

WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – MARIO M. SCAVELLO, CHAIRMAN

Monday, June 14, 2021

[Senate Bill 119](#) (Pittman) would create the Pennsylvania Carbon Dioxide Cap and Trade Authorization Act. Under the bill, except for measures required by federal law, the Department of Environmental Protection could not 1) adopt a measure or take any other action that is designed to abate, control or limit carbon dioxide emissions, including an action to join or participate in a state or regional greenhouse gas cap-and-trade program, including the Regional Greenhouse Gas Initiative; or 2) establish a greenhouse gas cap-and-trade program, unless the General Assembly authorizes such a measure by statute that is enacted on or after the effective date of the legislation.

The Department would be required to complete the following before submitting a proposal to the General Assembly:

- Submit for publication in the *Pennsylvania Bulletin* for public comment the proposed action in the form of draft legislation;
- Hold at least four public hearings throughout the state, including areas directly impacted by the proposed regulations; and
- Compile a report, with the information outlined in bill, to be submitted to the Senate and House Environmental Resources and Energy Committees.

Once the public comment period concludes and the Department has submitted the report, it would be required to submit the measure in legislative form to the legislative committees and request that a member introduce the legislation. This action would constitute submitting the measure to the General Assembly. If the legislation is introduced, it would follow the standard legislative process and could be considered by a standing committee if it is referred to the committee. **Passed: 35-15.**

[Senate Bill 319](#) (Bartolotta) would amend the Workers' Compensation Act to clarify that employers could recoup medical expenses paid to an employee for a workplace injury when a settlement or award of damages is obtained against a third party for the same injury. Specifically, the legislation would amend Section 319 of the act to remove the words "instalments of," clarifying the language that authorizes an employer to collect the amount of benefits paid under the act from any recovery against a third party whose act or omission caused the work place injury, regardless of whether the benefits are paid in installments or as the need for medical treatment arises. **Passed: 27-23.**

[Senate Bill 423](#) (J. Ward) would amend Title 71 (State Government) of the Pennsylvania Consolidated Statutes to provide the option for a State Employees' Retirement System annuitant to serve as a part-time fire instructor without suspending annuity payments. The part-time

instructor would have to serve at the Pennsylvania Fire Academy or one of the educational institutions listed in the bill. An annuitant whose annuity does not cease upon return to service would not be subject to employee contributions and would not be eligible for creditable state or school service or participation in the State Employees' Retirement System or Public School Employees' Retirement System defined contribution plans. [Passed: 50-0.](#)

[Senate Bill 524](#) (Yaw) would amend Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes to prohibit the filing of a petition or passage of an ordinance under the Home Rule Law within four years following an election in which any Home Rule question appeared on the ballot and was defeated. An additional change would eliminate the authority for Home Rule questions to be placed on a ballot during a primary election. [Passed: 34-16.](#)

Tuesday, June 15, 2021

[Senate Bill 478](#) (Dush) would amend Act 78 of 1979 to authorize political subdivisions and authorities to enter into contracts for services when two consecutive advertisements fail to induce bids. Under the provisions of the legislation, when a political subdivision, municipal authority or transportation authority is required to advertise for bids in order to enter into a contract for services and no bids are received, the political subdivision or authority could advertise for bids a second time. In the event that no bids are received within 15 days of the second advertisement, the political subdivision or authority could initiate negotiations for a contract for services with any provider not otherwise disqualified by law or an enactment or policy of the governing body. Prior to the execution of the contract, the political subdivision or authority would be required to disclose at a regular or special public meeting the identity of the parties, the proposed contract price and a summary of the other terms and conditions relating to the proposed contract. The amendment would also specify that misuse of the provisions of the act to evade advertising requirements would subject a member of the governing body to the same penalties that exist in the applicable competitive bidding law. [Passed: 50-0.](#)

[Senate Bill 503](#) (Regan) would amend the Enforcement Officer Disability Benefits Law to include the following law enforcement officers under the act:

- Probation officers employed by a participating county;
- Campus police officers employed by a participating university;
- Commissioned police officers employed by the Department of Corrections, Bureau of Investigations and Intelligence;
- DCNR rangers, DCNR ranger supervisors, DCNR ranger operations specialists, DCNR ranger trainees and state park officers employed by the Department of Conservation and Natural Resources;
- Members of the Fort Indiantown Gap Police;
- Investigative staff of the Office of Inspector General;

- Members of the Allegheny County Port Authority Police and transit police officers employed by a participating transit or port authority;
- Members of the Allegheny County Housing Authority Police and housing police officers employed by a participating housing authority; and
- Corrections officers or jail guards employed by a participating county and whose principal duty is the care, custody and control of inmates.

The bill would direct that any payments required to be made on account of these employees be made by their employers from moneys appropriated to them. **Passed: 50-0.**

Senate Bill 533 (Yaw) would amend Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes to provide that, during the period of a disaster emergency declaration by the Governor that involves the statewide closure of any government offices or businesses for a period of more than five days, the following would be prohibited, unless the action is directly related to responding to the disaster emergency or adhering to a federal or state statutory timeline or court order:

- Consideration, adoption or publication within the *Pennsylvania Bulletin* of a proposed regulation, a final-form regulation or a final-omitted regulation subject to the Regulatory Review Act; or
- Conducting a department or agency advisory committee meeting.

A Commonwealth agency could petition the appropriate standing committees of the Senate and House of Representatives for a waiver of the prohibition if the petition meets the requirements outlined in the legislation. **Passed: 29-21.**

Senate Bill 563 (Laughlin) would amend the Fire and Panic Act of 1927 to require family child-care homes to have smoke detectors that are interconnected via hardwire, Bluetooth connectivity, or any other means that allows communication between devices. Acceptable devices would include those with a non-replaceable 10-year battery. Facilities would be required to have a device on each floor and in the basement. In addition, the facility owner would have to maintain a proof of purchase document with the facility's fire drill logs. The legislation would also require a facility to have a portable fire extinguisher in the kitchen or other cooking areas and to meet the exiting requirements for a family child-care home under 55 Pa. Code Ch. 3290 (relating to family child day care homes). **Passed: 50-0.**

Senate Bill 588 (Gordner) would amend Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes to provide that a former prosecution would not be a bar to a subsequent prosecution arising out of the same conduct or the same criminal episode if the former offense was a summary offense or a summary traffic offense. **Passed: 46-4.**

[Senate Resolution 142](#) (K. Ward) amends Rule 38 (Temporary Emergency Rules of the Senate) to clarify that the temporary rules adopted to maintain the continuity of operations of the Senate during the COVID-19 disaster emergency will expire on July 1, 2021. **[Adopted: 46-4.](#)**

Executive Session

Nominations to Various Boards and Commissions, Three National Guard Brigadier General positions and the Victim Advocate. **[Confirmed: 50-0.](#)**

Wednesday, June 16, 2021

[Senate Bill 255](#) (Browne) is the General Appropriation Act of 2021, which provides for the expenses of the Executive, Legislative and Judicial departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 2021 to June 30, 2022. General Fund and federal augmenting appropriations total \$32,488,835,000 and \$32,969,403,000, respectively. The bill would also make state and federal appropriations from a variety of special funds. **[Passed: 50-0.](#)**

[Senate Bill 265](#) (Browne) would appropriate \$242,096,000 to the Pennsylvania State University for general support for the 2021-2022 Fiscal Year and \$26,736,000 for the Pennsylvania College of Technology. The measure would also authorize the appropriation of funds from the Agricultural College Land Scrip Fund for agricultural research and extension services. **[Passed: 50-0.](#)**

[Senate Bill 266](#) (Browne) would appropriate \$151,507,000 to the University of Pittsburgh for general support for the 2021-2022 Fiscal Year and \$3,346,000 for rural education outreach. No funds appropriated by the act could be used for the costs of personnel and operations of the environmental law clinic. **[Passed: 45-5.](#)**

[Senate Bill 267](#) (Browne) would appropriate \$158,206,000 to Temple University for general support for the 2021-2022 Fiscal Year. **[Passed: 50-0.](#)**

[Senate Bill 268](#) (Browne) would appropriate \$15,166,000 to Lincoln University for general support for the 2021-2022 Fiscal Year. **[Passed: 50-0.](#)**

[Senate Bill 269](#) (Browne) would appropriate \$31,660,000 to the University of Pennsylvania for veterinary activities and \$295,000 for the Center for Infectious Diseases for the 2021-2022 Fiscal Year. **[Passed: 49-1.](#)**

[Senate Bill 416](#) (Gordner) would amend the Professional Nursing Law to officially recognize nurse anesthetists as Certified Registered Nurse Anesthetists in statute. Individuals who hold a license to practice professional nursing in the Commonwealth and who meet the requirements of a certified registered nurse anesthetist would be given the right to use the title “certified registered nurse anesthetist” as defined in the legislation and the abbreviation, C.R.N.A. The qualifications of a certified registered nurse anesthetist would include: 1) holding a master’s degree, doctoral degree or post-master’s certificate from an accredited educational program in

nurse anesthesia approved by the State Board of Nursing and that prepares graduates to practice as a CRNA; 2) holding current national certification as a CRNA from a Board-recognized national certification organization which required passing of a national examination in nurse anesthesia; 3) submitting an application and the required fee; and 4) meeting all other Board requirements to practice as a CRNA. The Board would be authorized to issue a certification to a registered nurse anesthetist from another state who has completed a course of study equivalent to that required in the Commonwealth. A registered nurse who does not have a graduate degree would be qualified as a CRNA if the individual meets the requirements delineated in the legislation.

CRNA certification would expire at the same time as the individual's registered nursing license expires. In order to obtain biennial certificate renewal, a CRNA would have to: 1) verify that he or she holds current recertification from a Board-recognized national certification organization which required passing of a national certifying examination in nurse anesthesia; 2) submit a renewal application and pay any required fee; 3) complete at least 30 hours of continuing education; and comply with all other requirements of the Board. A CRNA would be required to maintain professional liability coverage.

A CRNA would be granted the authority to perform anesthesia services in cooperation with a physician, podiatrist or dentist involved in a procedure for which anesthesia care is being provided if the anesthesia services are performed under the overall direction of one these duly licensed professionals. Senate Bill 416 could not be construed to:

- Prohibit a CRNA who would otherwise require direction from providing brief periods of care in the event of an emergency that temporarily prevents or interferes with overall direction;
- Restrict the authority of a health care facility to provide for additional oversight requirements for a CRNA practicing within the facility; or
- Limit or prohibit a CRNA from engaging in those activities which normally constitute the practice of nursing.

The State Board of Nursing would be required to promulgate final regulations to implement the provisions of the act within 18 months of the effective date. **Passed: 50-0.**

Senate Bill 561 (Fontana) would authorize the Department of General Services (DGS) to convey the former State Correctional Institution in the City of Pittsburgh, Allegheny County and two tracts of land including approximately 20.2736 acres together with all buildings, structures and improvements through a competitive bidding process. The Department would be required to award the conveyance to the bidder it determines offers the best value and return on investment. In determining best value, DGS could consider in addition to price:

- The proposed use of the property;
- Job creation;

- Returning the property to the property tax rolls; and
- Other criteria specified in the solicitation documents.

The Department would be required to establish a solicitation committee to review proposals and recommend a buyer. The committee would be composed of:

- The Secretary of General Services or a designee;
- The Senator (or designee) in whose district the majority of the property is located;
- The House Member (or designee) in whose district the majority of the property is located; and
- A representative of the municipality where the property is located.

No portion of the property could be used as a licensed gaming facility or it would revert to the Commonwealth. The conveyance would be by Special Warranty Deed and the Secretary of General Services could impose covenants, conditions or restrictions determined to be in the best interests of the Commonwealth. Costs and fees would be borne by the grantee and proceeds would be deposited in the General Fund.

The legislation would also authorize DGS, with the approval of the Department of Corrections and the Governor, to convey 0.16-acres of land and improvements located in the City of Pittsburgh to Alexander and Melissa Bard for \$140,000. The conveyance would be by Special Warranty Deed and the Secretary of General Services could impose covenants, conditions or restrictions determined to be in the best interests of the Commonwealth. In the event the conveyance is not completed within one year, the authority to convey the property would expire and it could be disposed of in accordance with Section 2405-A of the Administrative Code of 1929. Proceeds from the sale would be deposited in the General Fund. **Passed: 50-0.**

House Bill 649 (Rapp) would create the Access to Congregate Care Facilities Act to provide access to congregate care facilities for essential caregivers. The Department of Health, in consultation with the Department of Human Services, would be required to establish protocols for essential caregivers to have access to a congregate care facility during a declaration of disaster emergency. The Department could update the protocols throughout the emergency declaration as long as they do not extend the duration of the lock-down phase for a period exceeding 45 days. A congregate care facility could establish reasonable, additional safety requirements to protect the residents of the facility, including limitations on the duration of the visits, the number of visits per week per resident, the location of visits and the spacing of visitors. The requirements would have to be directly linked to a declaration of disaster emergency and not be so burdensome to substantially prevent an essential caregiver from being able to physically or emotionally support a resident of the facility in person. A facility could suspend the access of an essential caregiver who violates the protocols and allow the resident or their decision-making authority to designate a replacement essential caregiver.

A congregate care facility could require an essential caregiver to assume the costs of providing personal protective equipment to safely provide in-person physical or emotional support or meeting any additional safety requirements established by the facility. The act would apply for the period commencing 15 days after a declaration of disaster emergency that results in the closure of congregate care facilities until 60 days after the termination or expiration of the declaration of disaster emergency by executive order, proclamation or operation of law. Nothing in the act could be construed to supersede federal authority or guidance regarding congregate care facilities or to prevent the Department of Health or the Department of Human Services from taking necessary actions to render the Commonwealth eligible for federal funds or reimbursement services provided in congregate care facilities. [Passed: 32-18.](#)

[House Bill 765](#) (B. Miller) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to prohibit the Department of Transportation from requiring municipalities to indemnify it as a condition for approving special event permits for third party sponsored events when the third party has already provided indemnification to the Department if the sponsor of the event and the local authority meet the requirements outlined in the legislation. Nothing in the subsection could be construed to require the Department to issue a permit for a procession, assemblage, or special activity that will occur on a street, highway, or real estate deemed by the Department to be unsafe for use by participants. The Department, its servants and agents, employees, and representatives acting on its behalf would be immune from suit by participants for personal injuries or property damages arising during the activity permitted by the Department under 42 Pa.C.S. §§ 8521 (relating to sovereign immunity generally) and 8522 (relating to exceptions to sovereign immunity). [Passed: 50-0.](#)

[House Bill 1154](#) (Masser) would amend the Liquor Code to make a number of changes. Among other modifications, the legislation would:

- Allow a restaurant or hotel liquor licensee to sell prepared beverages and mixed drinks for off-premise consumption where meals prepared for pickup or curbside pick-up are also available. Off-premise sales of prepared beverages and mixed drinks after 11:00 pm would be prohibited. The licensee would be required to prominently post a warning sign that sales of prepared beverages and mixed drinks are considered open containers and could only be transported by the driver in the vehicle's trunk or in some other area that is not occupied by the driver or passengers. Prepared beverages or mixed drinks for off-premise consumption would also have to contain a label identifying that the product contains alcohol;
- Permit liquor and wine in the possession of a licensee when the licensed business closes permanently to be sold to another licensee;
- Authorize the Liquor Control Board, upon receipt of a request from a licensee, to temporarily extend the licensed premises of a club, catering club, restaurant, retail dispenser, hotel, limited distillery, distiller, brewery, or limited winery to include any outside serving area that is immediately adjacent to the existing licensed areas or within 1,000 feet of the main licensed building;

- Allow the Board to authorize an unlimited number of off-premise catered functions to entities that qualify for off-premise catering permits;
- Provide for an additional year of safekeeping for a club, catering club, restaurant, eating place retail dispenser, hotel, importing distributor, and distributor license that was in safekeeping during the proclamation of disaster emergency;
- Permit importers, importing distributors, distributors, restaurant licensees, and hotel licensees to sell ready-to-drink cocktails for off-premise consumption;
- Establish application and renewal fees for licensees selling ready-to-drink-cocktails for off-premise consumption; and
- Impose an 18 percent tax in lieu of the emergency state tax on the net price of all ready-to-drink cocktails sold, as well as the six percent sales tax. **Passed: 26-24.**

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