 31, 2020, and prior to the effective date of the legislation, including the resolution authorizing the PennDOT Pathways Major Bridge P3 Initiative, would be void and would have to be reconsidered by the Board. [Passed: 28-19.](#)

[House Bill 110](#) (Causar) would amend the Hardwoods Development Council Act by increasing the membership of the Hardwoods Development Council from 25 to 29 members and modifying the composition of the Council to:

- Add the Secretary of Education;
- Increase the number of gubernatorial appointments from 15 to 18;
- Add the Allegheny Hardwoods Utilization Group, a logger and a private sector forester to the list of the Governor's required appointments;
- Provide a 3-year term of office for the logger and the private sector forester, which is consistent with other industry appointees;
- Allow the furniture manufacturer representative to be a cabinet manufacturer; and
- Replace the Pennsylvania Hardwood Lumber Manufacturing Association with its successor organization, the Pennsylvania Forest Products Association. [Passed: 47-0.](#)

Wednesday, April 28, 2021

[Senate Bill 74](#) (Martin) would amend the Tax Reform Code of 1971 to add Article XVII-M creating a pediatric cancer research tax credit for taxable years beginning after December 31, 2021. Under the article, a business firm could apply to the Department of Revenue for a tax credit against certain state taxes for a contribution to a Pennsylvania pediatric cancer research institution. On or before December 31 of each year, the Secretary of Health would be required to

designate the pediatric cancer research institutions eligible to receive contributions for the following taxable year. A contribution would have to be made no later than 30 business days after the business firm receives notice of the approval of its application. The tax credits would be limited to \$10 million in any one fiscal year and to \$2.5 million for any one pediatric cancer research center per fiscal year. No tax credit could be approved for activities that are part of the business's normal course of business. Tax credits would be available on a first-come, first-served basis.

At the time of application, the Department would be required to advise a business that it could choose to have its tax credit application for a contribution to a particular research center be considered an application for an alternative center if its preferred choice has already reached its annual limit. Tax credits could be carried forward, but could not be carried back or refunded. Pass-through entities could transfer all or a portion of the tax credit to shareholders, members or partners in the business firm. By October 1, 2022, and October 1 of each year thereafter, the Department would be required to report to the Senate and House Appropriations and Finance Committees on the program. A business firm could not apply for a tax credit after the tenth fiscal year after the effective date of the article. Contributions received by a pediatric cancer research center from a business firm claiming a tax credit would have to be used exclusively for pediatric cancer research. **Passed: 47-0.**

Senate Bill 83 (Brooks) would amend the Public School Code of 1949 to establish the Secondary Education Fire Training Pilot Program to provide high school students with instruction through a partnership with institutions of higher education and school districts or career and technical schools to increase the number of individuals capable of becoming volunteer firefighters. The State Fire Commissioner would accept proposals from Pennsylvania institutions of higher education for the pilot program. From the proposals submitted, the Commissioner would select three institutions to offer the pilot program. Nothing would prohibit an institution from incorporating emergency medical services instruction into the program. An institution of higher education selected by the Fire Commissioner would enter into agreements with school entities for the provision of fire instruction to students leading to Firefighter I certification. The Fire Training Fund would be established for monetary donations and appropriations for the program. Each institution offering the program would receive \$150,000 for the duration of the program. During the pilot program, the Legislative Budget and Finance Committee would conduct a survey of volunteer fire companies located in the areas with schools participating in the pilot program to determine whether it is increasing the number of volunteer firefighters. The pilot program would expire in four years. **Passed: 47-0.**

Senate Bill 108 (Bartolotta) would amend the Human Services Code to provide for an additional payment of \$130 per eligible Medicaid ventilator or tracheostomy day for qualified medical assistance nonpublic and county nursing facilities that meet the qualifying criteria. Payments would begin on or after fiscal year 2020-2021 and would be made on a quarterly basis as outlined in the legislation. The Department of Human Services would be required to ensure payment distribution is made to all qualifying nursing facilities in the fee-for-service program and managed long-term care services and supports program. An additional provision would require the Department to publish the information contained in the Supplemental Ventilator Care

and Tracheostomy Care Payment file currently published on the Department's website, on a quarterly basis. [Passed: 47-0.](#)

[Senate Bill 425](#) (Gordner) would amend the Medical Care Availability and Reduction of Error ("Mcare") Act to allow a physician to delegate the task of obtaining the informed consent of a patient or the patient's authorized representative to a qualified practitioner. Nothing in the act would prohibit a patient from requesting that the physician, rather than the delegated qualified practitioner, answer questions about the procedure, or obtain informed consent. Liability for failure to obtain informed consent would be expanded to include if the qualified practitioner knowingly misrepresents to the patient the professional credentials, training or experience of the physician or qualified practitioner who performs the procedure. Informed consent would be satisfied if obtained for human research pursuant to approval by an institutional review board or similar entity in accordance with federal laws and regulations relating to protection of human subjects. The legislation would define a "qualified practitioner" as a physician assistant, certified registered nurse practitioner, midwife or nurse-midwife, a registered nurse authorized to administer anesthesia, another physician, or a physician in a medical residency or fellowship training program. A qualified practitioner would be required to have knowledge of the patient's condition and the procedure and be acting under the supervision of, at the direction of, or in collaboration or cooperation with, a physician. The changes would apply to all pending litigation as defined in the bill. [Passed: 47-0.](#)

[Senate Bill 434](#) (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: 47-0.](#)

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