FOR EDITORIAL BACKGROUND:

The 2015-16 session of the General Assembly was marked by budget difficulties and hardship resulting from the failure of Republicans to negotiate on a number of key issues. The Republicans largely refused to deal with or even acknowledge many of the problems that plague Pennsylvania and turned their collective noses up at reasonable, responsible policies designed to help working men and women, school students, seniors and Pennsylvania's most vulnerable.

There was a nine-month budget impasse in 2015 that stretched into 2016, a string of non-negotiated hardline budgets, repeated vetoes and little movement on key issues. Despite a first-year forward-looking budget presentation from Gov. Tom Wolf and a myriad of new initiatives identified by the governor and Senate Democrats, Republicans stymied progress across the board.

However, in spite of Republican obstinacy, the governor -- aided by Senate Democrats -- was able to push several positive measures across the finish line; notably, new education funding, including $415 million in basic education, $60 million for early childhood programs, $50 million for special education plus more were approved in the session. The General Assembly also passed a new measure designed to ensure fair funding for all public schools (Act 35).

The General Assembly also passed a liquor modernization plan, a package of measures to deal with opioid abuse and medical marijuana legalization.

Legislation is coded as follows: a single asterisk indicates Senate passage, two asterisks indicate Senate and House passage, and three asterisks indicate the measure became law. A "V" means the governor vetoed the bill.

AGING AND YOUTH

*** **Activities for Foster Children** -- The Senate unanimously approved **House Bill 477**, which allows caregivers of children in out-of-home placements to approve or disapprove their child's participation in age-appropriate activities without prior approval.

This bill gives foster children more opportunities to lead a normal life. The measure provides guidelines and standards for guardians to decide if a child should participate in certain activities and events. Previously, a foster child needed pre-approval from their respective agency to participate in certain events. Permission was required for activities such as: staying over at someone's house, playing sports, or going on a field trip. This new law will let the child's guardian approve these types of trips, outings and activities.

Under the measure, all agencies that operate out-of-home placements must implement "reasonable and prudent decision" training; and all caregivers must complete training.

The bill was enacted as **Act 75 of 2015**.

*** **<u>Long Term Care</u>** -- The Senate unanimously approved **House Bill 753**, which repeals the Intra-Government Council on Long-Term Care and establishes the Pennsylvania Long-Term Care Council.

The Long-Term Care Council will exist within the Department of Aging. The council will advise other agencies and make recommendations on regulations, licensure and financing relating to long-term care. The legislation allows the governor to assign the council-related long-term care duties.

The council will create committees to study the following areas: community access and public education, long-term care service, the work force, housing and regulatory review and access to quality care.

Similar legislation was previously introduced as House Bill 252 and was passed by the Senate, but not the House. House Bill 753 was enacted as **Act 64 of 2015**.

*** **<u>PACE and PACENET Eligibility</u>** -- The Senate unanimously approved **House Bill 777**, which amends the state Lottery Law to protect individuals from becoming ineligible for the PACE and PACENET programs due to Social Security cost-of-living adjustments.

PACE and PACENET are Lottery-funded programs that provide low-cost prescriptions for low-income seniors, disabled people and others. This bill ensures individuals enrolled in these programs remain eligible, extending the Social Security COLA moratorium through December 31, 2017.

The bill was enacted as **Act 91 of 2015**.

*** **<u>Lay Caregivers</u>** -- The Senate unanimously approved **House Bill 1329**, which creates the Caregiver Advise, Record and Enable (CARE) Act to allow a patient to designate an individual who will be providing after-care assistance to them as a lay caregiver.

The bill also requires hospitals to notify lay caregivers of a patient's change in location and provides them with after-care instruction.

Patients or guardians will be given the chance to designate a lay caregiver prior to their release from the hospital. These caregivers will face no liability because of this designation, but will be privy to the patient's medical information. Lay caregivers will be notified if the patient is transferred or discharged. Patients are not required to designate a lay caregiver.

The legislation also places specific requirements on how caregiver training is to be conducted. The Legislative Budget and Finance Committee is required to conduct a study to see if this legislation reduces the re-admittance of patients for incorrect after-care treatment.

The bill was enacted as **Act 20 of 2016**.

*** **<u>Family Support Orders</u>** -- The Senate unanimously approved **House Bill 1603**, which amends the Uniform Interstate Family Support Act to bring Pennsylvania into compliance with uniform laws regarding interstate and international jurisdiction of family support orders.

The bill changes how interstate and international family support orders are enforced to ensure children receive financial support from their parents regardless of where they are in the world. Prior to this legislation Pennsylvania was operating under the 1996 Uniform Interstate Family Support Act guidelines. This measure redefines personal jurisdiction and provides for clarification to child support orders existing in multiple states.

This legislation also requires county agencies to contact the police and report suspicions of a child being a victim of sex trafficking. The bill also establishes new responsibilities for county children and youth services. This change provides additional procedures for cases involving children suspected of being sex trafficking victims or children who are missing. This bill also authorizes courts to consult with a dependent child to determine their desired permanency goal during a permanency hearing.

This measure also maintains Pennsylvania's compliance with federal law and therefore allows the state to keep close to $150 million in funding.

The bill was enacted as **Act 94 of 2015**.

AGRICULTURE AND RURAL AFFAIRS

**** <u>Wind-Powered Generators</u>** — The Senate unanimously approved **House Bill 188**, which would have amended the Agricultural Area Security Law to allow the use of wind-powered generation systems.

Currently, landowners may install water, sewage, electric, coal and gas or oil lines. This measure would have allowed them to install wind-powered generation systems as well. Wind power generation companies would have been required to evaluate any effects their generators might have on endangered species. The bill would have put specific limitations on the generators to maintain environmental quality and comply with environmental laws.

Following House amendments and unanimous approval, the bill died in the Senate Rules and Executive Nominations Committee.

*** **<u>Clean and Green Program</u>** — The Senate unanimously approved **House Bill 806**, which amends the Clean and Green Law to ban use values for situations where the assessment value is higher than the fair market value.

The Clean and Green Law is designed to reduce certain agricultural properties' property taxes. Previous law allowed land assessors to evaluate land based off of the use value rather than the fair market value to provide for lower property tax costs. However, in certain counties market value assessments were not being done on an annual basis and, therefore, the use value was showing a much higher property value than the market value.

This legislation ensures that the lower assessment value is used when determining the land assessment for a preferential land. The three preferential lands applicable under this law are lands used for agriculture, agricultural reserve and forest reserve.

The bill was enacted as **Act 89 of 2016**.

*** **Industrial Hemp** — The Senate unanimously approved **House Bill 967**, which allows for the cultivation and processing of industrial hemp in Pennsylvania.

The bill creates the Agricultural Pilot Program for the growth, cultivation and marketing of industrial hemp for Institutions of Higher Education and the Department of Agriculture. Under the bill, institutions may grow and research the use of hemp.

The Department of Agriculture will be in charge of regulating permits and guidelines for hemp researchers. They must establish penalties for growing violations and all funds collected through licensing and penalties will be deposited in the Plant Pest Management Account.

Growers must submit a criminal background check to become a licensed hemp grower. Similar legislation, Senate Bill 50, created an Agriculture Pilot Program for the growing of industrial hemp. The bill was unanimously passed by the Senate; however, the bill died in the House.

House Bill 967 was enacted as **Act 92 of 2016**.

*** **Horse Racing Breeding Fund** — The Senate unanimously approved **House Bill 2303**, which moves the Race Horse Industry Reform Act from the Administrative Code to Title 3 (Agriculture).

This legislation restores the language "Pennsylvania-bred" horses to the Race Horse Industry Reform Act because it was erroneously omitted from the amendments made by Act 7 of 2016 to the Race Horse Industry Reform Act. This change allows for retroactive distribution of breeding awards from February 23, 2016 to December 31, 2016. The bill awards the following purse distribution to breeders:

- 30-40 percent of the purse to a registered Pennsylvania-bred thoroughbred racing horse that was sired by a registered Pennsylvania sire for the position of 1st, 2nd or 3rd;
- 20 percent of the purse to a registered Pennsylvania-bred thoroughbred racing horse sired by a non-registered sire for the position of 1st, 2nd or 3rd.
- 10 percent of the purse to the owner of a registered Pennsylvania-bred thoroughbred racing horse which finishes in 1st, 2nd or 3rd.
- Eliminates awards to owners of PA Bred horses winning first in a non-restricted race.

The bill stipulates that if more than $10 million is deposited in Pennsylvania Breeding Fund, half of the money will be used to pay purses to owners for races restricted to PA Bred/PA sired horses and half used to pay purses for races restricted to PA-Bred horses. The bill allows races to be closed to non-PA Bred horses if eight or more PA-Bred horses enter into the race.

The bill was enacted as **Act 114 of 2016.**

* **Industrial Hemp** — The Senate unanimously approved **Senate Bill 50**, which would have allowed for the cultivation and processing of industrial hemp in Pennsylvania. This measure was entitled the "Industrial Hemp Act" and would have created the Hemp Research Board.

The bill defines Industrial Hemp as "The plant cannabis sativa l. and any part of the plant, whether growing or not, with a delta-9 tetrahydrocannabinol (THC) concentration of not more than 0.3 percent on a dry weight basis."

The bill creates the Agricultural Pilot Program for the growth, cultivation and marketing of industrial hemp for Institutions of Higher Education and the Department of Agriculture. Institutions would have been permitted to grow and research the use of hemp under this legislation.

The Department of Agriculture would have been in charge of regulating permits and guidelines for hemp researchers. They would also have been responsible for creating an annual report detailing a summary of the research.

Similar legislation, House Bill 967, was approved by the House and Senate and enacted to create the industrial hemp pilot program.

Senate Bill 50 died in the House Agriculture and Rural Affairs Committee.

*<u>**Kennel Licensure**</u> — The Senate unanimously approved **Senate Bill 78**, which would have protected animals from kennel owners and their family members who have an animal cruelty record.

Under this legislation, applicants applying for a kennel license would have had to prove that family members who have had their kennel license revoked within the last 10 years would have no interaction with the animals. The legislation aimed to raise awareness and take preventative action to stop animal cruelty.

This bill was previously introduced as Senate Bill 1107 in the 2013-2014 Session. Senate Bill 78 died in the House in the House Rural and Agricultural Affairs Committee.

*<u>**Horse Racing Reform**</u> — The Senate voted 25-24 in favor of **Senate Bill 352**, which would have reformed Pennsylvania's horse racing industry.

The legislation would have updated regulations and dissolved the State Horse Racing Commission and the State Harness Racing Commission and combined them to create the State Racing Commission. The new commission would have been in charge of regulating horse racing and the pari-mutuel (betting) operations. This commission would have managed licensure, fines, fees and taxes to fund oversight and drug testing.

The bill was aimed at reforming the horse racing industry to improve its financial situation. Racing funds are mainly obtained through purses at horse races, and due to a decline in wagering, the funding mechanism needs to be adjusted.

This legislation would have made a number of changes to the distribution of funds to generate additional revenue. The Department of Agriculture estimates that the proposed changes could have generated approximately $3.3 million annually. Maximum fines would have been increased and deposited into the Racing Fund, instead of being deposited into the General Fund. The changes would have eliminated the admission tax, which in turn would have resulted in a loss of about $37,000 to the Racing Fund.

Opponents of this bill, and to similar legislation, claim this restructuring would not have generated the estimated revenue and, in the end, would have hurt the industry more than it would have helped.

Similar legislation was previously introduced as Senate Bill 1188 in the 2013-2014 Session. Senate Bill 1188 passed the Senate unanimously; however, it died in the House's Agriculture and Rural Affairs Committee.

This bill died in the House.

*<u>**Mobile Food Facility Licensure**</u> — The Senate unanimously approved **Senate Bill 735**, which would have allowed mobile retail food facilities to operate in multiple jurisdictions under one license.

Current law requires mobile retail food facilities to do the following in each jurisdiction they are in: purchase a license, follow specific jurisdiction regulations and be inspected in each food safety jurisdiction where they operate.

Under this legislation, the base location the mobile retail food facility holds would have been the location used for licensing purposes. The base location would have been where the facility returns to "for the purpose of storage, discharge, or restocking." This bill would have saved mobile retail food facilities money by only requiring them to be inspected and charged once for an inspection in their base jurisdiction. This legislation would not have applied to mobile retail food facilities in Philadelphia.

The bill died in the House Agriculture and Rural Affairs Committee.

***<u>**Vapor Pressure Waiver**</u> — The Senate unanimously approved **Senate Bill 1123**, which amends the state's Agriculture Law to allow Pennsylvania to continue to receive a vapor pressure waiver for gasoline. The vapor pressure waiver allows Pennsylvania to continue to sell one-pound vapor pressure gasoline until new regulations are established.

Fuel sold in Pennsylvania must comply with the regulations of the Uniform Engine Fuels, Petroleum Products and Automobile Regulations. These guidelines require that gasoline contain no more than the allotted one pound per square inch of vapor pressure. This means that gasoline ethanol blends cannot exceed the 10 percent limit. A vapor pressure higher than this would cause the gasoline to evaporate at a higher rate.

The previous vapor pressure waiver had expired on May 1, 2016. This measure allows the Department of Agriculture to establish vapor pressure specifications until the American Society for Testing and Materials establishes new regulations.

The bill was enacted as **Act 80 of 2016**.

** <u>**Horse Racing and Other Provisions**</u> — The Senate voted 41-7 in favor of **Senate Bill 1229**, which would have amended the Administrative Code to provide additional responsibilities for the Department of Environmental Protection (DEP) with respect to unconventional wells; placed additional requirements on the Department of Corrections;

amended the Pennsylvania Breeding Fund to provide for a broader and increase breeder reward system and amended the make-up of the Breeding Fund Advisory Committee.

Originally, this legislation would have only restored the language "Pennsylvania-bred" horses to the Race Horse Industry Reform Act because it was "erroneously omitted" from the amendments made by Act 7 of 2016 to the Race Horse Industry Reform Act. The bill was amended to add additional measures to the Pennsylvania Breeding Fund law for distributing purse money.

This legislation would have amended awards to be the following:

- Award 30 percent of the purse to a registered Pennsylvania-bred thoroughbred racing horse that was sired by a registered Pennsylvania sire for the position of 1st, 2nd or 3rd.
- Award 20 percent of the purse to a registered Pennsylvania-bred thoroughbred racing horse sired by a non-registered sire for the position of 1st, 2nd or 3rd.
- Award 10 percent of the purse to the owner of a registered Pennsylvania-bred thoroughbred racing horse that finishes in 1st, 2nd or 3rd.
- Up to 20 percent of the remaining Breeding Fund, at the end of the year, would have been distributed among licensed racing entities in proportion to the rate they generated the funds to be used for Pennsylvania Breeding Fund Stakes Race purses.

The State Horse Racing Commission would have been responsible for contracting with the Pennsylvania Horse Breeders' Association for them to be responsible for tracking Pennsylvania-bred thoroughbred race horses and Pennsylvania sires. The Commission would have been authorized to adjust purse distributions to no less than 30 percent and no more than 50 percent of the award that is earned by a racing horse sired by a registered Pennsylvania sire. They would have been allowed to adjust the purse award of a racing horse sired by a non-registered sire to anywhere between 20 percent and 40 percent.

The bill also would have altered the makeup of the Pennsylvania Breeding Fund Advisory Committee. The committee would have had five members. Two members would have been selected by the Pennsylvania Horse Breeders' Association, one from the Licensed Racing Entities, one from the association representing Horsemen Racing in Pennsylvania and one from the Pennsylvania Breeding Fund Advisory Commission.

In addition, the bill was amended to amend the Unconventional Well Report Act in the Administrative Code. Unconventional well reports would have been submitted to DEP and include the type of waste, the amount of waste and how the waste is being disposed. All reports would have been required to be submitted on February 15 and August 15. The DEP would have been restricted from establishing any requirements on water standards other water storage guidelines, for the storage of surface water, fresh groundwater or water obtained from an approved public water purveyor that is used in oil and gas development.

The bill was amended to modify regulations for solar photovoltaic technology. This technology would have needed to "directly deliver the electricity it generates to the distribution system operated by an electric distribution company" within Pennsylvania. This change would have allowed Pennsylvania to meet requirements under the "Alternative Energy Portfolio Standards Act."

This legislation would have provided guidelines to the Department of Corrections to prevent it from closing a state correctional institution without first holding a public hearing. The hearing notice would have been posted in the Pennsylvania bulletin 30 days prior to the meeting.

House Bill 2303 was the vehicle used to make the corrections the Race Horse Industry Reform Act and provide for purse earnings that this bill would have provided.

Senate Bill 1229 was amended in the House Rules Committee and then died in the House.

APPROPRIATIONS

****V 2015-16 Budget (Part 1)** -- In a party-line vote, the Senate voted 30-19 in favor of the 2015-16 state budget legislation. The $29.59 spending plan **(House Bill 1192)** would have appropriated $1.01 billion more than the previous year.

Two of the larger appropriation would have made changes to Lottery Fund and the Motor Licenses Fund. The Lottery Fund would have been cut by $130 million and the Motor License Fund would have gone up by $181 million over the previous year.

Many Democrats criticized the GOP plan for being gimmicky; exhausting one-time revenue sources, shortchanging schools, social services and jobs programs; and giving gas drillers a pass on paying a modest extraction tax. They said the bill was similar to last year's (2014-15) "phony" budget that left the state in a budget hole.

Opponents also criticized the budget for providing no property tax relief and hiking school funds by only $8 million over the 2014-15 year.

The bill was vetoed (**Veto No. 1 of 2015)** by Gov. Tom Wolf**.** He stated in his veto message that their people of Pennsylvania deserved to have a budget plan that "contains fair and adequate education funding." The governor added that lawmakers failed to provide a gas drilling severance tax or provide property tax relief.

The governor noted: "The budget is not balanced, it would increase the deficit to over $3 billion, it will lead to continued credit downgrades for Pennsylvania, it includes over $1.5 billion in one-time revenues and payment delays until next year, it does not include the restoration of the education cuts enacted over the last four years, and the budget fails our children from early childhood to higher education."

****V Fiscal Code (Part 1)** -- The Senate voted 48-2 in favor of **House Bill 1327**, which would have amended the Fiscal Code to provide for the implementation of the 2015-16 budget.

The Fiscal Code bill serves as the spending and policy roadmap for the budget and is traditionally a piece of legislation needed to close the circle on any given fiscal year's budget.

The bill would have made several key amendments to:

- increase the minimum retailer's cost of selling cigarettes from 6 percent to 7 percent (Philadelphia would have been exempt);
- prohibit surplus funds from the 2014-15 budget from being transferred to the Budget Stabilization Reserve Fund;

- reduce the transferring of funds from the Oil and Gas Lease Fund to the Marcellus Legacy Fund;
- provide for the transfers of funds from the Tobacco Settlement Fund and the Race Horse Development Fund, along with several other transfers between funds;
- distribute health-related funds, community-based projects, clean drinking water funds, school programs and several other fund allocations;
- reimburse school districts for costs associated with this year's budget impasse;
- allow Second Class A cities to continue to charge a local service tax to pay down pension debt;
- reauthorize the State Workers' Insurance Board until June 30, 2018;
- transfer $20 million from the Marcellus Legacy Fund to the Environmental Stewardship Fund;
- provide for the use of grants to obtain access to natural gas; and
- allow the legislature to request an extension to create and submit a state plan for Greenhouse Gas Regulations. Opponents of this Greenhouse provision claim the proposed changes create more difficult circumstances for the Department of Environmental Protection to develop a state plan and prolong the implementation of the Clean Power Plan.

The bill was vetoed **(Veto No. 1 of 2016).** The governor said the measure continued a basic education funding distribution that he called one of the "most inequitable in the nation." He also criticized a $2.5 billion bond issue in the budget with any attempt to address the state's structural deficit. He also criticized the measure for invalidating existing oil and gas regulations, which he said would compromise the Department of Environmental Protection's ability to safeguard the state's environment.

*****V** **<u>2015-16 Budget (Part 2)</u>** -- In a near party-line vote, the Senate voted 33-17 in favor of **House Bill 1460**. This bill is the House Republican-constructed General Appropriation proposal for the 2015-16 fiscal year. The measure appropriates $30.3 billion.

This legislation increases state spending by $1.1 billion more than the 2014-15 budget. However, this legislation only proposes a $100 million increase to education funding as opposed to the agreed-to increase of $350 million. This legislation appropriates more than $50 million less to human services than Senate Bill 1073 would have appropriated (the agreed-to bipartisan budget).

Although Senate Republicans were in favor of the bipartisan budget plan, many voted in favor of this legislation as a last attempt to complete a budget before Christmas. House Republicans have continued to refer to this legislation as a "responsible budget."

Democrats doggedly expressed their continued support of Senate Bill 1073 and said they will continue fighting for adequate education funding. This legislation goes against the agreed to budget that the Senate, House Democrats and the governor were in favor of passing. House Republican leaders originally agreed, but their caucus members reneged.

The governor's line-item veto message stated that he "disapproved the unbalance nature of this budget proposal and its cuts to education funding."

With this partial veto, the governor released essential funding for key services across the state. "This General Appropriation bill cuts $95 million from schools, instead of making historic investments as agreed to in Senate Bill 1073," the governor said. He also expressed his concerns that the budget sent to him would continue to increase the deficit. Gov. Wolf vetoed "some or all of the funding for several meritorious programs in order to maintain the commonwealth's financial integrity."

House Bill 1460 was line-item vetoed and was enacted as **Act 10A of 2015**.

*** **<u>2015-16 Fiscal Code (Part 2)</u>** -- The Senate approved **House Bill 1589** with a vote of 37-11. This bill amends the Fiscal Code to provide for budget implementation of the General Appropriations Act of 2015 (Act 10A of 2015) and the Supplemental Appropriation Act (Act 1A of 2016).

The Fiscal Code is the plan for the implementation of the General Appropriation and the bill makes several key amendments to do the following:

- Limits transfers from the Oil and Gas Lease Fund to the Marcellus Legacy Fund for distribution to the Environmental Stewardship Fund to $20 million;
- Reauthorizes the Basic Education Funding, Special Education Funding and Community College Funding for the 2015-16 fiscal year using the same distribution plan as the 2014-15 fiscal year;
- Suspends the pension double payments for charter and cyber charter schools in the 2015-16 fiscal year;
- Provides for County Human Services in the event of an extended budget impasse;
- Amends language related to bonds issued to refinance authorized school capital construction grant projects for the reimbursement of school construction projects;
- Requires the Department of Labor and Industry to appropriate payment to the Vocation Rehabilitation Fund for work-based learning experiences;
- Authorizes fund transfers from the General Fund to entities such as the Tobacco Settlement Fund, Race Horse Development Fund, Workmen's Compensation Administration Fund and the Uninsured Employers Guarantee Fund;
- Permanently transfers slot machine license fees to the General Fund, for any fees received by the Gaming Control Board;
- Allows for a city of the second class A to charge a local service tax that does not exceed $156;
- Establishes a Natural Gas Infrastructure Grant Program run through the Commonwealth Financing Authority;
- Reauthorizes the "Ready to Learn" block grant funding for school districts and charter schools at the 2014-15 fiscal year budget level; and
- Creates new tax rates for appropriations made to the Department of Community and Economic Development.

The bill was enacted as **Act 25 of 2016.**

*** **<u>2015-16 Supplemental Budget</u>** -- In a near party-line vote, the Senate voted 31-18 in favor of **House Bill 1801**, which is the Republican crafted supplemental budget bill for the 2015-16 fiscal year.

This legislation appropriates additional funding to House Bill 1460**,** which is the General Appropriation bill that was line-item vetoed and enacted as Act 10A of 2015. This supplemental budget appropriates an additional $6 billion and brings the total General appropriation to $30 billion for the 2015-16 fiscal year. This amount is an increase in state spending by about $800,000 more than the 2014-15 budget.

Some of the larger supplemental appropriations in this legislation include: $940 million for state correctional institutions, $3.15 billion for basic education funding and $1.9 billion for Medical Assistance-Capitation. Overall Basic Education Funding was increased by $200 million from last year.

Republicans advocated for the legislation, claiming it was time to bring the protracted budget impasse to an end and to distribute the remaining education funding to schools. Republicans claim the legislation is balanced and successfully raises education funding without the need for increased taxes.

Democrats and the governor argued that the legislation is not a balanced budget, underfunds schools and does not improve the state's current financial situation. They said the bill cuts $40 million in higher education student grants and continues to downgrade Pennsylvania's credit rating due to the structural deficit.

The bill became law without the governor's approval as **Act 1A of 2016**. Upon passage of the bill in both the House and the Senate, Gov. Tom Wolf voiced his disapproval of the legislation. "My reasons for not signing this budget are clear: the math in this budget does not work," he said.

However, Wolf said allowing the bill to become law was the "right thing to do" to keep money flowing to schools, counties, corrections and other entities through the end of the fiscal year. "We have to move forward and address a looming 2016-2017 budget deficit of $2 billion," the governor added. "Therefore, I am allowing this budget to become law without my signature."

*** **Funding for Penn State** -- The Senate unanimously approved **House Bill 2137**, which appropriates funding to the Pennsylvania State University for the 2016-17 fiscal year. The bill appropriates $224.8 million to Penn State and $19.6 million to Pennsylvania College of Technology. The bill allows for additional money to be appropriated from the Agricultural College Land Scrip Fund for Agricultural Research and Extension Services. The same amount of funding was appropriated to Penn State University for fiscal 2015-16.

The bill was enacted as **Act 17A of 2016.**

*** **Funding for Pitt** -- The Senate unanimously approved **House Bill 2138**, which appropriates $140.7 million to the University of Pittsburgh and $2.3 million for Rural Outreach Programs for the 2016-17 fiscal year – the same amount the school received the previous year.

The bill was enacted as **Act 18A of 2016.**

*** **Funding for Temple** -- The Senate unanimously approved **House Bill 2139**, which appropriates $146.9 million to Temple University for the 2016-17 fiscal year. The school received the same amount the previous year.

The bill was enacted as **Act 19A of 2016.**

*** **Funding for Lincoln University** -- The Senate voted 49-1 in favor of **House Bill 2140**, which appropriates $14.1 million to Lincoln University for the 2016-17 fiscal year. The same amount was appropriated to Lincoln University last year. The bill was enacted as **Act 20A of 2016.**

*** **Funding for Penn** -- The Senate unanimously approved **House Bill 2141**, which appropriates $29.7 million to the University of Pennsylvania for the 2016-17 fiscal year. The same amount was appropriated to Penn the previous year.

The bill was enacted as **Act 21A of 2016.**

*** **DCED Funds** -- The Senate unanimously approved **House Bill 2175**, which appropriates $1.47 million from a restricted revenue account within the General Fund to the Office of the Small Business Advocate in the Department of Community and Economic Development for the 2016-17 fiscal year.

The bill was enacted as **Act 7A of 2016.**

*** **SERS Operations** -- The Senate unanimously approved **House Bill 2176**, which appropriates $24.6 million for the general government operations of the State Employees Retirement System (SERS) for the 2016-17 fiscal year.

The bill was enacted as **Act 8A of 2016**.

*** **Consumer Advocate Funds** -- The Senate unanimously approved **House Bill 2177,** which appropriates $5.5 million from a restricted revenue account in the General Fund to the Office of Consumer Advocate in the Office of Attorney General.

The bill was enacted as **Act 9A of 2016.**

*** **Gaming Support Funds** -- The Senate unanimously approved **House Bill 2178**, which appropriates $76.9 million from the State Gaming Fund restricted revenue account to the Attorney General, Department of Revenue, State Police, and Gaming Control Board.

The bill was enacted as **Act 10A of 2016.**

*** **Small Business Advocate Funds** -- The Senate unanimously approved House Bill 2179, which appropriates $81.2 million from the Workmen's Compensation Administration Fund to the Department of Labor and Industry and to the Office of the Small Business Advocate within the Department of Community and Economic Development.

The bill was enacted as **Act 11A of 2016.**

*** **Philadelphia Parking Authority** -- The Senate unanimously approved **House Bill 2180**, which appropriates $10.6 million to the Philadelphia Parking Authority.

The bill was enacted as **Act 12A of 2016.**

*** **<u>PSERS Funds</u>** -- The Senate unanimously approved **House Bill 2182**, which appropriates $44.7 million for the costs of the Public School Employees Retirement System (PSERS) for the 2016-17 fiscal year.

The bill was enacted as **Act 13A of 2016.**

*** **<u>Boards and Commissions</u>** -- The Senate unanimously approved House Bill 2183, which appropriates $56.2 million from the Professional Licensure Augmentation Account and from other restricted revenue accounts within the General Fund to the Department of State for the operations of several boards and commissions.

The bill was enacted as **Act 14A of 2016**.

*** **<u>PUC Funding</u>** -- The Senate unanimously approved **House Bill 2184**, which appropriates $72 million from the General Fund's restricted revenue account to the Public Utility Commission (PUC).

The bill was enacted as **Act 15A of 2016**.

*** **<u>Capital Budget</u>** -- The Senate unanimously approved **Senate Bill 811**, which provides for the capital budget for the 2016-17 fiscal year. This legislation authorizes the maximum spending of $1.29 billion. This amount is the maximum amount of debt that the commonwealth is allowed to incur for the fiscal year while providing for capital projects.

The bill was enacted as **Act 27 of 2016.**

*** **<u>Department of State Funds</u>** -- The Senate unanimously approved **Senate Bill 812**, which appropriates $54 million from the General Fund to the Department of State. The legislation makes appropriations from the State Board of Medicine, the State Board of Osteopathic Medicine, the State Board of Podiatry, and the Athletic Commission Augmentation Account for the 2015-16 fiscal year.

The bill was enacted as **Act 1A of 2015**.

*** **<u>Workmen's Comp</u> --** The Senate unanimously approved **Senate Bill 813**, which appropriates $72 million from the Workmen's Compensation Administration Fund to the Department of Labor and Industry and the Department of Community and Economic Development. This legislation also transfers $3 million to the Uninsured Employers Guaranty Fund for the 2015-16 fiscal year.

The bill was enacted as **Act 9A of 2015**.

*** **<u>DCED Funds</u>** -- The Senate approved **Senate Bill 814** with a vote of 48-1. This legislation appropriates $1.3 million from the General Fund to the Office of Small Business Advocate in the Department of Community and Economic Development for the 2015-16 fiscal year.

The bill was enacted as **Act 2A of 2015**.

*** **<u>Attorney General Funding</u>** -- The Senate unanimously approved **Senate Bill 815,** which appropriates $5.3 million from the General Fund to the Office of Consumer Advocate in the Office of Attorney General for the 2015-16 fiscal year.

The bill was enacted as **Act 3A of 2015**.

*** **<u>PSERS Funds for 2015-16</u>** -- The Senate unanimously approved **Senate Bill 816**, which appropriates $44 million to the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the 2015-16 fiscal year.

The bill was enacted as **Act 4A of 2015**.

*** **<u>Employee Retirement Fund</u>** -- The Senate unanimously approved **Senate Bill 817**, which provides $23.7 million from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the 2015-16 fiscal year.

The bill was enacted as **Act 5A of 2015**.

*** **<u>Philadelphia Parking Authority</u>** -- The Senate approved **Senate Bill 818** with a vote of 48-1. This legislation appropriates $10.4 million to the Philadelphia Taxicab and Limousine Regulatory Fund and the Philadelphia Taxicab Medallion Fund to the Philadelphia Parking Authority for the 2015-16 fiscal year.

The bill was enacted as **Act 6A of 2015**.

*** **<u>PUC Support</u>** -- The Senate unanimously approved **Senate Bill 819**, which appropriates $72.7 million from the General Fund and from federal funds to the Pennsylvania Public Utility Commission for the 2015-2016 fiscal year.

The bill was enacted as **Act 7A of 2015**.

*** **<u>Gaming Support Funds</u>** -- The Senate unanimously approved **Senate Bill 820**, which appropriates $78.3 million from the State Gaming Fund to the Pennsylvania Gaming Control Board, the Department of Revenue, the State Police and the Attorney General.

The bill was enacted as **Act 8A of 2015**.

*** **<u>Penn State Funding</u>** -- The Senate voted 48-2 in favor of **Senate Bill 912**, which appropriates funding to the Pennsylvania State University for the 2015-16 fiscal year. This bill would appropriate $224.8 million to Penn State and $19.6 million to Pennsylvania College of Technology. The bill allows for an addition $2 million to be appropriated from the Agricultural College Land Scrip Fund to address avian flu and other animal disease outbreaks. Last year $229.7 million was appropriated to Penn State University.

The bill was enacted as **Act 2A of 2016.**

*** **<u>Penn Funding</u>** -- The Senate voted 48-2 in favor of **Senate Bill 913**, which appropriates $29.7 million to the University of Pennsylvania for the 2015-16 fiscal year. Last year $28.2 million was appropriated to the University of Pennsylvania.

The bill was signed into law as **Act 3A of 2016.**

*** **<u>Temple Funding</u>** -- The Senate voted 48-2 in favor of **Senate Bill 914**, which appropriates $146.9 million to Temple University for the 2015-16 fiscal year. Last year $139.9 million was appropriated to Temple University.

The bill was enacted as **Act 4A of 2016**.

*** **<u>Funding for Pitt</u>** -- The Senate voted 48-2 in favor of **Senate Bill 915**, which appropriates $140.7 million to the University of Pittsburgh for the 2015-16 fiscal year. Last year $136.2 million was appropriated to the school, $133.9 million for general support and $2.3 million for Rural Outreach Programs.

The bill was enacted as **Act 5A of 2016.**

*** **<u>Lincoln Funding</u>** -- The Senate voted 48-2 in favor of **Senate Bill 916**, which appropriates $14.1 million to Lincoln University for the 2015-16 fiscal year. Last year the school received $13.1 million.

The bill was signed into law as **Act 6A of 2016.**

V **<u>Stop-gap Budget for fiscal 2015-16</u> -- In a party-line vote, the Senate voted 30-19 in favor of **Senate Bill 1000,** which would have provided a stop-gap budget for Pennsylvania until October 31, 2015.

The bill would have appropriated four months of funding based on the spending plan in House Bill 1192 (a previously vetoed GOP budget). Senate Bill 1000 would have provided funding and a partial plan for the operation of Pennsylvania's Executive, Legislative, Judicial branches.

The legislation would have provided a third of the funding that last year's budget appropriated. In addition, the bill would have funded debt service payments in full, agriculture research at 67 percent of last year's funding, partially funded higher education costs, and partially funded the county child welfare line.

The bill was vetoed as **Veto No. 7 of 2015**. The governor, who previously vetoed House Bill 1192, stated that he considers **Senate Bill 1000** to be "an avoidance maneuver that fails to adequately fund education and locks in the same damaging cuts to human service programs included in House Bill 1192." The governor reiterated his demand that, "We need a budget that both invests in our future and fixes our deficit."

V **<u>Stop-gap Fiscal Code for 2015-16</u> -- In a party-line vote, the Senate voted 30-19 in favor of **Senate Bill 1001,** which would have provided for a stop-gap Fiscal Code for a third of the 2015-16 fiscal year.

This bill would have provided for a third of the funding from the previously suggested Fiscal Code. The bill would have established the appropriations formula for various funds, provided funds for existing state programs, and renewed expired annual funds. This bill is a companion bill to Senate Bill 1000, for implementation of the stop-gap appropriations.

The bill was vetoed as **Veto No. 8 of 2015**. The governor also vetoed the stopgap General Appropriations Bill associated with this bill. The governor refused to sign any part of the stop-gap budget and stated that "A partial budget fails to provide the long-term investment in Pennsylvania's future." The governor also expressed his concern that the repeated “irresponsible” funding strategies that have led Pennsylvania to the current financial situation. “The people of Pennsylvania deserve more than an incomplete and inadequate budget,” he added.

*** **<u>2016-17 Budget</u>** -- The Senate voted 43-7 in favor of **Senate Bill 1073**, which is an agreed-to bipartisan state budget legislation that appropriates $30.8 billion in spending for the 2016-17 fiscal year.

This budget plan provides $350 million more to public education than last year’s budget. The bill also appropriates $60 million more to early childhood education, $50 million more to special education funding, $25 million more to Pre-K Counts and $5 million more to Head Start supplemental assistance.

Opposition for this legislation comes from concerns for the increased spending and a lack of understanding as to where the revenue for the budget’s implementation would come from. In opposition to this agreed-to budget, the House Republicans created a smaller budget plan (HB 1460) spending about $500 million less. However, this plan makes a significantly smaller increase to education funding.

The bill was enacted as **Act 16A of 2016.**

* **<u>PUC Funds</u>** -- The Senate unanimously approved **Senate Bill 1283**, which would have made an appropriation from the General Fund’s restricted revenue account to the Public Utility Commission (PUC) for the 2016-17 fiscal year. These funds pay for the PUC’s annual operations.

Senate Bill 1283 died in the House; and a House version (House Bill 2184) of the legislation was enacted.

* **<u>Capital Budget</u>** -- The Senate unanimously approved **Senate Bill 1292**, which would have provided for the Capital Budget for the 2016-17 fiscal year. The bill provides for the amount of debt Pennsylvania can take on for capital projects. The maximum authorized amount under this legislation was approximately $1.1 billion. The bill died in the House. Senate Bill 811 became the Capital Budget for fiscal 2016-17.

* **<u>Performance-Based Budgeting</u>** -- The Senate voted 33-17 in favor of **Senate Bill 1341,** which would have created the requirement for a version of performance-based budgeting for use when creating the annual General Appropriations budget.

The bill would have established a Performance-based Budget Board, which would have been responsible for acting as a review board to “approve the performance-based budget plans developed by the Independent Fiscal Office for agencies and to make recommendations on how each agency’s operations and programs might be made more transparent, effective and efficient.

Every state agency would have been required to create a performance-based budget. Performance measurements would have been required to include efficiency measures, cost analyses, status improvements of the applicable demographic receiving the services, economic outcomes and agency benchmarks. Agencies would have needed to detail the number of individuals served by a program receiving funding. They would also have been required to include their mission statement and program goals.

The bill states that performance-based budgeting assists as an "effective method to counter the tendency toward reputation of outmoded state programs."

The bill died in the House.

BANKING & INSURANCE

*** **Oral Chemotherapy Medication -** The Senate unanimously approved **House Bill 60**, which amends the Insurance Company Law to provide for coverage for oral chemotherapy medication.

The legislation will give more patients access to various chemotherapy medications. Health insurance companies will be required to offer plans that include the coverage of oral and intravenous chemotherapy medication. Health care plans may not offer "less favorable" coverage for oral medications compared to the coverage or cost sharing offered for intravenously administered chemotherapy medications.

Patients must receive prior approval from their insurance company before oral medications are prescribed. Health insurance companies may not increase the cost of other chemotherapy medications to comply.

The bill was enacted as **Act 73 of 2016**.

*** **Money Transmission Business Licensing Law -** The Senate unanimously passed **House Bill 850**, which updates the 1977 Money Transmission Business Licensing Law.

The bill adds qualifications for a license to further define the net worth of an applicant. The bill also raises the application fee and renewal fee from $2,000 to $5,000. The legislation also allows for an agent to be appointed to conduct business related to a written agreement between the agent and the person on whose behalf the agent is acting.

The bill was signed into law as **Act 129 of 2016.**

*** **CHIP Program -** The Senate unanimously approved **House Bill 857**, which amends Insurance Company Law to renew the Pennsylvania Children's Health Insurance Program (CHIP), which would have expired on December 31, 2015.

The bill also requires insurance providers to reimburse emergency medical service agencies, provides for loaner vehicles insurance, amends the CHIP program and alters Managed Care Organization Assessments to agree with proposed Public Welfare Code amendments.

The legislation also requires insurance companies to reimburse non-network EMS providers to ensure balanced billing for consumers so that they avoid extra costs. Insurers must reimburse EMS providers if the following conditions are met: EMS providers submitted a direct reimbursement form to the Department of Health, EMS providers complied to be subject to insurance audits, balanced reimbursement can be completed, and the EMS provider cannot promise reduced bills because an individual made a donation.

This bill amends the Insurance Company Law to clarify whether the dealer or renter is responsible for damages to “loaner” vehicles. Liability will be placed on the customer’s insurance when the loaner vehicle is damaged. However, the bill places liability on the dealer while they are in possession of a customer’s vehicle.

The legislation moves the regulatory authority of CHIP to the Department of Human Services. The department is required to crosscheck families that receive Supplemental Nutrition Assistance Program aid and child care subsidy benefits to see if the family is also eligible for CHIP.

The bill was enacted as **Act 84 of 2015**.

*** **<u>Pharmacy Audits</u> -** The Senate passed **House Bill 946**, which provides a framework for pharmacy benefit managers and others to conduct audits within a pharmacy.

The bill establishes procedures for conducting a pharmacy audit. It also requires them to provide a pharmacy with a written report of the audit that must comply with requirements established in the bill. The auditor must also establish a written appeals process where a pharmacy may appeal an unfavorable final audit report.

The bill also requires Pharmacy Benefits Managers to register with the Insurance Department; and establishes minimum requirements on multiple source generic drug lists for pharmaceutical drugs.

It also revises the reimbursement formula for prescriptions in the PACE/PACENET program by moving from the lower of 88 percent of the Average Wholesale Price that pharmacies usual charge, or if a generic drug, the most current federal upper payment limits in the Medicaid Program to the lower of the National Average Drug Acquisition Cost or the pharmacy’s usual and customary charge.

The bill was signed into law as **Act 169 of 2016.**

*** **<u>Electronic Delivery of Insurance Policies</u> -** The Senate unanimously approved **House Bill 972**, which amends the Insurance Company Law to provide for the electronic delivery of insurance policies and annuities.

Previously, insurers had to hand-carry or use certified mail to deliver a policy or annuity. This legislation allows for electronic delivery of policies and annuities. The insurance issuer will be required to maintain a copy of the electronic transaction dates and delivery information for the length of the policy as a means to prove the policy or annuity was sent.

The bill was enacted as **Act 30 of 2015**.

*** **<u>Life Insurance Policies Collection</u> -** The Senate unanimously passed **House Bill 1403**, which requires a life insurer to implement ways for comparing its life insurance policies against names on the death master file provided by the Social Security Administration.

The bill ensures that life insurers must escheat unclaimed life insurance policies within three years following a death.

The bill was signed into law as **Act 132 of 2016**.

*** **<u>Auto Appraisal Electronic Submission</u> -** The Senate voted 47-1 in favor of **House Bill 1638**, which amends the Motor Vehicle Physical Damage Appraiser Act to allow for photographs, telephonic means and videos to be used to obtain an auto appraisal in Pennsylvania.

The previous law required that an auto appraisal be done in person by a certified appraiser. This legislation allows individuals to electronically submit photos and other types of electronic evidence to report damages to obtain an estimate for repair costs.

The bill was enacted as **Act 13 of 2016**.

***** <u>Calculation of Funds</u> --** The Senate unanimously approved **House Bill 1766**, which allows insurance companies to use principle-based reserving policies when calculating the amount of funds they are required to have available.

Principle-based reserving is a valuation method used to calculate the cost obligations to policy holders if they were to make a claim. This method assesses risk factors to require more money to be withheld for certain insurance policies and less money to be reserved for other policies. By changing the calculation method, risk liability can be more accurately projected to ensure companies have funds available to cover their life insurance policies and to allow them to better utilize funds.

This method was approved by the National Association of Insurance Commissioners. The bill was enacted as **Act 59 of 2016**.

*** **<u>Retroactive Denial of Reimbursements</u> -** The Senate unanimously passed **House Bill 2241**, which prohibits an insurer from retroactively denying reimbursements more than 24 months after the date the insurer initially paid the health care provider.

It also requires an insurer that denies reimbursement to a health care provider to give that provider a written statement specifying the reasons for the denial.

The bill was signed into law as **Act 146 of 2016.**

*** **<u>Health Insurance Navigators</u> -**The Senate unanimously approved **Senate Bill 293**, which regulates so-called navigators who provide information and advice on health insurance enrollment options.

Called the "Navigator Accessibility and Regulation Act," the measure requires those who help enroll citizens in Medicaid or a private insurance plan to register with the Department of Insurance and pass a criminal background check. This is to ensure the safety of a consumer's private information and to be sure that the navigator is relaying correct information. A "navigator" is an individual who aids and informs the public in health insurance transitions.

This bill was enacted as **Act 7 of 2015**.

*** **<u>Bail Bondsmen System Update</u> -** The Senate unanimously approved **Senate Bill 397**, which privatizes and adjusts the current bail bondsman system to provide uniform regulations across the state.

This bill redefines a bail bondsman as "a person who engages in the business of giving bail as a surety for compensation." The measure allows bondsmen to operate in multiple counties. Previous law restricted bondsmen to the county their office is located in.

Under this legislation, police officers may capture fugitives out on bond if they are doing so on their free time. This bill also limits compensation bondsman can charge by no more than 10 percent for the first $100 and 5 percent on every $100 thereafter.

The bill was enacted as **Act 16 of 2015**.

*** **Fairness in Multiple Co-payments -** The Senate unanimously approved **Senate Bill 487**, which will help save consumer's money by limiting the amount of required medical co-payments.

Under the measure, a section titled, "Fairness in Multiple Copayments" was added to ensure that individuals do not have to pay multiple copayments for various medical services. These services include medical services provided by a physical therapist, chiropractor and occupational therapist.

Senate Bill 487 was enacted as **Act 39 of 2015.**

* **Best Methods of Treatment for Cancer Patients -**The Senate unanimously approved **Senate Bill 536**, which would have amended the Insurance Company Law to give cancer patients access to choose the best method of treatment.

Instead of only being able to choose intravenous chemotherapy methods, individuals would have had oral chemotherapy as a feasible cancer treatment option. The option was always available; however, oral chemotherapy has lower health coverage compared to other chemotherapy options.

This legislation would have required health insurance companies to provide equivalent coverage for oral chemotherapy. Health insurance companies would have been required to have the same billing structure for both intravenous chemotherapy and oral chemotherapy.

The bill died in the House.

*** Punitive Damages Research -** The Senate voted 40-9 for **Senate Bill 747**, which would have required the Insurance Commissioner to research the total amount of punitive damages paid by doctors, long-term care nursing facilities and personal care homes.

This study would have expanded over the last 10 years to better inform the legislature of these medical costs. This legislation would also have limited punitive damages to 250 percent of compensatory damages.

The bill died the House.

*** Loaner Vehicle Damage Responsibility -** The Senate unanimously approved **Senate Bill 861**, which would have amended the Vehicle Code to clarify whether the dealer or renter is responsible for damages to "loaner" vehicles.

This legislation would have placed liability on the customer's insurance when the loaner vehicle is damaged. However, the bill would have placed liability on the dealer while it is in possession of a customer's vehicle.

While Senate Bill 861 died in the House, House Bill 857 contains similar components and was enacted.

*** <u>Minimum Financial Responsibility for All Motor Vehicles</u> -** The Senate voted 46-3 in favor of **Senate Bill 928**, which would have amended Title 75 (Vehicles Code) to increase the minimum financial responsibility coverage requirement for all motor vehicles.

The minimum for bodily injury for one person would have changed from $15,000 to $25,000. For two individuals the minimum would have changed from $30,000 to $50,000. For property damage the requirement would have changed from $5,000 to $15,000.

The bill also would have required PennDOT to sell statewide basic driver information to wholesale distributors and publish it in the Pennsylvania Bulletin.

The bill died in the House.

* **<u>Underground Storage Tank Indemnification Board</u> -** The Senate unanimously approved **Senate Bill 1142**, which would have amended the Storage Tank and Spill Prevention Act to alter the make-up of the Underground Storage Tank Indemnification Board.

The legislation would have removed The Middle Atlantic Truck Stop Operators (MATSO) from the board and added the Pennsylvania Food Merchants Association. The MATSO organization dissolved in 2006 and had relinquished its seat on the board. The Pennsylvania Food Merchants Association represents a large number of underground storage tank retailers in Pennsylvania and was a highly recommended addition to the board.

In addition, the bill would have provided for the appointing of new board members.

The bill died in the House.

*** **<u>Paying Wages through Debit Cards</u> -** The Senate voted 43-6 in favor of **Senate Bill 1265**, which amends the Wage Payment and Collection law to allow employers to pay wages in the form of debit cards.

This legislation allows employers to use payroll debit cards to pay employees, rather than the use of a check or direct deposit. The change is designed to help those who do not have traditional banking accounts. Advocates believe payroll debit cards are less vulnerable to fraud, are more efficient and keep costs down.

This bill establishes guidelines for the use of payroll debit cards to protect workers. Opponents argued that the cards can be easily lost and that employees may often be charged service fees to access their money. As a compromise, provisions were added to require payroll debit cards to be an optional form of payment choice.

Employers will now be responsible for providing information detailing earnings and deductions each pay period. The legislation adds specific protections for employee funds to prevent the loss or transfer of wages.

The bill was enacted as **Act 161 of 2016.**

* **<u>Travel Insurance Modernization</u> -** The Senate unanimously passed **Senate Bill 1331**, which would have created the “Travel Insurance Modernization Act” to allow travel agents to sell travel insurance without being required to be licensed as insurance producers.

The insurer issuing the travel insurance would have been required to supervise the development and administration of the training program for employees or representatives of the travel agency, either directly or through a designee.

Employees and authorized representatives, who were not licensed as designated licensees, would not have been allowed to evaluate the technical terms, benefits or conditions of the offered travel insurance coverage; evaluate or provide advice concerning a prospective purchaser's existing insurance coverage; advertise or represent themselves as a licensed insurer, designated licensee or expert.

The bill died in the House.

COMMUNICATIONS AND TECHNOLOGY

*** <u>Personal Data Security</u>** - The Senate unanimously approved **Senate Bill 1048**, which would have protected local and state government and school district data online.

This legislation would have amended the Breach of Personal Information Notification Act to provide for the security of computerized data on government and school computers. Data may include an individual's personal information, health information, financial information and medical history.

In the event a state agency had incurred a breach in its security, the bill would have required the agency to notify all affected persons within seven days and the Attorney General and governor's Office of Administration within three business days. A county, school district or municipality would have been required to notify affected persons within seven days, as well as their district attorney.

Under Senate Bill 1048, state employees and contractors working with personal information would have been required to use encryption. The bill also would have required the Office of Administration to develop a policy to govern the storage of personal information.

The bill died in the House.

COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT

*** **<u>Hotel Tax</u>** — The Senate voted 43-6 in favor of **House Bill 794**, which gives some counties the option of raising the local hotel tax.

This legislation raises the maximum allowable hotel tax from 3 percent to 5 percent. County commissioners will be empowered to choose the size of their hotel tax. The option to increase the county's hotel tax rate only applies to counties of the 3rd through 8th class and to three specified second class A counties.

This legislation also adds provisions for tourism promotion agencies (TPA) and clarifies how a TPA may be created or dissolved. Revenue from the hotel tax will go to the county's TPA for marketing and promoting tourism.

The Department of Community and Economic Development has the authority to withhold tax revenue if the TPA fails to submit an annual audit report or the financial statements required by the end of each fiscal year.

The bill was enacted as **Act 18 of 2016**.

*** **Neighborhood Improvement Districts** — The Senate unanimously approved **House Bill 944**, which amends the Community and Economic Improvement Act to alter how Neighborhood Improvement Districts (NIDs) are created and regulated in Philadelphia.

This legislation adds definitions to the existing law to define which individuals are considered "affected property owners" within a NID. These individuals are eligible to vote to reject a proposed NID in their area. Previously a majority of 51 percent of affected property owners was required to deny the implementation of a NID plan. This legislation requires that only 33 percent of the affected individuals vote against the plan – with up to 45 days after the hearing to object to the plan.

The bill requires that notice be given 30 days in advance of a public hearing to create a NID plan in a certain area. The date, time and location must be provided to all affected property owners. A second public hearing is no longer required if changes made to the NID plan are only technical in nature.

An annual audit must be submitted by the NID to the Department of Community and Economic Development and to any municipal departments designated within the NID.

The bill was enacted as **Act 28 of 2016**

*** **NID and Tax Increment Financing District Overlap** — The Senate unanimously approved **House Bill 1788**, which amends the Community and Economic Improvement Act to provide for the situation when a Neighborhood Improvement District (NID) overlaps with a Tax Increment Financing District (TIF) within Philadelphia.

NIDs are defined as "a geographic area within a municipality, in which a special assessment is levied on all designated property, other than tax-exempt property, for the purpose of promoting the economic and general welfare of the district." TIDs are "geographic areas within a redevelopment area that are defined and created by the governing body of a municipality to promote economic growth and combat blight."

Special tax exemptions and regulations are granted to these two types of district plans to promote economic growth, attract business opportunities and put money back towards the community to develop employment opportunities and improvements within the district.

This legislation provides for situations where NIDs overlap TIFs so that appropriate regulations can be applied to each. The bill allows for a joint management team to regulate the two district plans that govern a single district. The two district plans would be coordinated to provide for how revenue can be utilized between the two plans, the boundaries in the district and to provide for debt-service regulations between the two plans.

The bill was enacted as **Act 32 of 2016**.

** **Gaming and Local Share Assessment Proceeds** — The Senate voted 46-1 in favor of **House Bill 1887**, which would have provided a revised means to continue distributing Local Share Assessment (LSA) gaming proceeds to municipalities for projects.

The measure also would have required the Department of Drug and Alcohol Programs (DDAP) to maintain a single problem gambling telephone number and establish a compulsive and problem gambling program. The program would have included training for the treatment of compulsive and problem gambling, and public education to prevent compulsive and problem gambling.

The bill would have required the DDAP to:

- maintain one compulsive gamblers assistance toll-free number, which would have been 1-800-GAMBLER. If the number was unavailable, DDAP would have chosen a different number;
- advertise the availability of gambling addiction assistance programs for compulsive and problem gamblers — as well as their family members;
- conduct studies to identify individuals at risk of becoming compulsive and problem gamblers;
- create a plan to prevent compulsive and problem gambling;
- provide an annual report on the impact of the program and on the demographic-specific data of the individuals treated; and
- make grants to single county authorities to provide gambling prevention, treatment and educational/public awareness programs.

To respond to a court decision that invalidated the local shares assessment program, the legislation would have imposed an annual Slot Machine Operations Assessment equal to 20 percent tax of the Slot Machine License Fee ($10 million) for Category 1 and 2 casinos not located in Philadelphia for all host municipalities.

Following House amendments, the bill died in the Senate Rules and Executive Nominations Committee.

*** **First Industries Program** — The Senate unanimously approved **Senate Bill 756**, which amends Title 64 (Public Authorities and Quasi-Public Corporations) to change expiration date provisions for the First Industries Program.

The program is designed to improve Pennsylvania's agriculture and tourism industry. It provides financial tools targeted toward helping the agriculture industry.

Previously, Farm Credit Institutions were eligible for loans from the First Industries Program, but the participation expiration date for these institutions was July 15, 2015. This legislation removes the expiration date and allows these institutions to continue to be in the First Industries Program. In addition, the bill requires Farm Industries to have at least $500,000 in private funds to receive a loan.

The bill was enacted as **Act 81 of 2015**.

*** **Intergovernmental Cooperation Authority** — The Senate unanimously approved **Senate Bill 1221**, which updates the Intergovernmental Cooperation Authority (ICA) Act for Pittsburgh. The bill makes changes to record transparency, makes several changes proposed by the Auditor General, amends the definition of "gaming revenue" and creates new responsibility and accountability measures for the ICA.

The legislation provides for "financial disclosure" by requiring the ICA to post its annual report on the agency's website. The report must include detailed accounting of the gaming revenue and the monies distributed. The ICA will be required to disclose all intergovernmental cooperation agreements, its annual budget, required audits, contracts entered into with third parties and its records retention policy that needs to be consistent with policy of the Office of Administration.

The measure requires the ICA to implement these changes in Pittsburgh for at least seven years. If the authority is no longer needed, the bill mandates that gaming revenue to be redistributed to the city to bolster municipal pension funding. The bill requires the ICA to notify the state budget secretary if it directs Pittsburgh to use gaming revenue for purposes other than debt relief and pension related costs.

The bill was enacted as **Act 99 of 2016**.

CONSUMER PROTECTION AND PROFESSIONAL LICENSURE

******* **Natural Gas Distribution Refunds** - The Senate unanimously approved **House Bill 57**, which amends the Public Utilities Code to enable natural gas distribution companies to give refunds and recover costs associated with providing natural gas at competitive prices.

This legislation allows natural gas companies to refund customers at an increased interest rate equal to the current commercial borrowing rate. Natural gas companies will also be using an increased recovery rate equal to commercial lending rates. These changes allow natural gas companies to recover costs for projects and provides for situations where natural gas companies are underpaid for their product. The legislation will provide refunds to customers for when they overpay the projected natural gas cost.

The bill also provides for a "migration rider," which is a situation in which a large amount of customers switch to another competitive natural gas supplier. The legislation is designed to help natural gas suppliers recover all of the costs they are required to pay to supply their product at the regulated rates.

The bill was enacted **as Act 47 of 2016.**

******* **Suicide Prevention** - The Senate unanimously approved **House Bill 64**, which creates the "Matt Adler Suicide Prevention Continuing Education Act."

The measure is designed to raise awareness for suicide prevention and require individuals licensed by the State Board of Psychology or the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors to complete "at least one hour of continuing education in the assessment, treatment and management of suicide risks as a portion of the total continuing education required for license renewal."

The bill was enacted as **Act 74 of 2016.**

******* **Out-of-State Pharmacies -** The Senate unanimously passed **House Bill 75**, which amends the Pharmacy Act to require out-of-state pharmacies to register with the State Board of Pharmacy before providing services to Pennsylvania citizens.

The previous Pharmacy Act did not address out-of-state pharmacies. Until this measure was passed, Pennsylvania was the only state to not require out-of-state pharmacies to register with its state pharmacy board.

The amendment requires out-of-state pharmacies to maintain the same quality standards and licenses as Pennsylvania pharmacies. Non-resident pharmacies must provide information to the State Board of Pharmacies regarding contact information, location, and statements of compliance with the Board's policies.

The bill was enacted as **Act 43 of 2015.**

*** **PUC Oversight of Ridesharing** - The Senate unanimously approved **House Bill 140**, which removes carpooling and vanpooling from being considered as public utilities.

This change ends the Public Utility Commission's (PUC) oversight of commuter ridesharing. By making this change, it will be easier for businesses to offer ridesharing, save money for motorists/passengers and reduce the number of vehicles on the road.

This bill redefines a "ridesharing operator" to describe the various entities that rent or lease a ridesharing vehicle to provide carpooling or vanpooling opportunities.

The bill was enacted as **Act 22 of 2015**.

*** **Flu Shots for Children** - The Senate unanimously passed **House Bill 182**, which amends the Pharmacy Act to allow pharmacists to give flu shots to children ages 9 and older, with parental consent.

The legislation also permits pharmacy interns to administer the shots to children, if supervised by a licensed administrator. Under this bill, pharmacists administering flu shots are required to hold $1 million of liability insurance.

This bill was enacted as **Act 8 of 2015**.

*** **Auctions -** The Senate unanimously approved **House Bill 325**, which amends the definition of auctioneer and apprentice auctioneer licenses to provide for online auctions. Sellers involved in an online auction must be inside of Pennsylvania when the items transaction occurs.

The bill provides for special licensure by requiring a written contract to be created prior to certain auction transactions. This contract must be created 20 days prior to the auction. The special auction license is required if an online auction's auctioneer or auction company is located outside of Pennsylvania when the auction occurs. The bill creates the auctioneer company license, which must be obtained by any businesses engaging in auctions. This includes businesses selling property at an auction.

This legislation removes the need for an auctioneer of record to be present at every auction a licensed company holds. The bill also allows apprentice auctioneers to become licensed if they complete at least 20 credits of auction schooling and work as an apprentice for at least one year.

The bill was enacted as **Act 88 of 2016**.

*** **Naturopathic Medicine** - The Senate unanimously approved **House Bill 516**, which makes it unlawful for anyone to use the title of "naturopathic doctor" unless they are registered as a naturopathic doctor with the state Board of Medicine.

Naturopathic medicine is a primary health care profession, emphasizing prevention, treatment and optimal health through the use of therapeutic methods and substances that encourage the person's inherent self-healing process.

An applicant registering as a naturopathic doctor must meet all the following requirements:

- Have a bachelor's degree from a regionally-accredited college.
- Complete a minimum of 4,100 total hours in basic and clinical sciences, naturopathic philosophy, naturopathic modalities and naturopathic medicine.
- Pass a competency-based national naturopathic licensing examination administered by the North American Board of Naturopathic Examiners.
- Be certified to administer CPR.
- Be of good moral character.

The bill was enacted as **Act 128 of 2016.**

*** **Licensed Vehicle Salespersons** - The Senate unanimously approved **House Bill 1161**, which allows licensed vehicle salespersons to be licensed with one dealership and sell at another related dealership if the two dealerships share a common owner. This change accommodates vehicle dealers who own several dealerships and have their salespersons go between dealerships.

The bill was enacted as **Act 78 of 2015**.

*** **Water and Sewage Services at Resorts** - The Senate unanimously approved **House Bill 1241**, which amends the Public Utilities Code to exclude resorts distributing water or sewage services to homes located on their property from being considered "public utility distributors."

Larger resorts sometimes provide water and sewer access to homeowners on their property. However, the Public Utilities Commission (PUC) defined these resorts to be acting as a public utility provider. Resorts were then forced to incur unnecessary costs to comply with PUC regulations.

This legislation amends the definition of a public utility to exempt resorts from the definition as long as their main business is providing resort services and not utility distribution. A resort's revenue derived from the utility services would not be permitted to exceed 1 percent of the gross revenues generated from the primary resort business. The legislation also limits the resort's service rates to be no more than the average of two local municipalities' rates.

The bill was enacted as **Act 50 of 2016**.

*** **Out-of-State Licensed Dentists** - The Senate unanimously approved **House Bill 1275**, which amends the Dental Law to allow dentists from other states and countries to take continuing education classes in Pennsylvania. The bill also allows licensed dentists from other countries to obtain a restricted faculty license to teach at Pennsylvania's dental schools.

Dentists are required to participate in clinical continuing education courses and this measure would allow more qualified dentists to continue their degrees in Pennsylvania schools.

Previous law made faculty recruitment difficult because licensed dentists from other countries were not allowed to teach in Pennsylvania dental schools if they did not have a state license. Proponents said the bill enables institutions to hire the most qualified professional to teach in their schools.

The bill was enacted as **Act 60 of 2015.**

*** **<u>Costs of Water and Wastewater Systems</u>** - The Senate unanimously approved **<u>House Bill 1326</u>**, which provides a means to determine the value and operational costs of water and wastewater systems.

Public and privately owned water and wastewater utilities are in need of repairs across the state. To pay for these repairs, authorities in many cases will need to raise customer rates or sell utilities.

When communities do not have the financial ability to repair the water or wastewater utilities, they often seek to sell their system as a means to ensure continued maintenance and quality. Purchasers often have a hard time recovering their purchasing and repair costs. This legislation is designed to help potential buyers assess costs by determining a fair market value assessment on these facilities.

The bill provides guidelines for independent appraisers to evaluate the value of the utilities to help determine the value and what the rates should be after the utility is purchased. Buyers and sellers of these systems could use the voluntary service offered by this bill to determine the fair market price.

The bill requires the Public Utility Commission to approve all public utility purchases that utilize this option.

The bill was enacted as **Act 12 of 2016**.

*** **<u>Filing of Income Tax Expenses for Public Utilities</u>** - The Senate voted 49-1 for **<u>House Bill 1436</u>**, which requires that public utilities file their federal income tax expenses individually for the purpose public utility ratemaking.

Federal law allows public utilities to collectively file consolidated tax returns if the companies are affiliated with each other. This process allows public utilities to offset their losses and gains so they can utilize the tax money they save.

However, when public utilities file their tax expense collectively it is difficult to determine a utility's individual federal income tax expense. This legislation amends the current income tax filing procedures for public utilities so that the rates the Public Utility Commission (PUC) designates for the utility are based solely off of the individual utility.

In addition, the legislation requires that the PUC provide half of any revenue gained from this legislation to support system reliability and infrastructure; and that the other 50 percent be kept by the utility for general corporate purposes.

The bill was enacted as **Act 40 of 2016**.

*** **<u>Interstate Medical Licensure Compact</u>** - The Senate unanimously approved **<u>House Bill 1619</u>**, which authorizes Pennsylvania to join the Interstate Medical Licensure Compact. This change will allow medical professionals to obtain licensure in other states more easily.

The legislation and the Interstate Medical Licensure Compact aim to enhance existing medical licensure and regulatory authority of state medical boards to provide for licensure in multiple states. This change allows medical professionals to treat their patients regardless of where they are in the country. This bill does not alter Pennsylvania Medical Practice Act, but instead creates another authority from which Pennsylvania medical professionals can receive licensure. This legislation adopts the prevailing standard for licensure and affirms that the practice of medicine occurs where the patient is located.

The bill requires physicians to graduate from an accredited medical school; pass each component of the U.S. Medical Licensing Examination or Comprehensive Osteopathic Medical Licensing Examination within three attempts; complete an accredited graduate medical education; obtain and maintain specialty certification; possess a full and unrestricted license. Additionally, the physicians must never have been convicted for any offense; never held a license authorizing the practice of medicine hat was subject to discipline by a licensing agency; never had a controlled substance license revoked; and have no active investigations by a licensing agency against them.

A physician is required to designate a member state as their principal license for purposes of registration for expedited licensure through the compact. The declared state must be where the physician claims residence and performs at least 25 percent of their practice. An expedited license received from the provisions of the compact are revoked if the individual fails to maintain licensure in their member state.

The bill establishes the two-member Interstate Medical Licensure Compact Commission to administer the compact provisions. The legislation also allows members' states of the interstate agreement and the commission to implement licensure fees.

The bill was enacted as **Act 112 of 2016**.

******* **Perfusionist Licensure** - The Senate unanimously approved **House Bill 1841**, which amends the Medical Practice Act to provide for temporary perfusionist licensure.

A perfusionist is a specialized healthcare professional who uses the heart–lung machine during cardiac surgery and other surgeries that require cardiopulmonary bypass to manage a patient's physiological status.

This legislation allows the Medical Education and State Licensure Board to issue temporary graduate licenses. The applicant for the licensure is required to graduate from an educational program and take the licensure examination. The applicants will only be allowed to practice under the supervision of a licensed professional and the license will be valid for two years.

The bill removes the requirement that the individual's temporary license expires immediately upon notice when they have failed the required licensure examination. This legislation is a companion bill to House Bill 1842.

The bill was enacted as **Act 119 of 2016.**

******* **Companion Bill on Perfusionist Licensure** - The Senate unanimously approved **House Bill 1842**, which amends the Osteopathic Medical Practice Act to provide for temporary perfusionist licensure.

This legislation allows the Medical Education and State Licensure Board to issue temporary graduate licenses. The applicant for the licensure is required to have graduated from an educational program and applied to take the licensure examination. Applicants are only allowed to practice under the supervision of a licensed professional. Their license will be valid for two years.

The bill removes the requirement that the individuals temporary license expires immediately upon notice that the individual has failed the required licensure examination. The legislation is a companion bill to House Bill 1841.

The bill was enacted as **Act 120 of 2016.**

*** **Cosmetology Schools Charging Fees** - The Senate unanimously approved **House Bill 1864**, which allows cosmetology schools to charge fees to members of the public for services provided by students.

Any fees charged for student services must be reasonable and approved the State Board of Cosmetology. Previously, fees could not be charged for student services, except for costs of materials.

This bill was enacted as **Act 137 of 2016.**

*** **River Pilots Fees** - The Senate unanimously approved **House Bill 2290**, which allows the Navigation Commission for the Delaware River and its navigable tributaries to increase fees for pilot licenses.

The legislation sets fees for river pilots at $400 annually. Currently, pilot license fees cannot exceed $250. The commission may raise the fee up to $525 annually through regulation.

The bill was signed into law as **Act 147 of 2016.**

*** **Companion Bill for River Pilots Fees** - The Senate unanimously passed **House Bill 2291**, which increases rates for river pilots that navigate trade vessels along the Delaware River and its tributaries.

Under the measure, there is no rate hike in 2017, 1 percent in 2018 and 2 percent in 2019. The bill also increases transport charges for vessels traveling the Delaware River by $50. Revenues are used to help to maintain traffic control and safety equipment in the Delaware River and bay, and provide for pilots' salaries.

The bill was signed into law as **Act 148 of 2016.**

* **Immunizations Shots for Children** - The Senate unanimously approved **Senate Bill 305**, which would have allowed pharmacists to administer immunizations shots to children who are at least 7-years-old, with parental consent.

The legislation also would have allowed pharmacy interns to administer flu shots if supervised by an authorized professional.

Currently pharmacists are allowed to administer shots to individuals ages 18 and older. However, a large percentage of adults already get their flu shot at a pharmacy. The bill was aimed at encouraging and accommodating more child immunizations.

The bill died in the House.

** **Self-Report Criminal Convections** - The Senate unanimously approved **Senate Bill 538**, which would have toughened licensee reporting requirements.

Due to recent misconduct among licensees, this bill would have required license holders to self-report any criminal convictions. All licensees, registrants and certificate holders would have been required to report previous crimes and disciplinary actions found against them, by other licensing groups, to the Department of State's Bureau of Professional and Occupational

Affairs' 29 licensing boards. Failure to report would have resulted in punitive action.

This legislation would have granted licensing boards with the same jurisdiction as medical boards; and each board would have had the ability to suspend a license if there appeared to be an immediate danger to the public.

Currently only 11 of the 29 licensing boards require applicants to self-report, and this legislation would require self-reporting as well as give the authority to temporarily suspend licenses. Supporters claim stricter regulations would have helped prevent wrongful acts.

The House amended the bill and returned it to the Senate, where it died.

******* **<u>Visiting Sports Team's Physicians</u>** - The Senate unanimously approved **Senate Bill 685**, which amends the Medical Practice Act to allow for state licensure exemption for team physicians.

This bill allows a visiting sports team's medical staff to legally treat injured players while they are in Pennsylvania, as long as they are licensed in another state. The staff must be in a medical agreement with the team to treat the players and may only practice at that sporting event. Their temporary licensure would last no longer than 10 days.

The measure is a companion bill to Senate Bill 686. The bill was enacted as **Act 73 of 2015**.

******* **<u>Companion Bill for Visiting Sports Team's Physicians</u>** - The Senate unanimously approved **Senate Bill 686**, which amends the Osteopathic Medical Practice Act to allow for state licensure exemption for team physicians.

This bill allows a visiting sports team's medical staff to legally treat injured players while they are in Pennsylvania, as long as they are licensed in another state. The staff must be in a medical agreement with the sports team to treat the players and may only practice at that sporting event. Their temporary licensure would last no longer than 10 days.

The measure was the companion bill to Senate Bill 685. The bill was enacted as **Act 74 of 2015**

***<u>Nurse Practitioners</u>** - The Senate voted 41-9 in favor of **Senate Bill 717**, which would have amended the Professional Nursing Law to provide for the title of a certified nurse practitioners in Pennsylvania to include certified registered nurse practitioner, registered nurse practitioner, certified nurse practitioner and nurse practitioner.

The title of "advanced practice registered nurse-certified nurse practitioner" is reserved for individuals authorized to practice independently in a particular clinical specialty area.

This legislation would have removed the requirement that nurse practitioners are authorized to practice a clinical specialty, and not be required to collaborate with a doctor of medicine or an osteopathic doctor.

Under the bill, a certified nurse practitioner would have needed the following requirements to become certified: hold a current license in Pennsylvania as a registered nurse, graduate from an accredited board-approved master's or post-master's nurse practitioner program, and pass a national certification program exam in the particular clinical specialty.

Certified nurse practitioners would have been required to maintain their registered nurse licensure, specialty and complete 30 hours of continuing education under this legislation.

In addition, the bill provided for a nurse practitioner's authority to prescribe certain drugs.

The bill died in the House.

*** **<u>Expands the Practice of Psychologists</u>** - The Senate unanimously approved **Senate Bill 772**, which expands the role of psychologists under the Professional Psychologists Practice Act.

The bill expands the psychologist practice to include the diagnoses and treatment of mental, emotional or nervous illnesses, alcoholism, psychological aspects of physical illness and psychoeducational evaluation, therapy, remediation and consultation.

Under the measure, the State Board of Psychology can issue temporary practice licenses for licensed psychologists from other states with substantially equivalent licensing standards. The bill also removes the six-month wait period to retake a licensing exam.

The bill also allows school psychologists to work in private practice under certain conditions. The measure requires that they need to be certified or attempting certification as an Educational Specialist I or II in school psychology to work in private practice.

The bill was enacted as **Act 53 of 2016**

* **<u>Larger Industrial Company Opt Out</u>** - The Senate voted 35-13 in favor of **Senate Bill 805**, which would have allowed larger industrial companies to opt out of the provisions of Act 129 of 2008.

Aimed at enhancing energy efficiency and conservancy, portions of Act 129 of 2008 require electric users to contribute funding for various projects around the state. Larger industrial users claim the program has been unfair and has hurt their competitiveness. From 2012 to 2015, eight Pennsylvania manufacturers invested $1.6 billion in energy efficiency projects and received zero in Act 129 grants. Bill proponents also claimed that large manufacturers have already embraced efficiency and conservation because it impacts their bottom line.

The legislation would have:

- Required opt outs to occur before an Act 129 phase (pre-phase) by a date determined by the omission in the phase implementation order;
- Since phase 3 is already underway, it is too hard to craft language that lets larger users opt out during the phase; therefore, they would have been allowed to opt out at the start of the next phase, which would be June 1, 2021;
- Adjusted power reduction goals for the next phase if any large industrial customers opt out;
- Removed the mandatory 10 percent reduction requirement for units of federal, state and local government, as well as school districts, universities and nonprofit entities;
- Allowed over or under payments to be made by a commission order in the subsequent phase; and
- Allowed an affiliate of an EDC to serve as a conservation service provider.

The bill died in the House.

*** **Professional Titles** - The Senate unanimously approved **Senate Bill 837**, which amends the Social Workers, Marriage and Family Therapists and Professional Counselors Act to clarify professional titles and update the Social Workers, Marriage and Family Therapists and Professional Counselors Board.

The bill allows individuals with a Marriage and Family Therapist license to hold the title of a marriage and family therapist in Pennsylvania. Individuals without licensure are no longer allowed to use the title of marriage and family therapist, family therapist, marriage therapist or couples' therapist. Violators face a fine of up to $10,000.

The bill also allows students enrolled to become professional therapists and faith-based therapists to practice marriage and family counseling; however, they may not represent themselves as a licensed marriage and family therapist. The legislation enables public and private school therapists and marriage and family therapists licensed out-of-state to use the title of marriage and family therapist, regardless of their licensure in Pennsylvania.

The bill also requires that one board position rotate between a licensed marriage and family therapist and a licensed professional counselor at the expiration of the member's second term.

The bill was enacted as **Act 54 of 2016**.

* **Illegal Household Goods Movers** - The Senate unanimously approved **Senate Bill 857**, which would have amended Title 66 (Public Utilities) to add additional penalties for transporting property between homes for compensation without the appropriate licenses.

This legislation would have added stricter penalties to illegal household goods movers.

The Public Utility Commission is in charge of enforcing this law, but has struggled to effectively deter the crime. Illegal household goods movers are individuals who operate without the appropriate licenses and therefore are not paying taxes on their operations.

The tougher additional penalties would have made it a third degree misdemeanor and a $5,000 fine for the first offense. The additional penalties could have required the offender to forfeit the vehicle used in the violation.

The bill died in the House.

* **Pre-Delivery of Funeral Items** - The Senate voted 26-20 in favor of **Senate Bill 874**, which would have amended the Cemetery and Funeral Merchandise Trust Fund Law to prevent the pre-delivery of funeral items, ensure consumers' money is protected and required sellers to present a product pricing list.

Current law mandates that if a funeral-related product is being delivered at a future date, 70 percent of the purchase price must be deposited into a trust fund account. Sellers have misinterpreted this law by using a form of pre-delivery to deliver certain items ahead of time and retain the entire sales price. This interpretation allows for sellers to maintain 100 percent of the sales price rather than depositing the money into a trust fund.

This legislation would have prohibited the pre-delivery funeral merchandise with the exception of a few items prior to the death of the person under contract. Preventing deliveries from being made ahead of time would ensure that the quality of the product is maintained when it is time for the product to be used. The bill would have required sellers to provide a price list for all funeral merchandise being sold.

Proponents of this legislation said the bill protects consumers by assuring that they don't end up with old and antiquated funeral merchandise such as vaults or caskets. Their money would also be protected if they decided to cancel their contract purchase.

Opponents claim the bill oversteps and would hinder competition between at-need sellers and pre-need sellers. Funeral directors tend to be at-need sellers, while cemetery owners tend to sell funeral merchandise as a pre-need sale. They criticized the bill for potentially hindering competition, causing prices to rise or causing pre-need sales to decrease.

The bill died in the House.

***** Amends the Definition of Public Utility** - The Senate unanimously approved **Senate Bill 881**, which removes the term "sewage" from the definition of "public utility" and replaces it with "wastewater."

Wastewater is defined as any used water and water carrying solids collected or conveyed by a sewer, including the following:

- Sewage, as defined in Section 2 of the Pennsylvania Sewage Facilities Act;
- Industrial waste originating from an establishment;
- Infiltration or inflow into sewers;
- Other waste containing solids or pollutants; and
- Storm water that become mixed with other waters.

The term does not include storm water collected in a municipal separate storm sewer.

The bill was enacted as **Act 154 of 2016.**

***** Transportation Network Companies** - The Senate voted 47-1 in favor of **Senate Bill 984**, which regulates Uber, Lyft and other Transportation Network Companies operating in Pennsylvania.

The companies connect passengers and drivers via a smart phone app.

The legislation gives these companies permanent authority to provide transportation throughout the state. Previously, Uber and Lyft were operating under temporary authority granted by the Public Utility Commission (PUC). In Philadelphia only, the Philadelphia Parking Authority will have the regulatory authority over transportation network companies operating there. The PUC will oversee companies in the rest of Pennsylvania.

All of the rules, requirements, prohibitions, fees and licenses required of companies and/or drivers are laid out in the new law.

The measure was enacted as **Act 164 of 2016.**

***** Certified Public Accounting (CPA) Law** - The Senate unanimously approved **Senate Bill 1018**, which amends the Pennsylvania Certified Public Accounting (CPA) Law to amend definitions, provide for licensure and to update outdated certification requirements.

This bill amends the definitions of attest activity, forensic accounting services, and reporting. The changes to the definitions of these terms will ensure that CPAs perform such work instead of non-certified accountants.

The legislation amends the requirements that individuals must meet before obtaining certification and clarifies that a licensee, qualified non-licensee or qualified association providing forensic accounting services must be licensed and regulated under this legislation and not “The Private Detective Act of 1953.” The bill provides for an accounting firm’s responsibility to designate a licensee from another state to who meets the requirements of The State Board of Accountancy. An accounting firm can only be considered licensed in Pennsylvania if they retain a Pennsylvania CPA or an individual licensed CPA from another state.

The bill also removes a CPA requirement to public provide personal contact information and an individual’s license number.

The bill was enacted as **Act 157 of 2016**.

******* **<u>Opioid Crisis</u>** –The Senate unanimously approved the following bills to address the state’s opioid crisis.

Senate Bill 1202 requires two hours of continuing education in pain management and opioid prescribing practices for all licensed prescribers and dispensers.

A dispenser is required to query the system before dispensing an opioid drug or benzodiazepine prescription for patients who are new to a pharmacy or pharmacy chain, paying with cash, refilling their prescriptions early or using more than one dispenser for the drug.

Dispensers and prescribers must complete the required continuing education courses within the 12-month-period after initial licensure or certification. Individuals must complete the coursework every two years when renewing a license or certificate, as well.

The continuing education courses must receive board-approval in consultation with the Pennsylvania Department of Health. The legislation was part of a package of bills aimed at fighting Pennsylvania’s opioid drug abuse crisis.

The bill was enacted as **Act 124 of 2016.**

Senate Bill 1367 limits the amount of opioids that may be prescribed for minors.

Under the bill, a prescriber can only prescribe a seven-day supply of a controlled substance containing an opioid to a minor unless there is a medical emergency that puts the child’s health or safety at risk. It also requires a health care professional to obtain written consent from a minor’s parent or legal guardian to prescribe a treatment containing opioids. Medical practitioners would also be required to provide information on the risks of addiction and dangers of overdose associated with the medication.

The measure allows exceptions for cases involving chronic pain, cancer treatment or for palliative care or hospice care.

The bill was enacted as **Act 125 of 2016.**

Senate Bill 1368 implements the “Safe Opioid Prescribing Curriculum” in all of Pennsylvania’s medical schools.

Part of a package of bills aimed at addressing the state’s opioid abuse crisis, the measure calls for a focus in four key areas including:

- Pain management;
- Multimodal treatments for chronic pain that minimize the use of opioids, or when opioids are indicated, to prescribe them in a safe;
- Focusing on patients who have been identified as at-risk for developing problems or addiction with prescription opioids; and
- Teaching medical students how to manage substance abuse disorders as a chronic disease.

The bill was enacted as **Act 126 of 2016.**

*** **Underground Utility Line Protection Act Sunset Extension** - The Senate unanimously approved **Senate Bill 1235**, which reauthorizes the Underground Utility Line Protection Act. This legislation extends the sunset provision of the Underground Utility Line Protection Act from December 31, 2016 to December 31, 2021.

The bill was 100 pages long before being gutted and replaced with only a sunset extension. The original act went into effect in 1976 and has been renewed every 10 years. This is the first time that the act was only extended by two years.

The bill was enacted as **Act 160 of 2016.**

* **Home Improvement Contractor Registration -** The Senate unanimously approved **Senate Bill 1266**, which would have amended the Home Improvement Consumer Protection Act to allow the Bureau of Consumer Protection to refuse, suspend or revoke a contractors Home Improvement Contractor registration for the following reasons:

- Obtained a registration through fraud, deception or misrepresentation;
- Engaged in the use of dishonestly, fraud, deception, misrepresentation, false promise or false pretense;
- Engaged in gross negligence, gross malpractice or gross incompetence;
- Engaged in repeated acts of negligence, malpractice or incompetence;
- Convicted of a crime involving theft, deception, fraud, misrepresentation or moral turpitude;
- Hold a suspended or revoked registration as a contractor by another state for a similar reason; and
- Violated or failed to comply with the provisions of the act.

Operating without the appropriate licensure in Pennsylvania would have resulted in a fine of up to $2,000 or felony charge.

The bill died in the House.

*** **State Board of Certified Real Estate Appraisers Board** - The Senate unanimously approved **Senate Bill 1270**, which amends the Real Estate Appraisers Certification Act to expand the State Board of Certified Real Estate Appraisers authority, places continuing education requirements on trainees and updates real estate regulations.

This legislation allows the board to require applicants to submit criminal background checks for real estate appraiser licenses. All applicants will no longer be required to complete a notarized application, but instead submit a signed statement verifying they have not provided false information.

The bill also requires real estate appraisers in training to complete continuing education classes equivalent to the amount of time licensed appraisers are required to complete. In addition, the legislation provides for out-of-state licensed real estate appraisers who are trying to become licensed in Pennsylvania.

This legislation brings Pennsylvania into compliance with federal standards for real estate appraisers.

This legislation is identical to House Bill 31.

The bill was enacted as **Act 72 of 2016**.

* **River Pilots Fees** - The Senate unanimously approved **Senate Bill 1352,** which would have provided for the increase in rates for river pilots who travel on the Delaware River.

This legislation would have increased the rates pilots are required to pay based on the distance they travel on the Delaware River and its tributaries. This bill also would have amended the maximum distance a vessel could be charged for. Currently, vessels are charged for a maximum of 1,400 units traveled at a rate of $14.05 per unit. The maximum distance charged and the cost per unit would have increased during subsequent years.

In 2017, the rate would have been $14.05 per unit with a maximum of 1,450 units. In 2018 the rate would be $14.19 per unit with a maximum of 1,500 units. In 2019 the rate would have been $14.47 per unit with a maximum of 1,500 units.

Transporting vessels from Philadelphia (or other place) to the Marcus Hook would have cost $800, which is $50 more than the current rate. This $50 increase would have also applied to vessels transporting from Philadelphia Harbor to Torresdale. The bill would have raised the fee from the Philadelphia Harbor to any place above Torresdale to $1,050, a $50 increase over the current rate.

The bill died in the House. House Bills 2290 and 2291 implemented similar changes.

*** Companion Bill for River Pilots -** The Senate unanimously approved **Senate Bill 1353**, which would have authorized the Navigation Commission to increase the fee that river pilots pay to obtain and renew their licensure to traverse the Delaware River and its tributaries.

The bill would have increased the fee from $250 to $400 annually. No annual renewal fee would have been authorized to be more than $525.

The bill died in the House. House Bills 2290 and 2291 implemented similar changes.

EDUCATION

***** Suicide Prevention Continuing Education** - The Senate unanimously approved **House Bill 64**, which creates the “Matt Adler Suicide Prevention Continuing Education Act.”

The measure is designed to raise awareness for suicide prevention. It requires individuals licensed by the State Board of Psychology or the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors to complete “at least one hour of continuing education in the assessment, treatment and management of suicide risks as a portion of the total continuing education required for license renewal.”

The bill was enacted as **Act 74 of 2016**.

***** Emergency Declarations in Schools** - The Senate unanimously approved **House Bill 158**, which amends the Public School Code to enable the Secretary of Education to issue an emergency declaration for schools.

The legislation also assists schools and other educational institutions in fulfilling the 180-day attendance requirement. Under the bill, the Secretary of Education may issue an emergency declaration for weather, safety or health-related reasons for schools, if the schools may satisfy the 180-day instructional requirement for students by choosing 900 hours of instruction for elementary schools and 990 hours for secondary schools, rather than 180 instructional days for both levels, and approving Saturday school days to meet the hour or day requirement. Tests or other exams cannot be scheduled on a Saturday. A school entity is not allowed to schedule more than one Saturday each month as an instructional day. With a parent's written permission, a student may be excused from Saturday attendance to observe or participate in a religious activity or function.

School employees and applicants are required to submit criminal history and child abuse clearances that are no more than five years old, not one-year-old as required under the previous law.

This bill was enacted as **Act 4 of 2016**.

****V** <u>**School Code**</u> - In a party-line vote, the Senate voted 30-19 in favor of **House Bill 224**, which would have been the Public School Code bill that accompanied the budget bill for the 2015-16 Fiscal Year.

This omnibus bill would have appropriated the same amount of funding to the basic education fund and special education fund as was appropriated in 2014-15. Payments would have been required by October 29, 2015.

The Public School Web Accountability and Transparency Act (SchoolWATCH) would have required the state Department of Education to report public schools' financial information on its website. This information would have included service costs, teacher salaries, per-student expenditures and other expenditures specifically listed in the bill. Schools would not have been required to disclose any data not mandated by this bill.

A portion of this bill would have provided $4.5 million to assist school districts in financial need. Also, the requirement to contribute to PSERS on behalf of charter schools and cyber schools would have been removed.

The bill was vetoed as **Veto No. 6 of 2015**. In his veto message, the governor stated that the bill would not have provided adequate funding for school operations, nor would it have restored any of the previous cuts to education spending.

****** <u>**School Code**</u> - The Senate voted 40-10 in favor of **House Bill 530**, which would have made several changes to the Public School Code for both public and charter schools.

Under this omnibus bill, the Charter School Funding Advisory Commission would have been created to examine charter school financing. Specifically, this commission would have analyzed the financial ability of charter schools to operate independently from the existing school district structure.

The state could have transferred some public schools into charter schools to improve student performance; and charter school employees would have been eligible for enrollment in the Public School Employees' Retirement System.

The bill also would have done the following:

- Provided for construction reimbursements for schools and created a "Public School Building Advisory Committee" to make construction-related recommendations;
- Created a three-year pilot program in the Philadelphia School District to intervene in underperforming schools;

- Changed the Keystone Exams to include a required fiscal impact statement and an extension for the Keystone Exams benchmark and graduation requirement until the 2018-2019 School Year;
- Required the Department of Education to post public schools' financial information online;
- Made several changes to background clearance requirements to comply with the Child Protective Services Act; and
- Enabled student self-administered diabetes care, online math support for public schools and several other changes.

In addition, the bill would have distributed $7.2 billion in education funding. Community colleges would have received the same funding amount as during the 2015-16 Fiscal Year, the commission-recommended formula would have been distributed for special education services and a distribution method would have been provided for the excess funds allocated to private schools.

The bill died on concurrence in the House.

****V <u>School Code</u>** - In a party-line vote, the Senate voted 30-19 in favor of **House Bill 762**, which would have provided the Public School Code for the 2015-2016 Fiscal Year.

Under this omnibus bill, community colleges, special and basic education and libraries would have been funded using the same calculation method as was used the previous fiscal year.

Students in other states would have been able to engage in postsecondary distance education in Pennsylvania, and Pennsylvania students could have engaged in such educational opportunities in postsecondary schools in other states. This exchange of education would have expanded online education services and reduced costs.

Additionally, the legislation would have established the Member Public School Building Construction and Reconstruction Advisory Committee to advise on all school construction projects.

The bill was vetoed by the governor as **Veto No. 3 of 2015**. The governor agreed with certain provisions, but concluded that, overall, the bill would not have provided adequate funding for education.

****V <u>School Employee Furloughs</u>** – The Senate voted 26-22 for **House Bill 805**, which would have amended the Public School Code to allow school districts to furlough employees according to performance evaluations, followed by seniority.

In addition, a superintendent would have been allowed to extend the temporary status of an employee from three to four years.

This legislation would have changed the process of laying off teachers by removing seniority-based layoffs, which provide for the last person hired to be the first fired. Tenured, or Professional Employees (PEs), could have been furloughed for economic reasons, as long as an equal proportion of administrative employees were also furloughed. These individuals would have been eligible for furloughing based on their most recent end-of-year performance evaluations.

Currently, new employees maintain TPE status for three years until they become PEs. Under this bill, superintendents would have been able to extend an employee's TPE status to a fourth year, if the employee did not demonstrate three years of appropriate and qualifying work.

The bill was vetoed as **Veto No. 2 of 2016**. Gov. Tom Wolf said the bill would have placed too much weight on a test score, rather than considering the entire evaluation of a teacher. Under this bill, he said teachers would not have been afforded an opportunity to improve their skills.

***** <u>Post-Secondary Distance Education and Basic Education Funding</u>** - The Senate voted 49-1 in favor of **House Bill 1552**, which allows the state Department of Education to enter into interstate reciprocity agreements for post-secondary distance education. The bill also provides for a student-weighted basic education funding formula.

Distance education is when postsecondary courses are offered online to out-of-state students. The bill makes this process easier and more cost-effective for out-of-state schools providing distance learning opportunities to Pennsylvanians and for Pennsylvania-based schools providing courses to students in other states. Pennsylvania schools no longer have to complete the lengthy and expensive paperwork and pre-approval process to offer courses to students in other states. By entering the State Authorization Reciprocity Agreement (SARA), Pennsylvania will conform to the national standards for distance education courses with the other SARA member states. Pennsylvania colleges and universities may offer distance education to students in any state that is a member of SARA.

Additionally, this bill establishes a funding formula by which schools will receive at least the basic education funding that was appropriated to them during the 2013-14 Fiscal Year for the previous two school years. Additionally, schools will receive funding based on certain student and district-related factors.

The bill was enacted as **Act 35 of 2016**.

***** <u>School Code</u>** - The Senate voted 47-3 in favor of **House Bill 1606**, which makes changes to the Public School Code to impose administrative and budget-related changes for schools and provide for the budget for the 2016-17 Fiscal Year.

This omnibus bill requires public schools to make more information available to the public. Information relating to everyday operations, as well as school finances, must be posted online. The Department of Education also has a responsibility to post financial information on its website.

The bill requires the Plan Con Advisory Committee to report on the feasibility of a comprehensive public school building safety program. This program requires regular inspections of school buildings and facilities.

The department is required to declare a school district receiving more than $2 million educational access program dollars per year to be in financial watch status. The department must help such schools develop financial improvement plans.

The bill addresses the state's substitute teaching shortage by allowing persons enrolled in a teacher preparatory program who have completed 60 credit hours to apply for a substitute teaching permit. Further, individuals may receive provisional vocational teaching certificates by providing evidence of good moral character and completing vocational education work.

To help schools struggling with rising costs and diminishing funds, the bill allows the Pittsburgh and Wilkinsburg school districts to enter into an administrative partnership agreement. The measure allows students from Wilkinsburg to enroll in the Pittsburgh School District. Wilkinsburg will retain the student head count, while Pittsburgh will provide educational services to those students. The schools may also enter into an agreement to share personnel, such as superintendents and administrative services, to reduce redundancy and increase cost-effectiveness.

Students are allowed to self-monitor and administer medication to treat their own diabetic conditions. A school employee other than the school nurse may be selected to maintain and administer diabetes medication, but must receive training based on Department of Health and Department of Education guidelines.

The bill establishes the Drug and Alcohol Recovery High School Pilot Program (H.B. 1827). While completing coursework that meets department requirements, students may gain assistance in recovering from drug or alcohol abuse or assistance. Up to 20 students from a School District of the First Class may attend the program. It is scheduled to sunset after the 2019-20 School Year.

Additionally, with the unveiling of the Special Education Funding Commission's report on funding special education fairly and adequately in Pennsylvania, House Bill 1606 includes the commission's recommended funding formula. The weighted student count is based on student costs, wealth, tax effort and sparsity/size. Intermediate units are funded at 5.5 percent of the Special Education Funding appropriation, and 1 percent of the appropriation is to be set-aside in a contingency fund for extraordinary special education expenses.

This bill was enacted as **Act 86 of 2016**.

***** <u>Continuing Education Requirements</u>** - The Senate unanimously approved **House Bill 1734**, which extends continuing education requirements by one year. This legislation amends the Public School Code to allow teachers and administrators more time to complete the continuation education standards imposed by Act 48 of 1999.

Previously, schools were required to submit a three-year professional education plan to the Secretary of Education by the end of 2016. This legislation grants schools an additional year to implement trainings, courses and other programs to assist teachers in obtaining their continuing education requirements. Notably, these professionals are required to obtain 180 hours in continuing education every five years. Bill supporters claim the "significant financial strain" from the 2015-16 budget impasse is the reason schools are struggling to meet these education requirements.

The bill was enacted as **Act 118 of 2016**.

***** <u>Charter School Truancy</u> -** The Senate unanimously approved **House Bill 1907**, which provides updated procedures for charter schools to follow when students fail to comply with compulsory school attendance requirements.

Charter, regional charter and cyber charter schools will be required to develop attendance policies, including those for excused and unexcused absences. Unexcused absences will be reported annually to the Pennsylvania Department of Education.

Schools must address unexcused and repeated student absences through corrective actions and penalties, as well.

The bill was enacted as **Act 138 of 2016.**

*** <u>**Teacher Certification Procedures**</u> - The Senate unanimously voted for **House Bill 2078**, which expedites teaching certificates and reduces fees for active and former military members and their spouses.

Under the bill, the Pennsylvania Department of Education must process teaching certificates of military personnel, veterans and their spouses within 14 days of receiving their application. For such individuals, the certification fee is reduced to no more than $10 and the professional educator discipline fee to no more than $25.

The department must also remove all professional teachers' certificates from inactive status if they have a valid, out-of-state, teaching certificate, provide proof of completing the continuing education requirements in that state and have used that state's certificate for work during the two years immediately preceding their application to reactivate their Pennsylvania certificate.

This bill was enacted as **Act 143 of 2016**.

*** <u>**Student Protections During Accreditation Lapse**</u> **-** The Senate unanimously approved **House Bill 2338**, which protects students attending post-secondary schools if the U.S. Department of Education no longer recognizes their school's accrediting agency.

Under the bill, students will remain eligible for state financial assistance and licensing, certification and other professional credentials being pursued in their academic studies. Schools transitioning to new accreditation must also notify financial aid students. The measure will expire on December 31, 2018.

The bill was enacted as **Act 149 of 2016**.

*** <u>**Ready to Succeed Scholarship Program**</u> - The Senate unanimously approved **Senate Bill 329**, which creates the Ready to Succeed Scholarship Act.

This bill is designed to help qualifying students pay for books, tuition, living expenses, and other costs. The scholarship amount can range from $500 to $2,000 and can be obtained through the Pennsylvania Higher Education Assistance Agency (PHEAA). The program was established last year with $5 million in funding and will continue to be funded this year.

Eligible students must attend a state grant-approved college, have an annual income under $110,000 and a grade point average of at least 3.25.

The bill was enacted as **Act 33 of 2015**.

*** <u>**State University Intellectual Property Rights**</u> - The Senate unanimously approved **Senate Bill 590**, which gives university staff more rights to their creations.

Under current law, intellectual property rights of faculty within the State System of Higher Education belong to the schools, while those same rights belong to the faculty within private colleges and universities.

Bill proponents claim this was not the intent of the law. By amending the current repeals and effective dates in the Intellectual Property Act, the bill enables individuals of state-owned universities to have greater control and rights concerning their findings and creations. Bill supporters claim the revised law will help universities attract quality employees who can benefit mutually from their work.

The bill also renames the State System of Higher Education Intellectual Property Act as the State-Owned University Intellectual Property Act.

The bill was enacted as **Act 41 of 2016**.

*** **Campus Police Jurisdiction** - The Senate unanimously approved **Senate Bill 678**, which expands the jurisdiction of college police at state universities.

It requires college police to extend their patrol areas to all state-owned college and university campus grounds. This includes all land and buildings affiliated with the institutions, as well as traffic ways and bicycle and pedestrian facilities that run through college campuses.

The bill was enacted as **Act 41 of 2015**.

*** **Keystone Exam Graduation Requirement** - The Senate unanimously approved **Senate Bill 880**, which delays the implementation of the Keystone Exam as a graduation requirement.

The Keystone Exam is an end-of-course assessment designed to assess proficiency in three subjects: algebra I, literature and biology. Without this legislation, students expecting to graduate in 2017 would be required to pass the Keystone Exams prior to graduation. Instead, the bill postpones the use of the Keystone Exam as a graduation requirement or benchmark until the 2018-19 School Year.

During this period of postponement, the Pennsylvania Department of Education must investigate alternative methods for students to demonstrate their proficiency in basic skills in order to graduate. The department must report its investigative findings within six months of the effective date.

This bill was enacted as **Act 1 of 2016**.

** **State Military College Legislative Appointments** - The Senate unanimously approved **Senate Bill 1194**, which allows the State Military College Legislative Appointment Initiative Program to remain in operation.

The program allows each member of the legislature to annually choose one student for appointment to a state military college. Every state senator and representative is allowed to establish a state military college selection committee to choose an eligible applicant from his or her district. The State Ethics Commission oversees the committees.

The bill removes the June 30, 2016 expiration date from current law so that future students may continue to participate in this program.

The bill was enacted as **Act 81 of 2016**.

ENVIRONMENTAL RESOURCES AND ENERGY

*** **2016-17 Fiscal Year Budget** - The Senate voted 45-5 in favor of **House Bill 1605**, which amends the Fiscal Code to provide budget implementation for the 2016-17 fiscal year budget. The bill makes the following changes:

- Transfers $5 million from the Marcellus Legacy Fund to the Hazardous Sites Cleanup Fund;
- Exempts "any well or wells that do not penetrate the Onondaga horizon… or wells that unintentionally penetrate the Onondaga horizon and do not intentionally produce oil or gas" for the purposes of the Oil and Gas Conservation Law;
- Provides for the Business in Our Sites Program to limit grant funding to be no more than 40 percent of the total amount of financing awarded or $4 million, whichever is less.
- Creates the Heritage Park Program to manage, operate, plan and protect "Heritage Areas;"
- Extends the Cancer Control, Prevention and Research Act for 10 years;
- Moves U.S. Savings Bonds to the Treasury Department;
- Authorizes the transfer of funds from the Tobacco Settlement Fund for home-based and community-based services, prevention and cessation programs, health research and Medicaid benefits;
- Adjusts the annual acreage charge paid for land used by the federal government and Pennsylvania;
- Alters the unclaimed property regulations on U.S Savings Bonds to be deemed unclaimed after three years;
- Limits the Motor License Fund for State Police funding for the 2017-18 fiscal year and reduces the funding annually by 4 percent until the 2027-28 fiscal year;
- Transfers funds from the Race Horse Development Fund to the State Racing Commission;
- Extends authorization for Transportation Network Companies to operate in Philadelphia until formal regulations are established;
- Helps fund school districts during a budget impasse by changing regulations for the intercepting of subsidy payments by the Department of Education, which may be no more than 50 percent of the total non-federal General Fund subsidy payments made to the school during the previous fiscal year;
- Transfers $2.5 million from liquor and alcohol sales revenue to the Department of Drug and Alcohol Programs;
- Transfers $5 million from Alternative Fuels Inventive Fund, $2 million from the Local Law Enforcement Block Grants, $200 million from the Pennsylvania Professional Liability Joint Underwriting Association account, $9 million from the Recycling Fund, $12 million from the Building Pennsylvania program, $28.5 million from the Tobacco Settlement Fund and $9 million from the Volunteer Companies Loan Fund to the General Fund;
- Transfers $12 million from the High Performance Building Program to the Natural Gas Infrastructure Development Program;

- Creates a restricted revenue account for the Commonwealth Financing Authority "for the purpose of making principal and interest payments" due annually.
  The bill was enacted as **Act 85 of 2016**.

******* **Destroying Old Prescription Drugs** - The Senate unanimously approved **House Bill 1737**, which takes steps to improve the process for safely destroying unwanted over-the-counter prescription drugs.

The legislation allows resource recovery facilities, industrial furnaces and other waste recovery facilities to utilize their resources to help destroy old prescription drugs. Previously, prescription drugs and over-the-counter pharmaceutical products were considered "hazardous waste" material and could not be disposed of properly within these facilities under federal regulations.

The bill also allows federal, state or local law enforcement, hospitals, assisted living facilities, pharmacies, resource recovery facilities and other similar facilities to establish prescription waste collection programs to help people dispose of unused medication.

The bill was enacted **Act 123 of 2016.**

***** **Protecting Natural Gas Leaseholders** - The Senate unanimously approved **Senate Bill 147**, which would have protected natural gas leaseholders.

The measure would have allowed a royalty interest owner to inspect records of a gas company to verify proper payment. The legislation also would have required that proceeds from production of oil and gas be paid within 90 days of production to ensure monthly royalty payments, unless otherwise stated in the lease. The bill also provided a lessor or their representative with the authority to inspect the records of a lessee.

The bill is part of a two-bill package, along with Senate Bill 148, aimed at providing land owners with more complete and accurate information about drilling leases.

The bill died in the House.

***** **Companion Bill to Protecting Natural Gas Leaseholders** - The Senate unanimously approved **Senate Bill 148,** which would have protected leaseholders from being retaliated against by drillers.

The bill would have prohibited a gas company from retaliating against a royalty interest owner by terminating the lease agreement or ceasing development because a landowner questions the accuracy of the royalty payments.

If drillers retaliated against lessors for so-called "good faith actions," they would have been subject to civil actions.

The bill was part of a two-bill package, along with Senate Bill 147, aimed at providing land owners with more complete and accurate information about drilling leases.

The bill died in House.

******* **Oil and Natural Gas** - The Senate voted 37-12 in favor of **Senate Bill 279**, which protects and promotes the production of both conventional and unconventional oil and natural gas in Pennsylvania.

The legislation establishes the Pennsylvania Grade Crude Development Advisory

Council, which would work with the state Department of Environmental Protection to better address differences in the production process for conventional and unconventional oil and gas. The bill places specific responsibilities on the council to make recommendations in response to water management regulations, state Department of Environmental Protection policies and to develop crude oil production.

The bill was enacted as **Act 52 of 2016**.

* **Repairing Sewer Lines** - The Senate unanimously approved **Senate Bill 289**, which would have allowed a municipality to use public funds for the repair, improvement, extension or rehabilitation of private lateral sewer lines connected to sewage disposal systems.

Municipalities would have been responsible for determining if the repair is beneficial to the public given the available funds, equipment, personnel and facilities. These improvements would have prevented damage to public property and saved land owners large expenses. The municipality would have been under no obligation to maintain and make future repairs to the private sewer lines.

The bill died in the House.

**** Environmental Quality Board** - The Senate unanimously approved **Senate Bill 307**, which would have amended the Administrative Code to add an independent counsel to assist the Environmental Quality Board.

The Department of Environmental Protection would have appointed this individual to advise the board in all board matters, including privileged information.

The House amended the bill and returned it to the Senate, where it died.

***** Transporting Leachate** - The Senate unanimously approved **Senate Bill 513**, which amends the Solid Waste Management Act to regulate the transport of liquefied solid waste.

The bill specifies how leachate (liquid that has permeated or drained from solid waste) may be transported and disposed of in both municipal and privately owned landfills. Previously, there was a three-year waiting period before leachate could be transported. This bill provides more flexibility to those who transport and dispose of landfill leachate — improving efficiency and saving money. The measure does not make any changes to the treating requirements of landfill leachate.

The bill was amended to add a few requirements for leachate transport to avoid fines from the Department of Environmental Protection.

This bill was enacted as **Act 45 of 2015**.

***** Treated Mine Water Act** - The Senate voted 29-18 in favor of **Senate Bill 875**, which creates the Treated Mine Water Act to provide liability limitations for the use of treated mine water.

This legislation provides immunity to mine operators who use the treated mine water. This immunity is only applicable when all three of the following criteria are met: the mine water is only used outside the boundaries of the mining site, the treated water is only used for oil or gas well development, and the mine operator is not the same person using the treated mine water for oil or gas well development.

The bill was amended to clarify that the mine water should not be considered as residual waste for the operator under the Waste Management Act.

This bill's goal of re-using of mine water is aimed at preserving fresh water resources.

The bill was enacted as **Act 47 of 2015**.

*** <u>Alternate Sewage Disposal Systems</u>** - The Senate unanimously approved **Senate Bill 1114**, which would have amended the Pennsylvania Sewage Facilities Act to provide for alternative sewage disposal systems.

The current law only allows for the use of conventional sewage systems. This legislation would have allowed individuals to propose "alternative systems" to the Department of Environmental Protection (DEP). Alternative systems would have been defined as systems that dispose of sewage using other means not currently regulated by the DEP. Alternative systems would have needed to be approved by a local sewage enforcement officer.

This bill was designed to help regulate the disposal of waste and would allow for alternative systems to be used for certain situations. Examples of these situations include times when a public health issue exists, when traditional systems do not function properly at a given location or to allow for entities to use the best possible waste disposal system available for their site.

The bill died in the House.

***** <u>Clean Power Plan Compliance</u>** - The Senate voted 38-11 in favor of **Senate Bill 1195**, which extends the amount of time Pennsylvania has to review and approve the state's proposed Clean Power Plan compliance.

This legislation amends the Pennsylvania Greenhouse Gas Regulation Implementation Act to give the General Assembly more time to submit its plan to reduce carbon emissions to the federal Environmental Protection Agency (EPA). The state Department of Environmental Protection must submit its proposed plan to the General Assembly at least 100 days prior to the General Assembly submitting the plan to the EPA.

The bill gives both the House and Senate standing committees 10 legislative days to approve the plan and then 20 legislative days for each chamber to approve the plan. If the measure does not pass both chambers, the plan will be modified and be made available for public comment for the next 180 days. Pennsylvania's plan is required to be submitted to the EPA by September 6, 2016 or the General Assembly is required to request a two-year extension before then.

The bill was enacted as **Act 57 of 2016**.

FINANCE

*** **<u>Cost of Living Adjustments</u> -** The Senate unanimously approved **House Bill 239**, which amends county pension law to clarify how cost-of-living adjustments (COLAs) should be calculated.

COLAs are a type of adjustment method for the changes in the cost-of-living index. Under the legislation, COLAs do not need to be calculated retroactively to the previous adjustment. For example, if an employee is given an adjustment rate of 1 percent two years ago, and the current adjustment rate is at 2 percent, the employee may keep the old 1 percent rate, unless the adjustment is not calculated retroactively.

Under this bill, counties do not need to apply a COLA Index change every year. This change helps manage tax increases without greatly impacting taxpayers. The measure also added the requirement that proposed adjustments be assessed by an actuarian before approval.

The bill was enacted as **Act 63 of 2015**.

V Local Tax Return - The Senate voted 36-12 for **House Bill 245**, which would have waived the need for people to file a local tax return if they have no income to report.

The legislation also would have inserted safe harbor language for estimated taxes and provided oversight of the local Tax Collection Committee. Beginning in 2020, it also would have prohibited a political subdivision, tax collection committee or tax officer from using non-promulgated forms.

Under the bill, no assessment could have been made of any earned income tax more than five years after filing date, including extended due dates, except where a fraudulent return has been filed. It would have also expanded the definition of "taxpayer" and provided for the calculation of the maximum income tax rate for a school district that levied an occupation tax for the fiscal year ending December, 2016, and for a municipality that levied an occupation tax for the calendar year ending December 31, 2015.

The governor vetoed **(Veto No. 7 of 2016)** this legislation based on the changes it made to the Local Tax Enabling Act, which the governor said would have resulted in a revenue loss for a number of school districts.

*** **<u>Earned Income Tax Exemption for the Military</u> -** The Senate unanimously approved **House Bill 561,** which amends the definition of "earned income" to exempt active duty military personnel from paying local earned income tax. This bill applies to service men and women regardless of whether income is earned for active military service inside or outside Pennsylvania.

Under the terms of the Local Tax Enabling, all active duty military pay earned within the commonwealth became subject to income taxes in 2012. This bill amends Local Tax Enabling Act to explicitly exempt wages paid to individuals on active duty military service.

The bill was enacted as **Act 6 of 2016**.

*** **<u>Property Tax/ Rent Rebate Program Veteran's Disability Income</u> -** The Senate unanimously approved **House Bill 683**, which eliminates a veteran's disability income from being considered as income when determining their eligibility for the state's Property Tax/Rent Rebate Program.

This bill excludes federal veterans' disability payments and state veterans' benefits from being considered as income against a person's eligibility for the Lottery-funded senior citizens' property tax and rent rebate program.

The bill was enacted as **Act 117 of 2016**.

*** **<u>Fiscal Code</u> -** The Senate voted 28-22 for **House Bill 1198**, which amends the Tax Reform Code to provide for the 2016-17 fiscal year budget. The bill does the following:

- Repeals the managed care organizations tax;
- Expands an inheritance tax exemption applicable for the transfer of family farms;
- Prohibits electronic devices called zappers that are used to hide the sale of items to avoid needing to pay the necessary sales tax;
- Expands the sales and use tax on more items;
- Adds various tax exemptions for the purposes of increasing production, creating jobs, developing businesses, assisting veterans, investing in infrastructure and expanding housing opportunities;
- Extends corporate net income tax returns by one month;
- Exempts certain real estate transfers facilitated by exempt veteran service organizations;
- Expands the sales and use tax to apply to movies, e-books and other downloads such as applications, videos, online subscriptions, games and music;
- Increases the casino tables game tax to 14 percent.
- Adds a tax to electronic cigarettes (E-cigarettes) at a 40 percent wholesale rate;
- Increases the tax credit companies may receive for hiring a veteran from $1,000 to $2,500;
- Applies the personal income tax (PIT) to lottery winnings;
- Makes intangible drilling cost PIT deduction regulations the same as federal regulations;
- Raises the bank shares tax from 0.89 percent to 0.95 percent;
- Hikes the cigarette tax by $1. Most of the state's cigarette tax will increase from $1.60 per pack to $2.60 per pack;
- Expands and increases Pennsylvania's film production tax credit, provides a tax credit for businesses utilizing coal refuse and expands eligibility for city revitalization tax credits to improve efficiency;
- Taxes tobacco at a rate of 55 cents per ounce;
- Dedicates an additional $20 million from the cigarette tax fund to the agriculture preservation fund; and
- Creates a tax amnesty program for the Motor License Fund. The change forgives delinquent taxpayers of half of their interest owed and the full penalty amounts owed.

Approximately $700 million is expected to be generated from these tax code amendments. About $500 million of the funds are projected to come the tobacco tax adjustments.

The bill was enacted as **Act 84 of 2016**.

*** **<u>Achieving a Better Life Experience (ABLE)</u> -** The Senate unanimously approved **Senate Bill 879**, which establishes the Pennsylvania ABLE (Achieving a Better Life Experience) Savings Program and the ABLE Savings Program Fund to encourage the creation of savings accounts for disabled individuals.

This legislation creates a 529-style ABLE Plan to encourage families to save money for disabled family members in tax-exempt savings accounts. These plans allow individuals to store after-tax dollars in a tax-deferred savings account. Parents or guardians of individuals with certain disabilities can save money in these accounts.

Money may be contributed into these saving accounts for an individual currently receiving benefits based on blindness or a disability. Individuals saving for disability costs run the risk of losing federal benefits if their savings exceed a certain limit. The money stored in the ABLE savings accounts would not be exempt from local and state taxes.

The bill was amended to add provisions for ABLE savings accounts that have been terminated by the Treasury Department. Accounts may be closed if it was "in the best interest of the program or the designated beneficiary" and individuals are allowed to appeal this decision.

A similar measure, House Bill 1319, was not voted on. Senate Bill 879 was enacted as **Act 17 of 2016**.

*** **SERS/PSERS Compliance -** The Senate unanimously approved **House Bill 1332**, which amends the State Employees Retirement System (SERS) and the Public School Employees Retirement System (PSERS) codes to comply with federal changes made to the Internal Revenue Code (IRC).

If the state had not complied with the changes the IRC made by January, 2016, the two systems would have lost tax-deferred status on members' contributions and interest. This legislation makes the following changes to the IRC:

- Requires the plan document for PSERS and SERS members to include language on vesting in the event of termination;
- Makes minimum distribution rules applicable to the benefit payment plans for PSERS and SERS;
- Prevents distribution to members prior to death, disability or retirement;
- Limits some of the annual contributions and benefits for PSERS and SERS members;
- Prohibits SERS members from assigning or attaching benefits for repayment of credit union loans and interest;
- Eliminates the option for SERS members to waive the payment of regular member contributions when estimated Maximum Single Life Annuity exceeds 110 percent of compensation;
- Requires PSERS to provide sufficient notice to members electronically or by publication to inform them of provisions made from this new law.

The bill was enacted as **Act 93 of 2015**.

*** **Tobacco Product Units Sold Definition -** The Senate unanimously approved **House Bill 1735** and **House Bill 1736**, which amend the Tobacco Product Manufacturer Directory Act and the Tobacco Settlement Agreement Act, respectfully, to change the definition of "units sold."

This legislation redefines "units sold" to more accurately measure the number of tobacco products sold to apply the correct tax. The Tobacco Product Manufacturer Directory Act will now measure packs bearing the tax stamp, "roll-your-own," tobacco containers that are not required to have a tax stamp and cigarettes authorized to be sold without a tax stamp.

The two bills were enacted as **Act 95 of 2015** and **Act 96 of 2015**

*** **Realty Transfer Tax Exemption -** The Senate unanimously approved **House Bill 2370**, which amends the Tax Reform Code to provide for Realty Transfer Tax (RTT) exemptions.

This legislation applies a retroactive RTT exemption to agriculture conservation easements under the Agricultural Area Security Law and the Conservation and Preservation Easement Act. Also, the transfer of perpetual public recreational use easements, historic preservation easements and land bank transfers will be retroactively exempt from the RTT. This bill allows such land owners to file a refund petition for the taxes imposed on their land easement transfers. The retroactive tax exemption applies to all transactions that occurred after December 31, 2012.

The bill was enacted as **Act 175 of 2016.**

*** **Homestead Exclusions -** The Senate voted 45-2 in favor of **House Bill 147**, which amends the Pennsylvania Constitution to extend the General Assembly's authority to grant homestead exclusions, which cannot exceed 100 percent of the assessed value of the property.

Currently, the General Assembly is allowed to authorize a tax exemption for up to 50 percent of a property's medium assessed value. The bill provides greater property tax relief by excluding certain homesteads so that property taxes may be calculated at a lower rate.

The bill was enacted as **Pamphlet Laws Resolution No. 2 of 2016** and is required to be passed again next session. If this legislation is approved during the next legislative session the bill would go to the voters in a referendum.

*** **Philadelphia Exemption from Uniformity Clause -** The Senate voted 47-2 for **House Bill 1871**, which amends the Pennsylvania Constitution to allow the General Assembly to exempt Philadelphia from the uniformity clause when assessing real estate taxes on properties used for business purposes.

This bill allows Philadelphia to impose a tax rate on real estate used for business purposes that exceeds the applicable tax rate on other real estate. Any changes to real estate used for business purposes tax rates will be limited to a difference of 15 percent from the combined rate of taxes on other real estate. The General Assembly is required to reduce the aggregate revenue from other taxes imposed for the city. The bill is aimed at helping Philadelphia improve job growth.

The bill was enacted as **Pamphlet Laws Resolution No. 3 of 2016** and is required to be passed again next session. If this legislation is approved during the next legislative session the bill would go to the voters in a referendum.

****V** **Public Pensions -** In a 28-19 party line vote, the Senate approved **Senate Bill 1,** which would have changed the public pension system for teachers and state workers.

The proposal would have created a 401k-style pension system for newly hired employees who are members of either the State Employees' Retirement System or Public School Employees' Retirement System.

The bill would have allowed current employees to either increase their contribution rate or accept a reduced benefit. Benefits already earned by current employees or retirees would not have been affected. Republicans claimed the bill would protect benefits while shielding taxpayers from the growing unfunded debt. They estimated that the measure could save $18.3 billion over 30 years.

Apart from complaining that the 400-page bill was rushed through the Senate with little review and no hearings, Senate Democrats said the bill was unconstitutional since it would alter pensions for workers already in the system.

Gov. Tom Wolf vetoed Senate Bill 1 **(Veto No. 5 of 2015).** He said the bill provided no immediate cost savings to taxpayers and did not maximize long-term savings for taxpayers. The governor also noted that the measure "violates federal tax law as it would be considered an impermissible cash or deferred arrangement (CODA). In addition, the bill forces newly-hired employees to pay down the unfunded liability of existing pension plans, caused by years of government failure to make necessary payments, while denying those new employees the full benefit of their contributions."

* **Public Pensions (Part 2) -** The Senate voted 38-12 in favor of **Senate Bill 1082**, which would have amended the public pension system for teachers and state employees.

The proposal would have created a new side-by-side hybrid pension system for newly hired employees who are members of either the State Employees' Retirement System (SERS) or Public School Employees' Retirement System (PSERS). Hazardous duty employees, such as police officers, would have been exempt from the legislation. The plan would have created a defined contribution (DC) plan and added a cash balance (CB) component. The hybrid pension plan would have used a defined benefit (DB) plan for new members.

Under this bill, future employees would have automatically been enrolled in the hybrid plan. The DB portion of the hybrid plan required a 4 percent contribution for PSERS members and a 3 percent contribution for SERS members. The plan would have used a 1 percent of final salary accrual rate and final salaries would have been calculated based on the last five years of employment. The DC portion would offer various investment options and require a minimum employee contribution. The DC plan would have been required employers to contribute 2.5 percent. Employees would have been required to contribute about 3.5 percent for PSERS and 3.25 percent for SERS. A lump sum withdrawal option at retirement would have been available to be made on their defined benefit contributions.

Current employees who are post-Act 120 members are employees who began SERS or PSERS service on or after Jan. 1, 2011 or July 1, 2011, respectively would have been subject to shared gain and shared risk provisions. If the assumed rate was below what expected employee contributions would increase.

Current employees who are pre-Act 120 members are employees who began SERS or PSERS service prior to January 1, 2011 or July 1, 2011, respectively, would have changed the lump sum withdrawal to require that all future years of service be calculated actuarially neutral. These employees would have also been subject to shared risk and shared gain provisions.

The legislation would also have automatically enrolled legislators in the new DC/CB hybrid plan if they were re-elected to office and would give them the option to go back to the previous pension plan.

The bill would have added in an anti-spiking provision, and instead calculate retirement wages based off of the highest three years of income. The provision would have also created the Public Pension and Asset Investment Review Commission to make pension reform recommendations to the General Assembly and the governor.

Opponents of the bill claimed this legislation did not address the current pension deficit. These individuals were concerned that the new hybrid plan would place higher costs on future employees; and that the measure would yield very little revenue short-term, and the revenue it would have generated came from unconstitutional changes imposed on current employees. This legislation would have collared the payments the government and schools pay, to allow them to hold off on outstanding debt payments. Opponents claimed the decision to prolong payments would have continued to increase the pension deficit.

The bill died in the House.

** **<u>Public Pensions (Part 3)</u> -** The Senate voted 30-20 in favor of **Senate Bill 1071**, which would have amended the public pension system for teachers and state workers.

The proposal would have created a side-by-side hybrid pension system for newly hired employees who are members of either the State Employees' Retirement System (SERS) or Public School Employees' Retirement System (PSERS). The plan would have created a Defined Contribution (DC) plan and adds a Cash Balance (CB) component.

Under the bill, future employees would have automatically been enrolled in the hybrid plan. The CB portion of the plan would have been mandatory and required an employee contribution of 3 percent. The DC portion would have offered various investment options and required a minimum employee contribution as well. The DC plan would have required employers to contributed 2.59 percent for PSERS and 4 percent for SERS members. A lump sum withdrawal option at retirement would have been available to be made on their defined benefit contributions.

Current employees that are post-Act 120 members are employees who began SERS or PSERS service on or after Jan. 1, 2011 or July 1, 2011, respectively would have been subject to shared gain and shared risk provisions. If the assumed rate is below what is expected employee contributions would have increased.

Lump sum withdrawals would have been balanced to be actuarially neutral. Post-Act 120 employees would have had their retirement-covered compensation limited to the Social Security wage base. If an employee's salary exceeds the wage base they would have had the option to participate in the new hybrid plan for the amount of salary that exceeds the base.

Current employees who are pre-Act 120 members are employees who began SERS or PSERS service prior to January 1, 2011 or July 1, 2011, respectively would have changed the lump sum withdrawal to require that all future years of service be calculated actuarially neutral. These employees would have also been subject to shared risk and shared gain provisions.

The bill would have added in an anti-spiking provision, and instead calculate retirement wages based off of the highest three years of income. The legislation would also have allowed legislators to enroll in the new DC/CB hybrid plan if they were reelected to office or keep their current pension.

Opponents of the bill claimed it did not address the current $53 billion pension deficit. They also said the hybrid plan would have placed higher costs on future employees; and that the measure would have yielded very little revenue short-term, and the revenue it would have generated comes from unconstitutional changes to current employees.

The Public Employee Retirement Commission estimates that the bill would have saved $8.3 billion in PSERS and $1.7 billion in SERS through the year 2048.

The bill was defeated in the House by a vote of 149 to 52. The measure was one of the components of the negotiated agreement aimed at ending the 2016 protracted budget impasse. The bill was reconsidered and passed 136 to 59.

The Senate non-concurred in the amendments placed by the House and the bill was sent to Conference Committee. The Conference Committee report was never voted on by either chamber.

* **<u>County Pension Cost Calculation</u> -**The Senate unanimously approved **Senate Bill 129**, which would have amended the county pension law to clarify how the calculation of county pension cost-of-living adjustments (COLAs) should be calculated.

The bill was aimed at encouraging counties to use COLAs as a local pension adjustment method. COLAs are a type of adjustment method for the changes in the cost-of-living index. These adjustments were given to retired county employees to account for inflation.

This legislation would have provided clarification to calculation methods by stating that COLAs do not need to be calculated retroactively to the previous adjustment. For example, if an employee was given an adjustment rate of 1 percent two years ago, and the current adjustment rate was set at 2 percent, the employee could have kept the old 1 percent rate, unless the adjustment was not calculated retroactively. This change would “most likely” have resulted in adjustments being more evenly distribution among retirees.

This legislation would have also added the requirement that COLAs be assessed by an actuarian before approval.

The bill died in the House.

*** **<u>Changes to the Local Tax Filing Requirements</u> -** The Senate unanimously approved **Senate Bill 356**, which makes numerous minor changes to local tax filing requirements.

The bill changes due dates for taxpayers earning net profits that file quarterly as well as employers filing local withholding taxes. It also places restrictions on local governments and tax officers. For example, local tax officials are prohibited from penalizing a taxpayer without first sending a letter of notification, and may not disallow a taxpayer from using forms available on the Department of Community and Economic Development website.

The legislation changes the law governing reporting and payment to be more consistent with state rules.

The bill was enacted as **Act 150 of 2016.**

* **<u>Active Duty Military Pay Exemption</u> -** The Senate unanimously approved **Senate Bill 652**, which would have exempted all active-duty military pay from the local income tax.

Under the Local Tax Enabling Act of 2008, military personnel’s pay is subject to the local income tax while they are on active duty.

This bill would have amended the current definition of “earned income” to exclude the taxation of wages earned by military personnel on active duty outside the commonwealth.

The bill died in the House.

* **Cigarette Sales Records Retention** - The Senate unanimously approved **Senate Bill 691**, which would have amended the Fiscal Code concerning the sale of cigarettes.

This legislation would have placed requirements on businesses, requiring licensed cigarette dealers to maintain cigarette sales records for a four-year period. These records would have been maintained on the property.

This legislation would have also hiked the cigarette retailers' tax to 7 percent from the current 6 percent. Philadelphia would have been exempt from the bill. The changes were designed to create transparency and help investigators track the sale of cigarettes between vendors and consumers. The proposed changes were projected to raise the cost of a pack of cigarettes by 5 cents.

The bill died in the House.

*** **Transferring Some Pension Responsibilities to the Independent Fiscal Office** - The Senate unanimously approved **Senate Bill 1227**, which amends the Administrative Code to transfer specific pension responsibilities of the Public Employee Retirement Commission to the Independent Fiscal Office (IFO).

This legislation moves state pension review functions to the IFO and the municipal pension responsibilities to the Department of the Auditor General. It requires the IFO to prepare cost analyses for all collective bargaining agreements and provide actuarial notes for all legislation amending the public pension retirement plans.

The bill was amended to require that actuarial notes be transmitted electronically. In addition, the IFO was moved into the Administrative Code and requires the IFO to perform Risk Transfer Analysis in its actuarial notes of all legislation that proposes substantial benefit design changes to school employees' retirement pensions.

The bill was enacted as **Act 100 of 2016**.

* **Budget Restrictions -** The Senate unanimously approved **Senate Bill 1320**, which would have amended the Fiscal Code to provide for General Budget restrictions on appropriations for the following funds and accounts: State Lottery Fund, Energy Conservation and Assistance Fund, Judicial Computer System Augmentation Account, Access to Justice Account, Emergency Medical Services Operating Fund, The State Stores Fund, Motor License Fund, Hazardous Material Response Fund, Milk Marketing Fund, HOME Investment Trust Fund, Tuition Payment Fund, Banking Fund, Firearm Records Check Fund, Ben Franklin Technology Development Authority Fund, Tobacco Settlement Fund, Restricted receipt accounts, ARC Housing Revolving Loan Program, Federal Aid to Volunteer Fire Companies, Land and Water Conservation Fund, National Forest Reserve Allotment, Education of the Disabled, LSTA – Library Grants, The Pennsylvania State University Federal Aid, Emergency Immigration Education Assistance, Education of the Disabled Homeless Adult Assistance Program, Severely Handicapped, Medical Assistance Reimbursements to Local Education Agencies, Federal Water Resources Planning Act, Flood Control Payments, Soil and Water Conservation Act – Inventory of Programs, Share Loan Program, Capital Assistance Elderly and Handicapped Programs, Railroad Rehabilitation and Improvement Assistance, Ridesharing/Van Pool Program, Receipts from Federal Government – Disaster Relief – Disaster Relief Assistance to State and Political Subdivisions, National Historic Preservation Act, Retired Employees Medicare Part D, Justice Assistance,

Juvenile Accountability Incentive, Early Retiree Reinsurance Program, Medical Care Availability and Reduction of Error Fund, Budget Stabilization Reserve Fund, Gaming Economic Development and Tourism Fund, Veterans' Trust Fund, State Farm Products Show Fund, Pennsylvania Race Horse Development Fund, Straw Purchase Prevention Education Fund, Budget Stabilization Reserve Fund, Emergency Medical Services Operating Fund, Highway Beautification Fund, Keystone Recreation, Park and Conservation Fund, Local Government Capital Project Fund, Low-Level Waste Fund, Pennsylvania Economic Revitalization Fund and the Small Business First Fund.

The bill died in the House.

* **<u>Purely Public Charity</u>** - In a 30-19 party line vote, the Senate approved **Senate Bill 4**, which would have amended the state's constitution to give the General Assembly the power to determine whether an institution is a purely public charity and exempted from paying local property taxes.

The bill specified that the General Assembly, not the judiciary, had the exclusive right to set the parameters for an organization to qualify as a purely public charity. The measure was prompted by a 2012 state Supreme Court ruling that used a judicially-created test to define public charities.

Democrats contend that there was no need to fast-track the legislation, arguing that more study and hearings should be held on this prospective constitutional amendment before the legislature acts. Some also said that time should be provided for the state's new governor to study and weigh in on the issue.

Democrats also argued that the bill can potentially cause serious problems for bona fide charities, cash-strapped local governments and struggling property owners who are continually shouldering a greater share of the local tax burden.

Because the bill would have amended the state Constitution, the proposal must pass in two consecutive legislative sessions before being decided by the voters via referendum. The proposal was already approved once by the General Assembly during the 2013-14 session.

The bill died in the House.

*** <u>Property Tax Exemption for Surviving Spouse</u>** - The Senate unanimously approved **Senate Bill 1109**¸ which would have extended the property tax exemption to an unmarried surviving spouse of a soldier killed during active service.

This legislation would have added spouses of soldiers killed in action to the property tax exemption available to disabled veterans. The bill also would have amended the Pennsylvania Constitution and required a second passage next legislative session, as well as voter approval via referendum.

The bill died in the House.

GAME AND FISHERIES

*** **<u>Firearm Restrictions</u>** - The Senate voted 40 to 7 in favor of **House Bill 263**, which removes a restriction on air, chemical or gas cylinder powered firearms, and semiautomatic rifles for hunting.

This legislation allows for the Game Commission to regulate the use of such firearms, institute bag limits and determine what seasons the firearms may be used. The legislation also removes the sunset provision for the Special Elk Hunting License Fundraiser.

This bill was enacted as **Act 168 of 2016.**

*** **Reloading Firearms** - The Senate unanimously approved **House Bill 698**, which amends Title 34 to allow individuals who hunt with a motorized wheelchair to reload their weapon without being required to turn off their wheelchair.

Current law requires hunters to turn off their electric powered wheelchairs anytime they want to reload their weapon. The original law was designed for motorized vehicles.

The bill was enacted as **Act 76 of 2015**.

*** **Hunting Dog Regulations** - The Senate unanimously approved **Senate Bill 77**, which amends dog hunting permit policies to lower the size restrictions for training zones in hunting clubs from 100 acres to 50 acres.

The bill also removes the requirement for a special permit to hunt game on beagle training club grounds. Previously, vandalism and trespassing were major problems at these clubs. These changes allow the Game Commission to prosecute offenders.

This bill was enacted as **Act 65 of 2015**.

* **Reporting Time** - The Senate unanimously approved **Senate Bill 374**, which would have enabled the Game Commission to determine the amount of time a hunter has to report a kill.

Currently, a kill must be reported within 10 days. Under the bill, the Game Commission would have had the authority to change the reporting requirement. It has not yet offered its views on how long the timeframe should be.

The bill died in the House.

* **Fishing** - The Senate unanimously approved **Senate Bill 604**, which would have allowed proceeds from Lake Erie fishing permits to be used for public fishing projects that support Lake Erie, Presque Isle Bay and their tributaries.

The bill **died** in the House.

* **Approved Firearms** - The Senate unanimously approved **Senate Bill 737**, which would have approved the use of semi-automatic sporting rifles for hunting coyotes and woodchucks.

Currently it is illegal to hunt with any semiautomatic weapon in Pennsylvania. This legislation would have limited their use for only these two animals. However, these weapons would not be allowed to be used during bear, deer, and turkey seasons.

The bill died in the House.

* **Falconry Hunting** - The Senate unanimously approved **Senate Bill 1065**, which would have allowed for falconry hunting on Sundays.

This legislation would have allowed hunters to hunt with birds of prey, commonly known as falconry, on Sundays. Currently, only fox and coyote hunting are permitted on Sundays.

Proponents claim that allowing falconry would not be invasive because falconry is a much less common form of hunting.

The bill died in the House.

* **Licensing Fees** - The Senate voted 46-2 in favor of **Senate Bill 1166**, which would have authorized the Game Commission to set the licensing fees it charges for hunting and fur-taking licenses.

This legislation would have been in effect for three years — and then would have needed to be renewed by the General Assembly. The Legislative Budget and Finance Committee would have conducted a financial report to measure the effectiveness of the Game Commission setting its own prices. Currently only the legislature is able to set the licensing fees for hunting and fur taking.

Licensing fee changes would have needed to be brought before the public for open comments. All fee changes would have been reviewed by the legislature.

The bill died in the House.

* **Licensing Fees** – The Senate voted 46-2 in favor of **Senate Bill 1168**, which would have authorized the Pennsylvania Fish and Boat Commission (PFBC) to set its own fees.

The legislature currently sets fees for fishing licenses, boat registrations and titles. The bill would have allowed the PFBC to create its own fees. Licensing fee changes would have needed to be brought before the public for comments and all fee changes would have been reviewed by the legislature.

The legislation also would have allowed for funds collected from Lake Erie permits to be used for projects that support public fishing on or at Lake Erie, Presque Isle Bay and their tributaries.

This bill died in the House.

JUDICIARY

*** **Domestic Violence Protections** - The Senate unanimously approved **House Bill 12**, which amends Domestic Relations Law to simplify divorce procedures for spousal abuse victims.

This legislation enables abuse victims to divorce their spouse without needing the spouse's consent. This legislation also adds provisions to empower abused spouses to refuse marital counseling with their spouse during divorce procedures, if they have a protection from abuse order filed against them.

Specifically, the bill defines a list of "personal injury crimes." If an individual is found guilty of any of these crimes against their spouse, mutual consent will no longer be required to obtain a divorce.

The bill was enacted as **Act 24 of 2016**.

*** **Counseling Services Annual Report** - The Senate unanimously approved **House Bill 73**, which amends Title 42 (Judiciary and Judicial Procedure) to require counseling agencies that provide services to sexually violent predators to inform the local district attorney and the chief law enforcement officer that they are being counseled in their area.

The bill was enacted as **Act 20 of 2015**.

***** Animal Fighting Offense** - The Senate unanimously approved **House Bill 164**, which would step up efforts to stop animal fighting.

This legislation would make it a third degree misdemeanor to possess any drug, device, or object used to train or engage animals in staged fights.

Police officers no longer need to actually catch individuals in the act of staging animal fights, but can take preventative steps if they catch people who possess materials that are part and parcel of the cruel fights.

The bill was enacted as **Act 24 of 2015**.

***** Training for Law Enforcement Officers** - The Senate unanimously approved **House Bill 221**, which provides law enforcement officers and district judges with additional training to help them identify and deal with individuals with mental health conditions.

This legislation implements training for police officers and magisterial district judges to help them identify people who have autism, Tourette Syndrome or other mental illnesses/disabilities. The bill is aimed at getting mentally ill people the appropriate help and treatment, and them from being unnecessarily harmed or killed when law enforcement can use safer and more effective ways to de-escalate incidents.

The bill was enacted as **Act 25 of 2015**.

*** **Cyber Harassment of a Child** - The Senate unanimously approved **House Bill 229**, which adds cyber harassment of a child to the Crimes Code.

The harassment includes repeated cyber comments or threats about a child's sexuality, mental health, physical characteristics or other traits with the aim to embarrass or humiliate. For adults, the offense is a third degree misdemeanor. Juveniles convicted of cyber harassment will be required to attend a sensitivity/anti-bullying program.

The bill was enacted as **Act 26 of 2015**.

*** **Sexual Assault Evidence** - The Senate unanimously approved **House Bill 272**, which changes the process for how evidence in sexual assault cases is tested.

The legislation requires the Department of Health to identify approved labs for evidence testing and establish guidelines for laboratories' evidence processing. The bill establishes more rights for the victims by making all analyses of their case evidence available to them. The bill also establishes a time limit for conducting and processing rape case testing. These changes are intended to provide efficiency and consistency for the sensitive evidence in these cases.

The new regulations require a report of the number of outstanding backlogged cases that a lab is unable to process in six months. From this information, a public report will be created and issued to the General Assembly for monitoring purposes.

The bill was enacted as **Act 27 of 2015**.

***** <u>No Fault Divorce Time Shortened</u>** - The Senate voted 43-2 in favor of **House Bill 380**, which reduces the amount of time required to establish that a marriage is "irretrievably broken."

This measure reduces from two years to one the amount of time a married couple must be separated before their marriage can be legally declared irretrievably broken. A couple must also live "separate and apart" to qualify.

The bill was enacted as **Act 102 of 2016**.

***** <u>Precursor Drug Substances</u>** - The Senate unanimously approved **House Bill 608**, which amends The Controlled Substance, Drug, Device and Cosmetic Act to simplify the process by which the Department of Health may add new chemical combinations to the list of illegal precursor substances.

This legislation allows the secretary of the department to do the following:

- Reschedule any controlled substances to coincide with federal law if the drug has been approved for over-the-counter use without a prescription;
- Exclude any substance or remove any controlled substance from any schedule if that the substance is approved for over-the-counter use without a prescription; and
- Temporarily schedule a drug if the substance is found to be an imminent hazard to public safety or has the potential for abuse.

Drugs that are rescheduled to a higher schedule must be posted in the *Pennsylvania Bulletin*. Any temporarily scheduled drugs must be made known to the Attorney General. The bill was amended to add Fentanyl derivatives to the list of Schedule I drugs.

The bill was enacted as **Act 37 of 2016**.

***** <u>Power of Attorney</u>** - The Senate unanimously approved **House Bill 665**, which removes restrictions inadvertently placed on commercial powers of attorney (POA) during the last session.

Act 95 of 2014 unintentionally left out regulations for POAs executed by corporations. This measure adds those policies back into the law. Act 95 placed restrictions on corporations to require a POA to be signed by two witnesses. However, this requirement is not necessary because POA are managed by corporate attorneys rather than individuals.

The new law removes the requirement placed on businesses and corporations and exempts them from the witness and acknowledgement requirements that other POA agreements must complete.

The bill was enacted as **Act 103 of 2016**.

**** <u>Cruelty to Animals</u>** - The Senate unanimously approved **House Bill 869**, which would have toughened penalties against those who kill, maim or torture a guide, hearing or service dog.

Under the bill, the perpetrator would have been required to pay all fines, veterinary costs and training costs for another dog to replace the injured animal. The bill also would have expanded the definition of "torture."

In addition, the bill would have made it a third degree misdemeanor if a person recklessly or knowingly abuses an animal. The bill would have added an offense for tethering an unattended dog outside for more than nine hours without providing for the animal's basic needs. The bill also would have required that a tethered dog must have access to water and shade, be attached to at least a 10-foot chain and protected from extreme or in situations where a severe weather warning is issued.

The bill died in the House.

***** <u>Labor Disputes</u>** - In a nearly party-line vote, the Senate voted 30-18 in favor of **House Bill 874**, which amends Title 18 (Crimes and Offenses) to do away with provisions that protected individuals involved in labor disputes from being charged with harassment, stalking and the threat to use weapons of mass destruction.

This legislation removes the section of the Crimes Code that exempts harassment, stalking and the threat to use a weapon of mass destruction as being crimes if the perpetrator is involved in a labor dispute defined in the Labor Anti-Injunction Act.

The bill also includes a statement of legislative intent that the measure is meant to deter the listed crimes and not remove any rights held by union participants. However, those who opposed this bill said the legislation will repress the rights of the workers.

The bill was enacted as **Act 59 of 2015.**

***** <u>Conflicts of Interest</u>** - The Senate unanimously passed **House Bill 1118**, which provides a process to follow when a county district attorney has a conflict of interest and needs to refer a case to the attorney general or a district attorney from another county. It also provides a process for the appointment of an independent counsel by establishing a Special Independent Prosecutor's Panel.

The bill was signed into law as **Act 131 of 2016.**

***** <u>State Tax Refund Intercept/Restitution</u>** - The Senate unanimously approved **House Bill 1167**, which amends the Crime Victims Act to require the Department of Revenue to deduct money from an individual's tax refund to pay court-ordered obligations.

The department must deduct an amount from the tax return to pay for any money owed to a county court system when a pay order is enacted. The department must also notify the individual that the deductions were made to their tax return. The department may establish a set fee to cover the actual costs of implementing the deduction process. The department must submit an annual report on how much it collects to the General Assembly.

The bill was enacted as **Act 93 of 2016.**

***** <u>Business Entity Law</u>** - The Senate unanimously approved **House Bill 1398**, which amends the Corporations and Unincorporated Associations Code and the Names Code to modernize laws overseeing limited liability partnerships, general partnerships, limited partnerships and limited liability companies. The bill does the following:

- Permits a partner member to file a "certificate of authority" so that they may conduct business on their partner's behalf;

- Provides for Limited Liability Companies (LLC) right to transfer agreements between members of the LLC;
- Clarifies that the operating agreement within a LLC provides for the rights of the members within a LLC.;
- The bill amends definitions; specifically, the definition of a general partnership was redefined to refer to the partnership as an entity to assist with the transfer of property between a partnership;
- The Uniform Partnership Act rules will now be considered the default rules for business partnerships;
- Provides for a partner members responsibilities and duties within a partnership agreement;
- Separates general partnership law from limited partnerships for clarity purposes. In addition, the bill clarifies ownership rights for assets associated with the partnership;
- Amends limited liability partnerships (LLP) to provide partners with liability protections similar to shareholders of a corporation;
- Requires both LLPs and LLCs to file a "certificate of termination" when the agreement is ended;
- Provides for creditors of a LLP in the event of asset liquidations;
- Removes a partner's ability to "dissociate from the limited partnership;" and
- Amends the written provisions of a partnership agreement for a limited partnership to require consent from all partners who own distribution rights;

  The bill was enacted as Act **170 of 2016.**

*** **Illegal Possession of firearms** - The Senate unanimously approved **House Bill 1496**, which toughens penalties against felons who illegally possess guns.

Under the bill, it would be a first degree felony (10 to 20 years) rather than a second degree felony (five to 10 years) if it is a second offense; or the felon has the firearm within their immediate control. The bill authorizes the Pennsylvania Commission on Sentencing to create a sentencing enhancement for this offense. The bill was part of a package of bills aimed at stopping violent criminal behavior.

The bill was enacted as **Act 134 of 2016.**

*** **Felony Strangulation** - The Senate unanimously approved **House Bill 1581**, which amends Title 18 (Crimes Code) to make strangulation a felony.

The bill defines the offense of strangulation and makes it punishable by up to 10 years in prison and a fine of up to $25,000. The bill makes it a second degree felony if a perpetrator strangles a family member or a caretaker; if the offense is committed in conjunction with sexual assault; if the offender strangled a person who had a protection from abuse order or the perpetrator previously committed the offense.

The bill was enacted as **Act 111 of 2016**.

** **Statute of Limitation for Sexual Offenses and Human Trafficking** - The Senate unanimously approved **House Bill 1947**, which would amend the Judicial Code to give victims more time to file a civil suit against a child sexual abuse perpetrator.

This legislation would allow an individual to bring civil charges from childhood sexual abuse if he or she was under 18 at the time of the abuse. Currently, the individual has 12 years after they turn 18 to pursue civil charges. This bill would change the statute to 32 years after the individual turns 18. The civil charge would not need to be associated with a criminal charge against the perpetrator.

The legislation also provides for circumstances for which no statute of limitations would apply. These include trafficking in individuals, involuntary servitude as it relates to sexual servitude, rape, statutory sexual assault, involuntary deviate sexual intercourse, sexual assault, institutional sexual assault, aggravated indecent sexual assault and incest.

The bill would have added criminal punishments against individuals who knew of the sexual abuse, conspired with the perpetrator or were negligent. The original legislation created a retroactive aspect to the bill, which would have allowed individuals who were abused to pursue civil charges before this legislation's enactment; however, this section was removed due to constitutionality disputes.

The bill died in the House.

***** <u>Pepper Spray for Correctional Officers</u>** - The Senate unanimously passed **House Bill 2084**, which requires the Department of Corrections to issue pepper spray to all on-duty officers and employees in state correctional institutions who may respond to an emergency situation.

Under the measure, officers must be properly trained in the use of the spray and may only use it when verbal direction has failed and physical force is necessary, when an inmate barricades themselves and cannot be approached without danger to officers or the inmate and when a delay in establishing control would cause a hazard, disturbance or property damage.

The bill was signed into law as **Act 174 of 2016.**

***** <u>Ballot Question on Judicial Retirement Age</u>** - The Senate voted 36-13 in favor of **House Bill 89**, which amends Title 42 (Judiciary and Judicial Procedure) to change the automatic retirement age for judges from 70 to 75 years old. This bill is a companion bill to House Bill 90, which provided the constitutional amendment needed to implement this bill.

The bill was enacted as **Act 62 of 2015**.

*** **<u>Judicial Retirement Constitutional Amendment</u>** - The Senate voted 36-13 in favor of **House Bill 90**, a Joint Resolution that amends the Pennsylvania Constitution to lengthen the mandatory judicial retirement age from 70 to 75.

In the 2013-14 session, House Bill 79 was passed by both the House and the Senate. House Bill 79 of the previous session is the same amendment. Passing the same amendment in two consecutive legislative sessions is required because the bill amends the state constitution.

Therefore, **House Bill 90** amends the Constitution to allow judges to serve until the age of 75.

The bill was enacted as **Pamphlet Laws Resolution No. 1**.

*** **Abolishing the Philadelphia Traffic Court** - The Senate unanimously approved **Senate Bill 283,** a joint resolution that formally abolishes the Philadelphia Traffic Court from the state's constitution.

The legislation was prompted by a 2011 ticket-fixing scandal in which nine judges were indicted. Philadelphia has more than 158,000 ticket cases every year. Previously, Philadelphia had a total of 122 judges, seven of whom were Traffic Court judges who were not required to be attorneys. No other county has a separate traffic court.

Last Session, the legislature passed Senate Bill 333 (Pamphlet Laws Resolution No. 1), as the first part of the Joint Resolution requirement. Another measure, Senate Bill 334 (Act 17 of 2013) eliminated the traffic court from the Judicial Code and transferred its duties to the Philadelphia Municipal Court. Under that law, the municipal court now has a traffic division with two more judge positions. In addition, the president judge may appoint hearing officers to hear traffic cases.

The bill was enacted as **Pamphlet Laws Resolution No. 2**.

*** Stolen Valor Act -** The Senate unanimously approved **Senate Bill 43**, the so-called "stolen valor act."

This bill would have made fraudulently wearing military uniforms, awards, and medals a summary offense. The bill also specified that it would be illegal for someone to try and obtain employment or to be elected to public office by claiming military service.

The bill died in the House.

* **Anti-SLAPP Law** - The Senate voted 48-1 in favor of **Senate Bill 95**, which would have amended Title 42 (Judiciary & Judicial Procedure) to provide immunity for constitutionally protected communication. The bill aimed to curb Strategic Lawsuits Against Public Participation (SLAPP).

Under the bill, no civil actions, regarding protected communications, could have been taken against any individual involved in protected communications. This legislation would have allowed courts to swiftly dismiss cases if it is found that the cases were stemming from constitutionally protected communications. If the individual or organization defending the civil case prevailed and the case is dismissed, the defendant would have been entitled to repayment for all damages and costs associated with the case.

The bill died in the House.

***** Supervised Community Service** - The Senate unanimously approved **Senate Bill 130**, which prohibits those who have been sentenced to community service to purchase "credit" toward their sentence with cash, gift cards, or any other form of remuneration.

Apart from concerns over the potential for official abuse, lawmakers said the practice benefits those who can afford gift cards over defendants of lesser means.

The bill was enacted as **Act 72 of 2015**.

*** Children of Incarcerated Parents** - The Senate unanimously approved **Senate Bill 163**, which enables incarcerated people to maintain parental rights under certain conditions.

The bill would have added a provision to the Domestic Relations Code to prevent the termination of parental rights solely due to a parent's incarceration. The measure also would have amended the Judicial Code to allow judges to determine if parental rights should be terminated while the parent is incarcerated. Parents still would have needed to comply with the family service plan requirements and maintain "a meaningful role in the child's life during the time of incarceration." The measure also would have required child safety training for police officers in situations where a child's parent or guardian is arrested.

The bill died in the house

******* **<u>Expungement Laws</u>** - The Senate unanimously approved **Senate Bill 166**, which provides a second chance for some offenders by enabling them to expunge their record.

This legislation allows individuals to appeal to the court to have their record cleared from public view. These individuals must have served their punishment and cannot have any arrests or prosecutions for at least 10 years following their punishment.

The expungement appeal will only be offered to individuals with a second or third degree misdemeanors or an ungraded offense that required less than two years of prison time. Some misdemeanors such as violent acts are not be included.

To offset costs, this legislation creates a $132 fee to file appeals petitions. The program will be administered by the Administrative Office of Pennsylvania Courts, the Pennsylvania State Police, the District Attorney and the Clerk of Courts.

The bill was enacted as **Act 5 of 2016**.

******* **<u>Exemptions from Jury Duty</u>** - The Senate voted 47-1 in favor of **Senate Bill 210,** which amends Title 42 (Judiciary and Judicial Procedure) to add exemptions from jury duty.

This bill exempts judges, some elderly citizens and mothers that are breastfeeding from jury duty. Under the bill, federal, state and district justices would be exempt from jury duty, along with citizens 75 or older who request to be excused.

The bill was enacted as **Act 54 of 2015.**

******* **<u>Shark Fin Ban</u>** - The Senate unanimously approved **Senate Bill 264**, which would have amended commerce and trade laws to prohibit the possession and sale of shark fins.

Currently, it is against federal law to remove shark fins from sharks. The bill aimed to slow the trafficking of shark fins in Pennsylvania.

The bill died in the House.

* **<u>Cordelia's Law</u>** - The Senate unanimously approved **Senate Bill 294**, the so-called "Cordelia's Law," which would have added protections for horses and service dogs.

The bill would have placed horses under the same cruelty category as cats and dogs and added starvation to the list of abuses. The legislation was named after a starving 22-year-old mare found in a Bedford County junkyard.

The legislation also would have toughened penalties against those who deliberately harm service dogs. In addition to the cruelty penalties, those who torture a guide dog for the blind, a hearing dog for a deaf person, or a service animal would have been required to pay the veterinary costs for treating the dog or the cost of obtaining and training a replacement dog.

In addition, the measure called for standards and procedures to determine violations and the necessary probable cause to support seizure of animals.

The bill died in the House. It was part of a package of bills that was amended into House Bill 869, which also died in the House.

* **Animal Cruelty Anti Tethering** - The Senate voted 45-4 in favor of **Senate Bill 373**, which would have made tethering a dog to a stationary object illegal unless the dog needs to be temporarily restrained.

Under the bill, the dog would have to be monitored periodically, have a non-choking collar and a tangle-free tether at least 10 feet long — and have access to food, water, shade and shelter. Dogs could be tethered no more than 30 minutes if the temperature is less than 32 or above 90 degrees. Violators would have faced a summary animal cruelty charge for their first offense.

Second and subsequent offenses would have been committing a third degree misdemeanor punishable by a fine of at least $200.

The bill died in the House, but was part of a package of bills that was amended into House Bill 869, which also died in the House.

*** Swatting** - The Senate voted 47-2 in favor of **Senate Bill 296**, which would have amended Title 18 (Crimes and Offenses) to further provide for false emergency calls and sentencing for false alarms.

This legislation would have required the Pennsylvania Commission on Sentencing to create a punishment for making a false report that leads to an individual being harmed or killed from responding to the fake emergency. The sentencing would have applied to individuals who knowingly make a false report to an emergency service. Reporting a fake emergency is currently a first degree misdemeanor.

This bill would have required the perpetrator to pay for the expenses associated with the incident. This would have included salary costs for the people involved in the response and the equipment costs. The violator also would have been responsible for any harm done as a result of the false report.

This bill also would have helped deter fake 911 calls and preserve personnel and resources at the ready for real emergencies.

The bill died in the House.

* **Administrative Procedure Code** - The Senate unanimously approved **Senate Bill 301**, which would have consolidated and updated numerous statutes into Title 2 (Administrative Law and Procedure).

The bill would have allowed for statutes concerning filing and publishing commonwealth documents, Attorneys General and Office of General Counsel regulatory reviews, Office of Budget fiscal notes on regulations, and Independent Regulatory Review Commission actions would have been consolidated into Title 2. Existing provisions concerning hearings before state and local agencies would have remained in Title 2.

The bill died in the House.

* **Theft of Precious Metals** - The Senate unanimously approved **Senate Bill 427,** which would have amended the current Precious Metal Sale Regulation Law by giving theft victims a chance to recover their stolen jewelry before their precious metal is sold.

The bill would have extended how long a buyer is required to hold a precious metal before selling it, from five to ten days. Changing the requirement from five to ten days, the bill also would have given the police more time to investigate and examine precious metals before they are sold or melted down.

The bill died in the House.

* **Problem Gamblers** - The Senate unanimously approved **Senate Bill 428**, which would have amended the Crimes and Offenses Code to authorize courts to add additional sentencing provisions against any individual convicted of trespassing at a gambling facility when they are self-excluded from that facility.

This legislation would have provided for situations when an individual asks to not be admitted to various gambling facilities and, therefore, he or she agrees to be subjected to possible criminal trespassing charges for violating the agreement. This process helps deter problem gamblers from continuing their habit.

The bill would have allowed a court to mandate that the individual to receive a gambling disorder evaluation and allowed the court to determine if the individual needs further counseling or treatment as part of the sentencing.

The bill died in the House.

* **Gambling Addiction** - The Senate unanimously approved **Senate Bill 430**, which would have added gambling addiction crimes to the list of crimes that would allow an individual to join the Statewide Intermediate Punishment (SIP) program.

The program is currently only available to individuals who have committed crimes relating to drug or alcohol addiction.

The bill died in the House.

*** **Impersonating a Doctor** - The Senate unanimously approved **Senate Bill 485,** which makes it a first degree misdemeanor to impersonate a doctor as a means to provide medical treatment or advice.

The bill was based on recommendations made by the Philadelphia Grand Jury that indicted Dr. Kermit Gosnell and employees at his abortion clinic. Although Gosnell was sentenced to life in prison for murder, several of his employees — who were practicing medicine without a proper license — received lenient sentences for their crimes.

Prior to this measure, impersonating a physician was treated the same as impersonating a notary public or other licensed professional under Pennsylvania law. Bill supporters said the crime grade for impersonating a physician should have been far tougher because the crime can have dire consequences for patients who unknowingly place their healthcare in the hands of someone who is not properly trained or experienced.

The bill was enacted as **Act 10 of 2015.**

*** <u>Access to the Digital Assets Act</u>** - The Senate unanimously approved **Senate Bill 518**, which would have amended Title 20 (Decedents, Estates and Fiduciaries) to enact the Revised Uniform Fiduciary Access to Digital Assets Act and to allow representatives to access the digital assets of a decedent.

This bill would have allowed an individual to provide instructions as to how they want their digital assets to be handled in the event of their death. Individuals would have been able to provide instructions for their digital assets in a will, trust or power of attorney, the same as they could for tangible assets. This legislation would have assisted in dealing with information that might become inaccessible if the account holder dies or loses the ability to manage their digital assets.

The bill died in the House.

*** **<u>Medicated Assisted Treatment</u>** - The Senate unanimously approved **Senate Bill 524**, which establishes the Non-Narcotic Medication Assisted Substance Abuse Treatment Grant Program within the Department of Corrections (DOC).

This pilot program will help educate and train law enforcement about opioid abuse, alcohol addiction and the proper use of non-narcotic medicines. This bill also educates prison officers and other providers about the different kinds of addictions from which inmates might be suffering.

A treatment program will also be offered to offenders released from correctional facilities. The bill outlines the eligibility of offenders to join the treatment program. The legislation also lists criteria that disqualify an individual from eligibility, such as a history of violent behavior. Inmates are required to waive their health privacy requirements to allow access to their medical records. Naltrexone will be required to be pre-approved by all Medicaid managed care plans.

The DOC is required to make a report to the General Assembly on the fiscal aspects and participation data from the grant program within 18 months of this bill's enactment.

The bill was signed into law as **Act 80 of 2015**.

***** <u>Contraband left in Parole and Probation Agencies</u>** - The Senate unanimously approved **Senate Bill 533**, which outlines the procedure for dealing with contraband left in possession of parole and probation agencies.

The legislation applies to all situations in which two years have passed since the parolee was in the jurisdiction of the court. Notice must be sent to inform the parolee that the item has been declared abandoned and no other claim could be made on the item.

After an item has been held and attempted to be properly returned, it will become property of the county probation and parole department. If it is refused by the Treasury Department, the items may then be destroyed, sold or donated to a nonprofit organization, or used for the official use of the county department.

The bill was enacted as **Act 96 of 2016**.

*** <u>Guardianship</u>** - The Senate unanimously approved **Senate Bill 568,** which would have amended Title 20 (Decedents, Estates and Fiduciaries) to make several changes to the decedents' estates law based on recommendations of the Joint State Government Commission's Advisory Committee.

This legislation would have clarified specific powers of guardians, clarified who can be appointed a guardian and provided for the removal of guardianship rights. The bill also would have made the following changes to guardianship rights:

- Given guardians the authority to make health care decisions;
- Amended specific guardianship proceedings;
- Provided a framework on how to appoint a guardian;
- Altered petitions and hearings for guardianship;
- Provided for the removal and discharge of guardians;
- Provided for the notice of the petition for appointment of a guardian; and
- Defined the powers and duties of a guardian.

The bill died in the House.

*** <u>Law and Justice Code</u>** -The Senate unanimously approved **Senate Bill 579,** which would have consolidated several statutes into Title 44 (Law and Justice); and rename Title 44 to be the "Law and Justice Code."

The bill would have added the Pennsylvania Commission on Crime and Delinquency Law, the Deputy Sheriffs' Education and Training Act and the Crime Victims' Act to Title 44. This legislation would have also removed the Senior Citizen Advisory Committee Act. Contents related to DNA data and testing and constables would not have been affected by the consolidation.

The bill died in the House.

*** <u>Abusing Pets of Estranged Significant Others</u>** - The Senate unanimously approved **Senate Bill 594**, which would have deterred animal cruelty by imposing a fine on individuals who abuse pets of estranged significant others.

Perpetrators who have a protection-from-abuse order against them would have faced a fine ranging from $2,000 to $15,000 for animal cruelty against an estranged person's pet.

The bill died in the House.

*** **<u>Rape Survivor Child Custody</u>** - The Senate unanimously approved **Senate Bill 663**, which amends the Domestic Relations Code to provide custody rights in the event of a child being conceived as a result of certain sexual offenses.

The sexual offenses included in this measure are rape, statutory sexual assault, sexual assault, institutional sexual assault and incest. Previously, if a victim became pregnant from some form of sexual assault and chose to keep the child, there was the possibility that her perpetrator could win visitation rights. The previous law also enabled such offenders to avoid child support payments when their parental rights were terminated.

This legislation deprives offenders from interacting with the child conceived by any of the listed sexual offenses by ending their parental rights. Yet, the perpetrator is still required to pay child support.

Under the bill, the court may grant custody to the parent who committed the offense if three conditions are met: First, the victim must be given the opportunity to address the court.

Second, the child must be of suitable age and consent to the request such custody. Third, the court must determine that the decision is in the best interest of the child.

The bill was enacted as **Act 40 of 2015**.

* **DNA Technology Modernization** - The Senate voted 33-14 in favor of **Senate Bill 683**, which would have amended Title 44 (Law and Justice) to modernize the use of DNA technology in criminal investigations.

The bill would have added to the list of criminal offenses in which DNA testing would be required. Individuals charged with homicide, sexual offense, a felony, and certain violent crimes would have been required to provide DNA samples. The use of the DNA samples would have been restricted to law enforcement identification purposes.

DNA testing personnel would have been required to take continuing education classes to maintain their expertise. The State Police would have been allowed to use modified DNA searches. Relatives could be found using the DNA in the current database to likely find other criminal offenders related to members in the database. DNA could have been removed from the State Police database if it was included by mistake or by a court order, or if the criminal charges were dropped.

The bill died in the House.

*** Sale of E-Cigarettes to Minors** - The Senate unanimously approved **Senate Bill 751** which would have amended Title 18 (Crimes and Offenses) and Title 53 (Municipalities Generally) to prevent the sale of electronic cigarettes to minors.

Electronic cigarettes are a type of electronic device that delivers nicotine or other substances to a person inhaling from the device. This bill would have added these devices to the list of tobacco products and, therefore, banned minors from purchasing them.

The bill aimed to deter children and teens from smoking electronic cigarettes. The number of users has increased over the last few years and a full research of the side effects of electronic cigarettes has not been agreed upon.

The bill died in the House.

*** Powdered Alcohol** - The Senate unanimously approved **Senate Bill 773**, which would have amended Title 18 (Crimes and Offenses) to ban minors from using palcohol (powdered alcohol). Under this legislation, powdered alcohol would have been added to the list of beverages that are prohibited to be sold to minors.

This measure also would have added the definition of powdered alcohol as "alcohol sold in powdered or molecularly encapsulated form for either direct use or reconstitution." The bill also would have amended the definition of liquor to include powdered alcohol.

The bill died in the House. However, House Bill 1690, which reformed the state's liquor laws, included the powdered alcohol prohibition.

*** Combining State Agencies** - The Senate voted 37-10 in favor of **Senate Bill 859**, which would have amended Title 42 (Judiciary and Judicial Procedures) and Title 61 (Prisons and Parole) to combine the Department of Corrections and the Board of Probation and Parole to become one agency entitled the Department of Corrections and Rehabilitation.

This legislation would have renamed the existing Board of Probation within the new department to be called the Pennsylvania Parole Board. The board no longer would have set the statewide standards for parolee supervision, investigations and reports. The board no longer would have been in charge of collecting statistics on probation and parole. The board would have established conditional parole conditions and set regulations for general conditions of supervision.

The new department would have taken on the mentioned tasks the board previously performed. The department would have been in charge of appointing, supervising and training of parole agents. These parole agents would have been required to receive training in social work, criminology, psychology, psychiatry and criminal justice. The department also would have been authorized to create a parole violator center to assist re-entering parolees.

This legislation was projected to save about $10 million in state money and increase the efficiency of prisons and parole services by the 2016-17 fiscal year. The bill also would have reduced recidivism.

The bill died in the House.

* **<u>Senate Bill 859 Companion</u>** - The Senate voted 37-10 in favor of **Senate Bill 860**, which would have amended the Crime Victims Act to make technical changes to accommodate the proposed changes of Senate Bill 859.

This legislation would have made the necessary changes to implement Senate Bill 859, a measure that would have combined the Department of Corrections and the Board of Probation and Parole to create the Department of Corrections and Rehabilitation.

The bill died in the House.

*** <u>Civil Asset Forfeiture Reform</u>** - The Senate voted 42-8 in favor of **Senate Bill 869**, which would have amended the Controlled Substance Forfeiture Act to provide for civil forfeiture of personal property relating to instances connected with criminal and drug offenses.

This legislation would have allowed for the seizing of property in situations where the property is used to transport illegal drugs. Property may have also been seized if the item is found under a search warrant and probable cause justifies confiscating the property.

Items associated with forfeiture must be found to be subject under this legislation and the claimant of the property would have needed to prove their ownership and that they lawfully acquired the property.

The commonwealth would have needed to prove the item was used illegally to retain the property. The claimant would have needed to prove they did not know or use the property to facilitate illegal activity. Claimants could have challenged a court's decision if they believed the object was taken against their constitutional rights. Property could have been seized before a trial if it was possibly related to an ongoing criminal activity.

The bill died in the House.

*** **<u>Information Sharing Between Child Welfare Agencies</u>** - The Senate unanimously approved **Senate Bill 917**, which enhances information sharing between agencies involved in child welfare, child delinquency or the identification of at risk children. This bill allows these agencies to enter into information sharing agreements.

The bill requires children and youth agencies, courts or juvenile probation departments to provide all records containing drug and alcohol treatment, mental health information and educational background to the county agency, court or juvenile probation department requesting the information. The bill also outlines specific restrictions on the use of confidential information.

The bill defines which agencies can use the information to identify and provide services to children and families. Non-confidential information may be used to help children at risk of abuse, victims of parental neglect or at risk of additional delinquent behavior. The bill was amended to require the state police to forward certain information within three business days to the children and youth agency in the county where the offense was committed.

The bill was enacted as **Act 78 of 2016**.

* **Limiting Employer Fees regarding Child Support** - The Senate unanimously approved **Senate Bill 936**, which would have limited the fee an employer could charge an employee to accommodate a child support order.

Employers currently may deduct "2 percent of the amount paid under the support order for reimbursement" of expenses. This legislation would have ensured that the fee an employer takes out to initially establish wage garnishment is a one-time $50 fee instead of a repeated fee.

The bill died in the House.

*** Body Cameras for Police Officers** - The Senate voted 45-5 in favor of **Senate Bill 976**, which would have amended the Wiretap Act to provide for law enforcement to use expand its use of audio and visual recording devices.

The bill would have allowed law enforcement officers to record illegal activity in a private setting within a jail. The Department of Corrections would have been required to notify inmates that communications are being recorded. Officers would have been banned from intercepting communication between an attorney and client. The department would have been required to implement annual guidelines for the use of these recording devices and would be responsible for establishing equipment standards.

Communications intercepted within these facilities only could have been accessed by the superintendent, warden or other chief administrative official.

The bill died in the House.

*** Immunity for Rescuing a Child from a Vehicle** - The Senate unanimously approved **Senate Bill 986**, which would have provided immunity for individuals attempting to rescue a child from a vehicle.

This legislation would have created another Pennsylvania immunity law by giving immunity to an individual attempting to rescue a child, by breaking a window or attempting to enter into a vehicle to help the child.

Pennsylvania currently has specific immunity laws for situations when individuals attempt to help people in certain emergency situations. These laws are often referred to as "Good Samaritan" laws and are aimed at encouraging bystanders to act without fear of legal repercussions. To be granted immunity under the measure, the person attempting to rescue a child must have done all of the following: determine the vehicle is locked and there is no other way to enter, determine the minor is in imminent danger, call the police, stay with the minor at a safe location until law enforcement arrives and use only the necessary force to enter into the vehicle.

The bill died in the House.

* **Independent Counsel Authorization Act** - The Senate unanimously approved **Senate Bill 1031**, which would have established an investigative panel to investigate any criminal activity by the Office of Attorney General.

The panel would have investigated any criminal activity conducted by the Office of Attorney General; this includes the Attorney General and the Deputy Attorney General. The panel would have been comprised of one Commonwealth Court judge and two judges from the Court of Common Pleas. A district attorney could have appealed to the special Independent Counsel if they believed a member of the Office of Attorney General committed a crime greater than a summary offense.

The bill would have provided for the panel and required them to act within 90 days of receiving an investigation request. The bill placed certain limitations on the counsel on what it is authorized to investigate. The counsel would have been restricted to maintain secrecy with all ongoing investigations. The panel would have been given the same investigative authorities as the Office of Attorney General.

The legislation was spurred by the criminal prosecution and conviction of former Attorney General Kathleen Kane.

The bill died in the House.

*** Military Custody and Visitation** - The Senate unanimously approved **Senate Bill 1056**, which would have enacted the Uniform Deployed Parents Custody and Visitation Act.

This bill would have provided clarification to custody and visitation agreements for parents who are deployed in military service. The bill would have allowed parents to enter into temporary custody agreements during the time they are deployed. These agreements would have stated the length of the deployment, given temporary caretaking authority to a parent or other guardian and specified decision-making authority.

The bill would have expanded the list of individuals who are legally allowed to be given temporary custodial rights and provided more detailed procedures for the modification of a pre-deployment custody and visitation order.

The bill died in the House.

*** **Sentencing Enhancements for Burglary** - The Senate unanimously passed **Senate Bill 1062**, which requires the Commission on Sentencing to provide a sentencing enhancement guidelines for burglary. A tougher sentence can now be imposed for burglaries where the offender threatens or attempts to injure someone.

The bill was signed into law as **Act 158 of 2016.**

*** **<u>Notifications of Recordings on School Buses</u>** - Senate unanimously approved **Senate Bill 1077**, which allows school districts to send notifications about recordings on school buses to parents of students by other means than physical mail.

This change in the mailing requirement is designed to save schools money. Schools no longer will be required to send out an annual notification that some school buses have video and audio recorded capability. The notification information is required to be posted on the school's website and may be presented to parents in the student handbook or any other material that includes a school's rules.

Guidelines for recording student activities on buses must be established by the district and school districts are required to notify parents of these guidelines.

The bill was enacted as **Act 56 of 2016**.

*** **<u>Probate, Estates, and Fiduciaries Code</u>** - The Senate unanimously approved **Senate Bill 1104**, which amends the Probate, Estates and Fiduciaries Code and consolidates the Charitable Instruments Act of 1971 in the code. The bill makes the following amendments:

- Amends the Uniform Trust Act to provide for trust matters involving the resignation of trustees and the ability of a beneficiary of a trust to nominate a person to receive required notices on their behalf;
- Amends the Chapter 76 of the code to detail the power a done has when selecting a recipient of the donor's estate or income;
- Provides for the continuation of businesses obtained through the inheritance of an estate to include the recognition of certain business types, other than the traditional cooperation, partnership or limited liability company;
- Repeals certain provisions relating to the "release of an interest in property that had been accepted;"
- Adds a section to the code to clarify the submission of testamentary letters or letters of administration to the jurisdiction of an orphans' court;
- Makes changes to authority to make limited gifts under power of attorney, the orphans' court jurisdiction relating to conflicts with the Fiscal Code and health care powers of attorney relating to accountability. The bill clarifies that a Health Care Power of Attorney maintains their validity until revoked by the principle, court or authorized person; and
- Authorizes courts to assess the costs of accounting proceedings
  The bill was enacted as **Act 79 of 2016**.

*** <u>Expanding the Services Advisory Committee</u>** - The Senate unanimously approved **Senate Bill 1113**, which would have amended the Crime Victims Act to expand the advisory committee that advises the Services Advisory Committee.

The Crime Victims Act would have created an advisory committee to the Services Advisory Committee. The advisory committee was created to assist in the planning, creating and monitoring of victims' services. This advisory committee was previously comprised of the secretaries of Aging, Corrections, Public Welfare, and the commissioner of the State Police. This legislation would have added the following classes of individuals to the law and required the governor to appoint one from each class to the committee:

- A direct victim of crime representing female victims

- A direct victim of crime representing male victims
- An area agency on aging
- The Pennsylvania Coalition Against Domestic Violence
- The Pennsylvania Coalition Against Rape
- The Pennsylvania Chapter of Children's Advocacy Centers and Multidisciplinary Teams
- The Pennsylvania Court Appointed Special Advocates Association
- A county children and youth agency
- A prosecution-based victim witness program
- A victims' service or advocacy organization
- The courts
- County government
- A children's advocacy center or victims' services agency working directly with children
- Local law enforcement
- A mental health treatment provider
- A victims' services agency working directly with victims of human trafficking
- Two residents of this Commonwealth appointed by the chairman of the commission

The bill died in the House.

* **<u>Prohibiting the sale of certain drugs to minors</u>** - The Senate unanimously approved **Senate Bill 1144**, which would have prohibited individuals from giving minors drugs that contain dextromethorphan (DXM).

This legislation would have prohibited the sale of medicines that contain DXM to anyone under the age of 18. DXM is found in numerous over-the-counter medicines, such as Alka Seltzer Plus™, Tylenol Cough & Cold™, Mucinex DM™ and DayQuil™. DXM can be used as a safe cough suppressant. However, if used excessively the substances can be abused.

A National Institute on Drug Abuse study revealed that approximately 1 in 30 teenagers have taken some form of cough suppressant medicine for non-medical purposes. Individuals providing these over-the-counter medications to minors or individuals illegally obtaining them could have been charged with a summary offense and fined up to $500. Advocates for the bill claimed it would have helped prevent teen medicine abuse.

The bill died in the House.

* **<u>Stability for At Risk Students</u>** - The Senate unanimously approved **Senate Bill** 1271, which would have amended Judiciary Procedure to ensure that a child placed in shelter care be able to remain in the same school they attended prior to placement, unless the court determines that remaining in their school would be contrary to the child's safety and well-being.

The bill would have required the court to consider the wishes of the child's parents or other authorized education decision maker when considering the placement arrangement. The bill also would have clarified situations where a dependent child is placed in temporary legal custody and needed placement in a new school. Prior to any school changes, the court would have been required to determine whether school stability is in the child's best interest.

The bill died in the House.

*** **Updating PA's Adoption, Juvenile, and Child Protective Services Laws** - The Senate unanimously passed **Senate Bill 1311**, which makes Pennsylvania's Adoption Act, Juvenile Act and Child Protective Services Law comply with the latest changes made by the U.S. Congress regarding the federal Child Abuse Prevention and Treatment Act Law.

The bill was signed into law as **115 of 2016.**

* **More Judges** - The Senate voted 46-2 in favor of **Senate Bill 1365**, which would have amended Judiciary and Judicial Procedure to increase the number of judges in certain judicial districts.

This bill would have added one new judge to the following counties: Cumberland, Montgomery, Washington and Wayne. This legislation also would have added two additional judges to Bucks County. The new judges added to Bucks, Montgomery, Washington and Wayne counties would have been elected in 2017 and seated in January of 2018. The Cumberland County judge would have been elected in 2019 ad seated in 2020.

The bill died in the House.

LABOR AND INDUSTRY

***** Youth Referees** - The Senate unanimously approved **House Bill 315**, which amends the Child Labor Law to allow children who are at least 12 years old to work as a supervisor for a youth sporting event.

Under this legislation, a youngster who is at least 12 years will not be required to obtain a worker's permit to participate in sporting events as an umpire or referee. The same working restrictions that currently apply to 14 and 15 year olds will also apply to 12 and 13 year olds.

The bill was signed into law as **Act 44 of 2015**.

***** Unemployment Compensation Fix** - The Senate voted 39-8 in favor of **House Bill 319**, which makes more seasonal workers eligible for unemployment benefits.

A priority of Senate Democrats, the bill fixed the previous law (Act 60 of 2012) by readjusting how eligibility is determined for seasonal workers — such as those in the construction trades — seeking unemployment compensation. The bill reduces the percentage of income from 49.5 percent to 37 percent, which has to be earned outside of an employee's high quarter of earnings to be eligible for benefits.

To offset additional compensation flowing to employees, the bill implements a number of cost saving measures. The bill also increases existing fines on employers and others who violate the Unemployment Compensation Law.

The measure was signed into law as **Act 144 of 2016.**

***** Transitioning Disabled Students to the Workforce** - The Senate unanimously approved **House Bill 400**, which creates the "Work Experience for High School Students with Disabilities Act" to help disabled students transition from school into the workforce.

The legislation places responsibilities on the Office of Vocational Rehabilitation (OVR) to assist disabled students with their transition. The OVR will collaborate with schools to help them gain “competitive integrated employment.” This term refers to an individual’s ability to enter the labor force and perform competitive work, full time or part time, and to be paid in the same way as individuals without disabilities.

The OVR will offer disabled people training, guidance, counseling opportunities and coaching. The agency is also required to report information on its website about the new law.

This measure is similar to Senate Bill 200. House Bill 400 was signed into law as **Act 26 of 2016**.

****** **<u>Updating Construction Codes</u>** - The Senate unanimously approved **House Bill 568**, which would have revised the process for reviewing and approving changes to construction codes.

The bill proposed new criteria that the Uniform Construction Code Review and Advisory Council (RAC) must consider when it meets to evaluate and adopt building code updates. It also would have created special subcommittees to make recommendations to the council. In addition, the legislation proposed adding two more members to the council, which currently stands at 19 members.

Reforming the code review process has been an issue in the General Assembly for consecutive sessions. A consensus among members and interested parties has been allusive. The RAC review process is generally considered time consuming and ineffective. For example, none of the 2012 potential code changes were adopted and less than 20 were adopted from the 2015 session. The Senate Labor & Industry Committee held hearings on this issue in 2013, but failed to make any reforms. The same can now be said of the 2015-16 session. House Bills 1645, 1045, 635, and 1543 were also introduced to reform the process.

The bill underwent several changes while being passed between the House and Senate. It was not taken up by the House after the Senate passed and made changes to it in October of 2016.

***** **<u>State Corrections Officers’ Bill of Rights</u>** - The Senate voted 45-1 for **Senate Bill 404**, which would have created the Correctional Officers Investigation Procedure Act to provide guidelines and procedures for investigations of correctional officers. This bill was similar to House Bill 478.

The bill defined how the investigation process would be conducted. The officer would have been informed of the interrogation at least one day ahead of time. Before the interrogation, an officer would have been given the complaint made against them in writing and provided the name of the complainant. However, if the complaint is alleging sexual abuse or sexual harassment, the officer would not have been provided with the details of the complaint nor would the officer have been given the name of the complainant.

During the interrogation, officers would have had the right to representation. The interrogation would have been recorded and given to the officer. These rights and regulations also would have applied to food service and maintenance workers employed by the Department of Corrections.

Similar legislation (Senate Bill 476) was introduced in the 2013-14 session. That bill was approved by the Senate but was never acted upon in the House Labor and Industry Committee. This bill also died in the House Labor and Industry Committee.

****V <u>Fiscal Code Bill</u>** - In a party-line vote, the Senate voted 30-19 in favor of **Senate Bill 655**, which would have established the 2015-16 Fiscal Code.

The bill also would have amended the Fiscal Code to extend the expiration date for the authority of the State Worker's Insurance Board to invest money in the State Workers' Insurance Fund until June 30, 2019. The House amended the bill to include an amendment to the Fiscal Code to implement the 2015-16 state budget.

The bill was vetoed by the Gov. Tom Wolf (**Veto No. 4 of 2015)**. In his veto message, he stated, "As I vetoed the General Appropriations bill, I will also veto its implementation." The governor called Senate Bill 655 one part of a budget plan that does not produce a balanced budget. Ultimately, the governor said the legislature failed to provide "adequate funding to ensure Pennsylvanians have schools that teach our students."

*** <u>Plumbing Contractors Licensure Act</u>** - The Senate voted 45-5 in favor of **Senate Bill 703**, which would have provided for the licensure of plumbers.

A newly created State Board of Plumbing Contractors board would have been responsible for authorizing plumbers to perform services and supervise apprentices and journeyman plumbers. The nine-member board would have included the secretary of Labor and Industry, two public members and six professional members.

The board would have provided licensure guidelines, regulations for licensed plumbers, eligibility guidelines for applicants, fees and fines, and annual reports to the General Assembly.

The bill would have required apprentice plumbers, journeyman plumbers and master plumbers to be licensed by the board. The legislation would have established guidelines for obtaining and maintaining licensure, qualifications for each plumber class and continuing education requirements.

The bill would not have affected licensing requirements currently in place in Philadelphia and Allegheny Counties. The bill died in the House Labor and Industry Committee.

*** <u>Funds for Injured Workers</u>** - The Senate unanimously approved **Senate Bill 876**, which would have amended the Workers' Compensation Act to address underfunding of the Uninsured Employers Guaranty Fund (UEGF).

The UEGF was established to provide for injured workers whose employers fail to provide the required workers comp insurance. The legislation would have done the following:

- Amended the procedures by which employees may file a claim with the UEGF to receive compensation;
- In addition to the funding already provided for by law, the bill would have added a new source of funds to the Uninsured Employers Guaranty Fund: administrative penalties;
- Allowed the fund to identify designated healthcare providers. Injured workers would have been required to receive care through one of those providers;
- To further maintain the UGEF, a loan totaling $4 million was executed from the Workers' Compensation Administration Fund to the UEGF on March 15, 2016. This bill

would have re-characterized the loan as a transfer, thus eliminating the need to repay this amount;

- Required proof of wages to be shown when a claim petition is filed;
- Strengthened liability and compensation provisions with regard to out-of-state employers;

The Department of Labor and Industry would have been required to submit an annual report to the General Assembly outlining the department's efforts to identify uninsured employers and the number of penalties issued against these employers.

The bill died in the House Labor and Industry Committee.

*** **Expanded Disability Benefits for Enforcement Officers** - The Senate unanimously approved **Senate Bill 889**, which amends the Enforcement Officer Disability Benefits Law to provide coverage to enforcement officers and investigators from the Game Commission and the Fish and Boat Commission.

Previously, the law gave coverage to a variety of other workers, including state police, correction officers and officials working of various task forces such as the Board of Probation and Parole and Department of Human Services. This bill adds officers and investigators from the commissions for coverage.

Any payments/benefits provided to enforcement officers and investigators of the Pennsylvania Game Commission will be made from the Game Commission appropriation. Likewise, any payments/benefits provided to enforcement officers and investigators of the Pennsylvania Fish and Boat Commission will be made from money appropriated to the Fish and Boat Commission. This bill was similar to House Bill 1705.

The bill was signed into law as **Act 113 of 2016.**

LAW AND JUSTICE

** **Wine Shipments** - The Senate voted 31-18 in favor of **House Bill 189**, which would have amended the liquor code to allow manufacturers to directly ship any amount of wine to an individual each month. Currently, only nine liters of wine are allowed to be shipped to an individual per month and manufacturers are not allowed to ship directly to a consumer's home.

The measure died when it returned to the Senate.

****V** **Liquor Privatization** - The Senate voted 27-22 in favor of **House Bill 466**, which would have privatized the state's liquor industry.

The bill would have created 1,200 Wine and Spirits Retail Licenses. For the first 12 months after enactment, the licenses would have been sold to existing distributers to create one-stop shopping for wine, spirits and beer. After this time, the remaining licenses would have been sold to the public. The Pennsylvania Liquor Control Board (PLCB) would have an additional 600 licenses that they may choose to sell depending on the availability of products in certain areas. These liquor licenses would have been used to create businesses all over Pennsylvania and to replace the state Wine and Spirit Retail Stores.

With the transition to new retail stores, the PLCB would have focused on four concerns to make sure customers were not negatively impacted by the changes. This included product pricing, availability, store profitability and the locations of the new retail stores.

The Senate Appropriations Committee estimated that the bill would have generated approximately $220 million in additional revenue for Fiscal Year 2015-16.

The bill would have created liquor licenses for grocery stores, allowed beer distributors to sell six-packs and 12-packs, increased the amount of liquor sold in restaurants for off-site consumption and issued wholesale permits for licensed importers with a 10-year distribution provision.

Opposition to the bill came from both Democrats and Republicans. Democrats proposed “modernization” instead of privatization to improve the liquor stores in the public sector and generate new continuous revenue. Republicans expressed concerns about the potential lack of retail stores in rural areas. Many also criticized the bill for potentially selling off a long-term asset for short-term gain. There were also concerns that the measure would make alcohol more available to minors and cause problems in urban neighborhoods.

Through the transition to private retail stores, it was estimated that about 4,000 state employees would have lost their jobs. However, the bill would have created a grant program to help employees with re-training and given them preference for other state jobs.

The bill was vetoed by Gov. Tom Wolf **(Veto No. 2 of 2015).** The governor stated, “It makes bad business sense for the commonwealth and consumers to sell off an asset, especially before maximizing its value.” The governor added that consumers would see higher prices and less of a selection. He insisted that “there are many more responsible options available.”

Later in the session, a bipartisan compromise bill (House Bill 1690) contained several of the provisions in this legislation.

******* **<u>Gaming Reform and Ride Sharing</u>** - The Senate voted 48-2 in favor of **House Bill 941**, which reduces the licensing fee for a historical distillery to $1,200 a year, extends Transportation Network Companies (TNCs) temporary licenses, adds provisions for fantasy sports online and reforms Pennsylvania’s horse racing industry.

The legislation also makes the Citizens Advisory Council an independent advisory council within the Department of Environmental Protection. The Administrative Code previously oversaw the council. This measure gives the council “the sole power to employ and fix the compensation of an executive director.” The Secretary of the Department of Environmental Protection becomes an ex-officio member of the council.

The bill also authorizes TNCs, such as Uber and Lyft, to operate in Philadelphia under the same provisions they operate under in the rest of Pennsylvania. Under this measure, the temporary regulations for TNCs are extended until December 31, 2016.

This bill also reforms Pennsylvania’s horse race industry by updating guidelines and restructuring the State Horse Racing and State Harness Racing commissions. These two commissions will be consolidated into one, titled the State Horse Racing Commission. The changes are aimed at helping the horse racing industry improve finances. Racing funds are mainly obtained through purses at horse races. Due to a decline in wagering, the funding mechanism needed to be adjusted. The new commission will regulate horse racing and the pari-mutuel (betting) operations. The bill also allows licensed racing entities to create electronic wagering systems.

The bill also establishes the Pennsylvania Breeding Fund Advisory Committee. This five-member committee will advise the commission on breeding regulations. The bill allows the commission to impose licensing fees and suspend/revoke licenses. The commission has the power to inspect and seize any property at locations where horse racing occurs.

The bill also requires the Pennsylvania Gaming Control Board to submit a report on "Fantasy sports as a gambling product in this commonwealth." The report is to contain information on current fantasy sport formats, potential regulations on fantasy sports and their impact on the state's gaming industry, minors and gambling addicts.

The bill was enacted as **Act 7 of 2016.**

******* **Liquor Law Reform** - The Senate unanimously approved **House Bill 1196**, which amends the Liquor Code to redefine contiguous areas and provide for the temporary import distribution permit for the Democratic National Committee Convention (DNCC).

The bill requires distribution territories "to be within two contiguous counties." The bill also allows the Pennsylvania Liquor Control Board (PLCB) to work with the DNCC at unlicensed locations during its Philadelphia convention. A national political party may apply for a National Event Permit to allow for the service of alcohol at its convention. The permit is similar to a Special Occasion Permit already offered by the PLCB.

The bill also does the following:

- Requires all beer sales to be reported to the PLCB, detailing the products volume sold;
- Allows Pennsylvania citizens to purchase alcohol outside of the state and transport it back into Pennsylvania legally;
- Restricts information received by the LCB from customer relations programs as being part of the Right-to-Know Law;
- Adds the definition of mead to the Liquor Code;
- Reduces casino liquor license initial fees and renewal fees to $500,000 and $25,000 respectively;
- Allows for the increase in the permitted level of carbonation allowed in alcoholic cider;
- Allows alcohol to be sold on Sundays starting at 9 a.m.; and
- Repeals the Spirits Wholesale and Retail Privatization Commission

The bill was enacted as **Act 166 of 2016.**

****V** **Police Shootings** - The Senate voted 33-9 in favor of **House Bill 1538**, which would have prohibited a public employee, an investigating agency or a person acting on behalf of either one of these parties from disclosing a name of a law enforcement officer who discharges a weapon or uses force that leads to death or serious injury.

The name of an officer would have only been disclosed if the officer was charged with a crime related to the incident. The name also could have been released if 30 days had passed or the investigation was completed — unless there is a risk to the officer or his property.

The bill was vetoed by the governor **(Veto No. 8 of 2016).** Gov. Tom Wolf stated, "While I am deeply concerned for the safety of the commonwealth's police officers, government works best when trust and openness exist between citizens and their government, and as such, I cannot sign into law a policy that will enshrine the withholding of information in the public interest.

"These situations in particular — when law enforcement uses deadly force — demand utmost transparency, otherwise a harmful mistrust will grow between police officers and the communities they protect and serve. Further, I cannot allow local police department policies to be superseded and transparency to be criminalized, as local departments are best equipped to decide what information is appropriate to release to the public."

*** **Liquor Modernization** - In a near party-line vote, the Senate voted 29-21 in favor of **House Bill 1690**, which amends the Liquor Code to modernize Pennsylvania's liquor industry.

The bill makes several provisions to modernize the sale of alcohol, including the following:

- Allows for the sale of alcohol at gas stations as long as the sale of gasoline and alcohol is does not occur on the same licensed premises, but instead at two locations not connected;
- Expands wine permits to allow restaurants and hotels to sell up to four bottles of wine to-go;
- Allows breweries to sell at farmer's markets;
- Provides a new type of casino liquor license in which casinos may sell alcohol 24 hours a day, seven days a week;
- Allows for unsold restaurant liquor licenses to be auctioned off, starting at $25,000;
- Reduces the amount of time a liquor license may be held from three years to two years and increases the fee to hold licenses to $10,000;
- Provides for the direct shipment of wine to homes in Pennsylvania;
- Gives the Pennsylvania Liquor Control Board (PLCB) authority to adjust prices;
- Removes the hour and day restrictions placed on state liquor stores and allows the PLCB to set the hours of operation;
- Allows for the sale of lottery tickets in state stores;
- Bans the sale or possession of powdered alcohol;
- Provides for more Special Occasion Permits; and
- Creates a Wine and Spirits Wholesale and Retail Privatization Commission to make recommendations about the privatization of wholesale wine, retail wine and spirits operations.

The bill was a compromise between Republicans, Democrats and the governor. It contains various provisions that were offered by both Republicans and Democrats in other pieces of legislation.

The bill was enacted as **Act 39 of 2016.**

PUBLIC HEALTH AND WELFARE

***** Health Care Testing** - The Senate unanimously approved **House Bill 59**, which requires health care providers to offer hepatitis C testing to people born between 1945 and 1965.

The measure requires medical personnel to offer hepatitis C screening test and treatment to individuals who were born between the given timeframe.

The health care provider will not be required to offer the screening if the patient is being treated for a life-threatening emergency, was previously offered the screening or is incapable of consenting.

The bill was enacted as **Act 87 of 2016**.

******* **Alarm Safety** - The Senate unanimously approved **House Bill 264**, which provides for required carbon monoxide alarms or detectors in care facilities.

The legislation creates the Care Facility Carbon Monoxide Alarms Standards Act, which requires that carbon monoxide alarms be installed in long-term care facilities where the main heating source is a fossil fuel-powered heater.

The legislation provides for the specifications of the detectors, testing, placement and care procedures. It also describes the procedures facilities must follow if a carbon monoxide alarm is sounded. The detectors and alarms will be added to the statewide inspection requirements of in-care facilities.

Facilities will be exempt from damages resulting from the use of the carbon monoxide alarms as long as they followed procedures.

The bill was enacted as **Act 48 of 2016**.

***** **Educational Success** - The Senate unanimously approved **House Bill 934**, which would have amended the Public Welfare Code to restructure the Keystone Education Yields Success (KEYS) Program to give more students a chance to graduate with an Associate's Degree from Pennsylvania community colleges.

The bill also would have made additional changes to the Public Welfare Code to update regulations and comply with federal law.

Students currently receiving Temporary Assistance for Needy Families (TANF) or Supplemental Nutritional Assistance Program (SNAP) benefits are eligible for the KEYS program. The program is designed to help impoverished students enter into an institution of higher learning. Students in the KEYS program must be pursuing a High Priority Occupation degree.

The KEYS program also provides advising, counseling, financial aid and tutoring for students. To maintain extended membership in the program, students would have been required to take ongoing classes and maintain a minimum GPA.

TANF participants must maintain a work requirement and full-time students are only allowed to count 12 months of educational hours. This legislation would have allowed students to count up to 24 months of study time, clinicals, labs and class time towards their work requirement. This change would have given students the additional help they need to complete an associate's degree.

The bill died in the House.

******* **Human Services Code** - The Senate unanimously approved **House Bill 1062**, which amends the Human Services Code to implement proposed changes made by the 2016-17 budget.

The measure does the following:

- Provides for extended medical assistance payments and nursing facility assessments until 2019;
- Provides for the temporary suspension of medical assistance benefits from the Department of Human Services (DHS) to recipients who were jailed. The suspension could last up to two years;
- Moves the state's eHealth Partnership Authority program to DHS; Provides for Philadelphia hospital assessments;
- Removes the county share that nursing homes pay to the Department of Human Services by 2019; Amends the DHS licensure and enforcement staff requirements; and
- Provides for the documentation of costs incurred by DHS through the provision of services for federal funding and state reimbursement purposes.
  The bill was enacted as **Act 76 of 2016**.

*** **Criminal Background Checks** - The Senate unanimously approved **House Bill 1276**, which amends the Child Protective Services Law to make it less restrictive for community volunteers who work with kids to obtain criminal background checks.

The definition for "direct contact" will be modified and the definition of "routine interaction" will be added. By making these changes, certain volunteers and individuals working with children will not be considered the primary person responsible for the children and will need different clearances.

The legislation also requires volunteers who have not lived in Pennsylvania for the last 10 years to obtain a criminal background check only once when establishing residency. Minors who are employed will be exempt from obtaining the FBI criminal background check if they have been a state resident for the last 10 years.

This legislation also makes employees' clearances transferable. Previously, employees had to obtain new clearances for each job they hold.

The bill was enacted as **Act 15 of 2015**.

*** **Human Services Code** - The Senate voted 47-3 in favor of **House Bill 1322**, which makes several amendments to the Public Welfare Code.

The bill changes the name of the Public Welfare Code to the Humane Services Code. The code will now require individuals requesting to receive public assistances to prove they are not receiving assistance from other states. Applicants are required to list all states where they lived and received public assistance during the past five years.

The legislation also codifies the Keystone Education Yield Success (KEYS) program to update regulations and comply with federal law. Students currently receiving Temporary Assistance for Needy Families (TANF) or Supplemental Nutritional Assistance Program (SNAP) benefits are eligible for the KEYS program. The program is designed to help impoverished students go to college or a similar higher education program. Students in the KEYS program must pursue a High Priority Occupation degree.

The KEYS program provides advising, counseling, financial aid and tutoring for students. To maintain extended membership in the program, students will need to take ongoing classes and maintain a minimum grade point average. TANF participants maintain a work requirement and this legislation allows students to count up to 24 months of study time, clinicals, labs and class time toward their work requirement.

The legislation also moves medical assistance payments from the Fiscal Code to the Public Welfare Code for the current fiscal year. This change moves the payments back to the Public Welfare Code and provides an incentive for private nursing homes to take in medical assistance patients.

The bill also extends the hospital assessment requirement until 2018, excludes cancer treatment centers from being added to the assessment calculation and increases the percentage of revenue calculated from 3.22 percent to 3.71 percent.

The legislation also adds a new Managed Care Organization (MCO) Assessment to comply with federal law. The previous MCOs were ruled unconstitutional and the assessment fee will replace the gross receipts tax.

The code is also amended to require parents to pay a co-payment based on annual family income. Subsidies will be scaled based on family income and apply to child care. Child care facilities will be required to be licensed to receive money from the Child Care Development Block Grant.

The bill also ensures that the Department of Human Services make payments to counties during a budget impasse.

The bill was enacted as **Act 92 of 2015**.

******* **<u>Drug Dispensing Limits</u>** - The Senate unanimously approved **House Bill 1699**, which sets limits on dispensing opioid drugs in hospital emergency rooms and urgent care centers.

Under the "Safe Emergency Prescribing Act," a health care practitioner may not prescribe more than seven days of opioid drug treatment to a patient seeking treatment in an emergency department or an urgent care center.

The practitioner may prescribe more than a seven-day supply if the acute medical condition requires it or if the patient has pain associated with cancer. The condition that triggered the prescription must be documented in the patient's medical record. Also, the doctor must now conclude that a non-opioid drug product was not appropriate to treat the medical condition.

If the health care practitioner believes the patient has a drug abuse issue, the practitioner is required to refer the individual for treatment. The practitioner must also check to see if the patient is under treatment with an opioid drug product by another health care practitioner (in accordance with the Achieving Better Care by Monitoring All Prescriptions Program Act).

The measure bans a doctor from authorizing the refill of an opioid prescription if the prescription has been lost, stolen or destroyed. Legal and disciplinary action can be taken against medical practitioners who violate the law.

The bill was enacted as **Act 122 of 2016.**

******* **<u>Vaccine Information</u>** - The Senate unanimously approved **House Bill 1785**, which requires the Department of Health to prepare and publicize information on the influenza vaccine for people who reside in assisted living and personal care homes.

The department must publicly post on its website printable information on how vaccinations can help prevent influenza; the availability and efficacy of the influenza vaccine; a recommendation that people consult with their doctor about the influenza vaccine; and how the vaccine is beneficial to individuals and their community.

Each facility must ensure that influenza information is posted in a public place year round.

The bill was enacted as **Act 173 of 2016.**

* **PHC4** - The Senate unanimously approved **Senate Bill 396**, which would have reconstituted Pennsylvania Health Care Cost Containment Council (PHC4) for four years.

The law expired on June 30, 2014, leaving the council to operate under an executive order. This legislation would have allowed PHC4 to continue being an independent state agency.

The council helps inform consumers on up-to-date health care information. Currently, the PHC4 focuses on maintaining low health care cost for consumers. The council collects data on quality and costs of health insurances, as well as informs the legislature of possible future mandates.

The bill died in the House.

*** **Notification** - The Senate unanimously approved **Senate Bill 514**, which amends the Generic Equivalent Drug Law to require pharmacists to alert a patient's doctor before a pharmacist may give biosimilar products to the patient.

Currently, pharmacists are allowed to give patients lower-costing generic drugs instead of brand name products if they are biosimilar products. Under this legislation, doctors must be consulted before patients receive a biosimilar drug that might not be the best option for them. Substitutions would only be allowed if the drug received approval from the U.S. Food and Drug Administration.

The bill was amended to add reference to the Federal Food, Drug and Cosmetic Act to require pharmacists to notify prescribers within 72 hours.

The bill was enacted **Act 95 of 2016**.

*** **Prostate Cancer** - The Senate unanimously approved **Senate Bill 609**, which creates the "Prostate Cancer Surveillance, Education, Detection and Treatment Act" to raise awareness about prostate cancer.

The measure creates a task force with the goal of informing the public on all issues related to prostate cancer. The board will help raise awareness, inform medical professionals and the public of treatment options, and provide free prostate screenings for all men in Pennsylvania, regardless of insurance.

The bill was enacted as **Act 66 of 2015.**

*** **Human Services Block Grant Program** - The Senate voted 49-1 in favor of **Senate Bill 613**, which amends the Human Services Block Grant, changing the Human Services Block Grant from a pilot program to one all counties can participate in. The Human Services Block

Grant Program previously worked with 30 counties around the state to identify county-based human service needs.

The bill was enacted as **Act 153 of 2016**.

* **Background Checks** - The Senate unanimously approved **Senate Bill 1156**, which would have amended Title 23 (Domestic Relations) in child protective service to expand background check requirements.

Currently, individuals over age 18 who have direct contact with children on a regular basis are required to have a background check. This legislation would have added "health care personnel" to the list of individuals required to receive criminal background checks. Specifically, it would have required doctors and nurses to receive regular background checks.

The bill would also have added requirements as to how long general protective service reports are to be kept. These reports could be unfounded or unconfirmed; however, the reports would have been required to be kept for at least 10 years or until the child reached 23 years of age.

The bill died in the Senate.

LOCAL GOVERNMENT

*** **Planning Commission Members** - The Senate unanimously passed **House Bill 33**, which amends the Pennsylvania Municipalities Planning Code (PMPC) to allow up to three community members to be appointed as alternate members to the planning commission.

The PMPC provides for the planning, development and zoning of institutions within a municipality. It also manages the members of the zoning hearing board and the members of the planning commission.

The appointed community members are allowed to hold the alternate possession for four years. These members have the same authority as the commission members and are able to cast votes. Alternative members make it possible for extra people to be available when members are unable to make meetings. This change helps the commission reach a quorum for meetings.

The bill was signed into law as **Act 42 of 2015.**

*** **Tax Collector Training Program** - The Senate voted 45-2 in favor of **House Bill 823**, which amends the Local Tax Collection Act to resolve issues regarding continuing education requirements for tax collectors.

Beginning on January 1, 2017, new tax collectors will be required to participate in a training program and take an entry exam before they can take office. After certification, elected tax collectors will still be required to complete two hours of continuing education during their four-year term. Previously, tax collectors were required to take six hours of continued training every year. This amount is no longer deemed necessary.

The bill places new requirements on the Department of Community and Economic Development, which is now required to manage tax collector certification and manage the programs and examinations associated with certification. The department will offer the training and testing program online.

The measure requires that all new tax collectors submit a criminal background check and allows temporary tax collectors to continue to act until the elected officer returns to office.

The bill was enacted as **Act 48 of 2015**.

******* **Construction Code Compliance** - The Senate unanimously passed **House Bill 904**, which clarifies the First Class Township Code to require townships to follow the Pennsylvania Construction Code when construction changes are made to property.

The bill allows townships to enforce and enact building and property maintenance codes for times when the construction code is not applicable. This also consolidates existing powers to administer construction, occupancy, and property maintenance regulations into one combined code — The Uniform Construction Code, Property Maintenance Code and Reserved Powers.

Any changes that do not comply with the First Class Township Code will result in a building being deemed a public nuisance. The bill also allows maintenance inspectors to enter and inspect premises to enforce the property maintenance code.

The bill was enacted as **Act 51 of 2015.**

******* **Removal of Elected Officials** - The Senate unanimously passed **House Bill 906**, which amends the First Class Township Code concerning the removal of elected officers.

Previously, a town official could be removed from office for several different reasons, such as not voting or continued failure to attend regular meetings.

This legislation removes the language of "failure to perform duties" and replaces the text with a reference to the Pennsylvania Constitution. New regulations require that for an official to be removed from office, the official has to have been convicted of an infamous crime or of misbehavior in office. This bill also authorizes county courts to remove an elected official from office after conviction.

The legislation is part of a package of bills that attempt to alter the language of the removal of elected officials from office (along with House Bill 910 and Senate Bill 791).

The bill was enacted as **Act 52 of 2015.**

******* **Tax Delinquent Properties** - The Senate unanimously approved **House Bill 907**, which amends the Real Estate Tax Sale Law (RETSL) to change the notice requirements for tax delinquent properties.

The RETSL is designed to inform both the owner of tax delinquent property and the general public of the potential/actual sale of the property. After one year, the bureau notifies the owner that the property has back taxes owed. If taxes are still not paid in the second year of delinquency, the property will be put up for sale.

Notice of the sale of tax delinquent property is important and methods to do so have proven to be done inefficiently in rural areas. Different county tax bureaus had their own procedures for posting the sale of properties with delinquent taxes. This legislation standardizes the posting of delinquent properties across Pennsylvania to make sure the property owner and the public are made aware of the information.

The bill was enacted as **Act 85 of 2015**.

******* **<u>Maintenance Code Compliance</u>** - The Senate unanimously passed **House Bill 909**, which amends Real Estate Tax Sale Law to allow county tax claim bureaus to recover costs incurred because of compliance to municipal property maintenance codes.

Tax claim bureaus gain possession of a building when it cannot be sold at the lowest cost to cover all unpaid taxes. These buildings require maintenance and reconstruction to keep them in saleable conditions. This bill will help counties by allowing them to recover costs through the use of the sales price of the building.

The bill was enacted as **Act 77 of 2015**.

******* **<u>Removal of Elected Officials</u>** - The Senate unanimously passed **House Bill 910**, which amends Incorporated Towns Law on the removal of officials from office in first class townships.

This legislation removes the language “failure to perform duties” and replaces the text with reference to the Pennsylvania Constitution. New regulations require that for an official to be removed from office the official would have to be convicted of an infamous crime or of misbehavior in office. This bill allows county courts to remove the elected official from office after conviction.

This legislation is part of a package of bills that attempt to alter the language of the removal of elected officials from office (along with House Bill 906 and Senate Bill 791).

The bill was enacted as **Act 53 of 2015**.

******* **<u>Permit Extension Act</u>** - The Senate unanimously approved **House Bill 1071**, which amends the Permit Extension Act to clarify language in the law.

The Permit Extension Act provides for the extension of state and local building permits. This bill aims to clarify Act 54 of 2013 (Permit Extension Act), which was intended to cover the right to convert or withdrawal real estate. Courts have interpreted Act 54 differently than how it was intended and this measure will save money and save time.

The bill amends definitions and includes language for the automatic suspension of permits that provides for a suspended tolling period. The legislation also amends the automatic suspension of permits so that the statute is delayed instead of extending the expiration date.

The bill was enacted as **Act 31 of 2015**.

******* **<u>Investment Expansion</u>** - The Senate unanimously approved **House Bill 1296**, which allows Philadelphia, Pittsburgh and Scranton to expand types of fund investments.

Previously, various levels of local government were limited to preapproved investment types. These investment types were typically low-yielding and short-term.

This bill outlines seven new investment types that may be made. As a means to act responsibly with public funds, these investments have been analyzed to be low-risk to ensure security.

In addition, this legislation would require municipalities to file an annual investment report with the Department of Community and Economic Development.

The bill was enacted as **Act 10 of 2016.**

*** <u>**Storm Water Facility Maintenance**</u> - The Senate voted 48-1 in favor of **House Bill 1325**, which amends the Second Class Township Code to allow townships to impose a fee to recover costs from storm water management facilities.

The revenue would be used for maintaining and implementing storm water management facilities. This change aims to provide townships with the opportunity to recover costs from state and federal mandates. The bill limits the amount of money townships are allowed to receive with this fee to be no more than the minimum requirement of the Federal Water Pollution Control Act.

The bill was enacted as **Act 62 of 2016**.

** <u>**Illegal Immigration**</u> - In a 34-14 vote, the Senate approved **House Bill 1885**, which would have pressured municipalities to cooperate with federal authorities on dealing with illegal aliens.

This measure would have required all law enforcement officers to notify Immigration and Customs Enforcement whenever they have "reasonable cause to believe" that someone under arrest is not lawfully in the United States. The bill also would have banned municipalities from placing restrictions on employees' ability to share information with federal immigration authorities about someone's immigration status and impose strict liability on "sanctuary municipalities" for any injuries caused in crimes committed by offenders who do not have legal status in the United States.

Opponents of the bill argued the proposal would make it even more difficult to solve and prevent crimes by discouraging undocumented residents from reporting crimes or cooperating with police. They also claim the non-compliance penalties would have hurt municipalities. Philadelphia Mayor Jim Kenney said the bill would "weaken the trust between police and the communities they serve."

The legislation died in the House.

** <u>**Residency Requirements**</u> - The Senate voted 36-12 for **House Bill 1998**, which would have altered the residency requirement for those who serve on the Philadelphia Parking Authority board.

Under the bill, only four of the board's six members would have been required to reside in Philadelphia. The other two members could have been non-residents as long as they work or maintain business in the city.

The governor vetoed the bill, **Veto No. 4 of 2016**, claiming he was opposed to adding non-residents to the board when the legislation failed to deal with the authority's mismanagement record. Republicans argued that city parking involves thousands of regional commuters and that such non-residents should have a voice on the agency's board.

* <u>**Vacation Time**</u> - The Senate voted 37-12 in favor of **Senate Bill 333,** which would have prevented municipalities from requiring an employer to provide extra vacation for employees.

Under the bill, employers would not have needed to give any more vacation time than what federal and state law requires.

The bill died in the House.

* **Financial Oversight** - The Senate unanimously approved **Senate Bill 340**, which would have amended the Local Government Unit Debt Act (LGUDA) to provide additional financial oversight for local governments.

Hearings were held in 2011 following the city of Harrisburg's financial crisis. The hearings spurred legislation that would have set tougher borrowing and indebtedness limits for local government entities.

Under the bill, the Department of Community and Economic Development (DCED) would have provided additional oversight to local governments borrowing amounts. The bill was designed to protect taxpayers from huge local government debts.

The bill also would have imposed penalties for falsifying financial statements given to the DCED and require DCED to retain certain information for a period of time.

The bill died in the House.

* **Financial Oversight** - The Senate unanimously approved **Senate Bill 341**, which would have prevented local governments form using borrowed money for purposes outside the scope of what the money was borrowed for.

The measure resulted from the 2011 hearings concerning Harrisburg's financial crisis. A companion bill to Senate Bill 340 and Senate Bill 344, the bill would have given the State Ethics Commission jurisdiction for violations involving conflicts of interest associated with the Local Government Unit Debt Act (LGUDA).

The bill died in the House.

* **Financial Oversight** - The Senate unanimously approved **Senate Bill 344**, which would have amended the Public Works Contractors' Bond Law to place limitations on contracts exceeding $10,000 formed by local governments.

The legislation was part of a package that was recommended following the 2011 hearings on the City of Harrisburg's financial problems. This legislation is a companion bill to Senate Bill 340 and Senate Bill 341.

The bill would have limited the types financial contracts local governments could enter into by limiting the types of financial securities used to pay contractors. Under this legislation, contracting bodies only would have been allowed to accept performance bonds, irrevocable letters of credit or restrictive account in federal or state-chartered lending institutions. Currently there are no limitations on which types of financial securities may be accepted.

The bill died in the House.

*** **Township Reports and Financial Statements** - The Senate unanimously passed **Senate Bill 526**, which amends the Second Class Township Code to change the dates of when annual township reports and financial statements need to be completed and published.

The bill changes the Annual Township Report and Financial Statement due date from March 1 to April 1. With this change, the publication date of the township's report will now be due on April 15 instead of March 10. These changes will give accountants more time to prepare the reports during tax season. The bill was amended to allow the reports to be published on the internet instead of printing the entire report in the newspaper.

The information printed or posted must also reference a place in the township where someone can receive a copy of the report.

The bill was enacted as **Act 14 of 2016.**

*** **Tax Collector** - The Senate unanimously approved **Senate Bill 775**, which amends the Third Class City Code to require that an elected city treasurer must be a "qualified tax collector." This legislation also makes a few technical changes to wording and dates.

The bill was enacted as **Act 67 of 2015.**

* **Tax Exemptions** - The Senate voted 46-1 in favor of **Senate Bill 785**, which would have exempted small building structures from local taxation.

The bill would have clarified what structures should be subject to real estate taxes. It defined a de Minimis structure as "a structure 200 square feet or less that is not permanently attached to the ground or connected to gas or sewage utilities." De Minimis structures would not have been subject to a real estate tax.

The bill also would have exempted agriculture structures that are less than 1,000 square feet in size and not permanently attached to the ground or utilities.

The bill died in the House.

*** **Removal of Elected Officials** - The Senate unanimously approved **Senate Bill 791**, which amends the Second Class Township Code concerning the removal of elected officials from office.

The bill uses the state constitution as the basis for any removal decisions. Previously, officials could have been removed from office because of a failure to perform job duties. This language has been amended and new regulations require that for an official to be removed from office, the official would have to be convicted of an infamous crime or of misbehavior in office.

Under the constitution, the bill also gives courts the authority to remove an official from office after conviction.

This legislation is part of a package of bills that attempt to alter the language of the removal of elected officials from office (along with HB 906 and HB 910).

The bill was enacted as **Act 68 of 2015**.

* **Property Maintenance Codes** - The Senate unanimously approved **Senate Bill 792**, which would have amended First Class Township Code to update references concerning property maintenance codes, reserved powers, and the Uniform Construction Code.

The bill would also have amended the First Class Township Code to align the code with similar changes made in other city, township and borough codes.

The bill died in the House.

*** **<u>Property Maintenance Codes</u>** - The Senate unanimously approved **Senate Bill 793**, which amends the Second Class Township Code to update references in the code concerning property maintenance codes, reserved powers and the Uniform Construction Code.

The bill also clarifies that second class townships are subject to the Pennsylvania Construction Code.

The bill was enacted as **Act 69 of 2015**.

* **<u>Gift Limits</u>** - The Senate unanimously approved **Senate Bill 871**, which would have amended the First Class Township Code to implement a $100 limit on all gifts.

The bill specified that money could be used to purchase flowers, plaques or other tangible property, but could not be used as a cash gift or gift certificate.

The measure died in the House.

* **<u>Gift Limits</u>** - The Senate unanimously approved **Senate Bill 872**, which would have amended the Second Class Township Code to provide for the powers of township supervisors regarding appropriating money to buy commemorative items.

The legislation would have allowed township commissioners to purchase gifts to recognize and honor the service or passing of a township official, employee or volunteer. The bill also would have implemented a $100 limit on all gifts. The bill specified that money could not be used to buy flowers, plaques, or other tangible property. The legislation also prohibited using the money as a cash gift or to buy a gift certificate.

The bill died in the House.

* **<u>Gift Limits</u>** – The Senate unanimously approved **Senate Bill 873**, which would have amended Title 8 of the Pennsylvania Consolidated Statutes (Boroughs and Incorporated Towns) to allow borough council to appropriate money for the purposes of purchasing flowers, plaques, or other personal property as a token to recognize the service or passing of a borough official, employee or volunteer.

No item could have been purchased at a cost that exceeds $100, and the gift would have been deemed to be a gift of de Minimis economic impact, and not subject to the reporting requirements of the statement of financial interest pursuant to the Public Official and Employee Ethics Act.

Specifically excluded would have been cash, gift certificates and hospitality.

The bill died in the House.

*** **<u>Property Tax Rates</u>** - The Senate unanimously approved **Senate Bill 898**, which amends the Second Class County Code to adjust real property tax rates set by a referendum. This bill is a companion bill to Senate Bill 899.

The previous law required that after the annual county assessment, the county adjusts all tax rates on real property. By doing this measure, counties may comply with the “anti-windfall” provisions in this bill. These provisions are designed to adjust the property tax rate to balance an increase in revenue intake collected from taxes. The governing body is required to decrease the tax rate to yield the same revenue from the previous year.

The previous law did not clarify how to address tax rates set by a referendum. This measure requires each real property tax to be adjusted to balance revenue to a neutral outcome. The legislation also clarifies what process should be taken to balance tax rates established by referendum. It requires that each individual property tax be adjusted to revenue equal to last year, instead of the sum of taxes being adjusted to last year's revenue.

The bill was enacted as **Act 155 of 2016**.

*** **Property Tax Rates** - The Senate unanimously approved **Senate Bill 899**, which amends Title 53 (Municipalities Generally) to adjust real property tax rates set by a referendum. This bill is a companion bill to Senate Bill 898.

Current law requires that after the annual county assessment the county adjusts all tax rates on real property. These provisions are designed to adjust the property tax rate to balance an increase in revenue intake collected from taxes. The governing body is required to decrease the tax rate to yield the same revenue from the previous year.

The previous law did not clarify how to address tax rates set by a referendum. This bill requires each real property tax to be adjusted to balance revenue to a neutral outcome. It also clarifies what process should be taken to balance tax rates established by referendum. The bill also requires that each individual property tax be adjusted to revenue equal to last year, instead of the sum of taxes being adjusted to last year's revenue.

This bill was enacted as **Act 156 of 2016**.

*** **Juvenile Facilities** - The Senate unanimously approved **Senate Bill 1038**, which allows counties with county-operated juvenile facilities to allow a common pleas judge to serve on a juvenile detention board in third class counties.

This legislation applies to: Berks, Chester, Erie, Lackawanna, Lancaster, Lehigh, Northampton, Westmoreland and York counties. The president judge of the court may be designated a member of the board of managers within one of these counties.

Currently, the board of managers in each county consists of the county commissioners, the sheriff and the county controller. The revised board has authority over all local juvenile facilities through a licensed child welfare agency to manage the reception of delinquent or dependent children.

This bill was enacted as **Act 107 of 2016**.

* **Residency Requirements for Active Duty Military** - The Senate unanimously approved **Senate Bill 1300**, which would have amended the Municipalities General Code to relax the residency requirements for active duty military members who run for office.

Under the bill, the individual would have been allowed to claim their previous residence (before going on active duty) as their municipality. This change would have allowed an active duty military member to be considered an ongoing resident as long as they live there for at least one year prior to going on active duty.

The bill died in the House.

* **Municipal Firearm Laws** - The Senate voted, on near party lines, 30-19 in favor of **Senate Bill 1330**, which would have amended the Local Government Code to allow for

Pennsylvania municipalities to be sued for enacting firearm ordinances that are more restrictive than state laws.

This legislation would have superseded local ordinances that contradict with Pennsylvania firearms laws. The Crimes and Offenses Code provides for the limitations local ordinances may place on firearms. The Crimes Code states that: “No county, municipality or township may in any manner regulate the lawful ownership, possession, transfer or transportation of firearms, ammunition or ammunition components when carried or transported for purposes not prohibited by the laws of this commonwealth.” This bill restated that any changes to current firearm law could not conflict with this provision.

The bill would have allowed individuals and organizations adversely impacted by restrictions placed on them by local ordinances to “seek declarative and injunctive relief and the actual consequential damages” in court. The court would have been required to “award reasonable expenses to a person adversely affected.”

Advocates for the legislation claimed the bill brings consistency across the state and prevents ordinances from superseding state law, which could possibly get Pennsylvania citizens in legal trouble under varying local gun ordinances. Opponents claim the measure interfered with local attempts to provide safety and security for their citizens. They also noted that the bill is similar to Act 192 of 2014, which was unanimously revoked by the Pennsylvania Supreme Court in 2015.

Senate Bill 1330 died in the House.

RULES AND EXECUTIVE NOMINATIONS

<u>**Retirement Age for Judges**</u> - The Senate voted 32-17 in favor of **House Concurrent Resolution 783,** which increases the mandatory retirement age for Pennsylvania judges from 70 to 75 years of age.

The resolution applied to justices, judges and district justices.

A Commonwealth Court challenge postponed the ballot referendum even though it was already on the 2016 primary election ballot (voters rejected the invalidated ballot question 51-49 percent). However, voters approved the proposal in the November General election.

****V** <u>**Regulatory Vetting**</u> - The Senate voted 31-16 for **Senate Bill 562,** which would have given the General Assembly more power to prevent or delay vetted regulations from going into effect.

Specifically, legislative committees would have been able to delay actions by the Independent Regulatory Review Commission throughout the rule-making process. Opponents claimed the bill would have severely hampered the regulatory rulemaking process.

In his veto **(Veto No. 6 of 2016)** message, Gov. Tom Wolf noted that “this stoppage would have prevented all agencies from promulgating rules to benefit the citizens of the commonwealth.”

<u>**Youth Vaccines**</u> - The Senate adopted **Senate Resolution 27**, which directed the Advisory Committee on Public Health Law of the Joint State Government Commission to study the issue of youth vaccinations and immunizations.

National Guard Facilities in Pennsylvania – The Senate unanimously approved **Senate Concurrent Resolution 149**, which urges the U.S. Congress to refrain from reducing or eliminating National Guard bases and facilities in Pennsylvania.

The resolution urges Congress to prohibit any transfer of AH-64 Apache helicopters from the National Guard and maintain the Army National Guard at 350,200 soldiers until the National Commission on the Future of the Army has reported its findings, and for the U.S. Army to reverse its decision to deactivate the 55th Armored Brigade Combat Team.

Kathleen Kane Prosecution – The Senate adopted **Senate Resolution 256**, which established procedural rules for the due notice hearing concerning the anticipated impeachment and prosecution of Attorney General Kathleen Kane. Kane was convicted the following year (2016) on charges of perjury and abuse of her office.

STATE GOVERNMENT

** **Reducing the size of the General Assembly -** The Senate voted 43-6 in favor of **House Bill 153**, which would reduce the size of the House of Representatives from 203 members to 151 members.

To change the size of the legislature, a constitutional amendment must pass through both the Senate and the House of Representatives in two consecutive sessions, then go before Pennsylvanian voters. Voters would be able to vote on the amendment at the first primary, general or municipal election that occurs at least three months following passage by the General Assembly. This bill was signed in the House and Senate, and must pass now both chambers in the 2017-18 legislative session to be placed on the ballot.

Proponents argue that the legislature is too large and should be reduced to be more efficient. Opponents claim reducing the size would not reduce costs and result in larger districts that require more legislative staff to cover. Opponents also argue that legislators would not be able to adequately advocate for their larger distracts.

Similar legislation has been proposed over the years to reduce the number of members. One example of a similar measure is House Bill 1234 from the 2013-14 session, which was approved by the House with a vote of 148-50, but was tabled in the Senate. Legislation to reduce the size of the Senate (**House Bill 384**) passed the House, but was not considered in the Senate.

House Bill 153 was signed in the House and Senate - **Pamphlet Laws Resolution No. 1**.

*** **Civil Service Preference for Veterans -** The Senate unanimously approved **House Bill 192**, which is designed to raise public awareness of veterans' preference on civil service exams.

The new law requires the Civil Service Commission to advertise that the veterans' preference is available to veterans — as well as spouses of deceased or disabled veterans — who take a civil service exam. Advertisements will specify that the law allows that 10 points be applied to a veteran's final score.

The measure also provides for a uniform job application method when applying for state jobs and makes ineligible anyone who holds or campaigns for a political office to serve on the Civil Service Commission.

This bill was signed into law as **Act 167 of 2016.**

***** **Ballot Access** **-** The Senate unanimously approved **House Bill 342**, which would have amended the Election Code to change the number of required signatures for minor party candidates to get on the ballot.

The bill also would have changed the amount of time major and minor parties have to circulate nomination papers and required school director candidates to receive a minimum number of signatures to be get on the ballot.

The legislation would have amended the number of signatures "minor" political parties are required to receive to be equal to two and a half times the number of signatures required by major political party candidates. Currently, minor parties are required to receive a number of signatures equal to 2 percent of the highest vote cast in the last election.

The bill would also have reduced the amount of time all major and minor party candidates have to circulate nomination papers to six weeks. The time frame would have spanned from the first Wednesday after the primary to the seventh Wednesday after the primary.

This legislation also would have added consistency by requiring school directors to get a minimum of 10 signatures. Pennsylvania requires specific positions to receive a minimum requirement of signatures but school directors are not required. The existing problem is that one school district may involve two different municipalities with different requirements to be placed on the ballot. This change would have created consistency for candidates regardless of the town.

The bill died in the House Rules Committee.

******* **Modernization of Soldiers Grove** **-** The Senate unanimously approved **House Bill 1484**, which will update the "Soldiers' Grove" memorial located in Harrisburg.

The memorial is designed to honor all veterans in all wars after the Vietnam Conflict. Due to the limited amount of space available, the Department of General Services (DGS) will implement a plan to redesign the location and make room for future Medal of Honor recipients. The current design is entitled "Tides of War," whereby a new "wave" of the memorial is added after each conflict. The new design will add the "Pillars of Peace" to make space for the memorial.

DGS will also place several signs and barriers throughout the memorial.

The bill was signed into law as **Act 38 of 2016**.

****V** **Independent Office of Inspector General** **-** The Senate voted 29-18 in favor of **House Bill 1618**, which would have created the independent Office of Inspector General.

The purpose of this independent Office of Inspector General would have been to deter, detect, prevent and eradicate fraud, waste misconduct and abuse in a program, operation and in contracting by an executive agency. The Senate amended the bill to direct the office to use additional personnel specifically to investigate fraud, waste and abuse within the Department of Health over a two-year period.

The office was created in 1987 by Gov. Robert Casey via executive order and is still in existence today. This bill would have placed the office in statute and made it independent of the governor. The Inspector General would have been nominated by the governor and confirmed by the Senate.

The bill made its way to the governor but was vetoed **(Veto No. 3 of 2016)** on October 28, 2016. The governor cited wasteful spending as the cause for his veto since both the Auditor General and Office of Attorney General already perform similar functions that an independent Office of Inspector General would do.

***** <u>Procurement Code Changes</u> -** The Senate voted 47-1 in favor of **House Bill 2107**, which amends the Procurement Code to prohibit the Department of General Services (DGS) to enter into contractual agreements with any business involved in an economic boycott against Israel.

The bill also amends and clarifies the Guaranteed Energy Savings Act (GESA) program and provides greater public access to procurement records.

This bill bans DGS from contracting with any business engaging in an economic boycott against a country that Pennsylvania is not prohibited from trading with and, therefore, requires businesses to certify that they are not engaged in these activities. If a company files a false certification form to DGS, they will be penalized $250,000 or twice the amount of the contract, whichever is greater.

This legislation also requires records concerning procurement to be made available to the public. These records would fall under the Right to Know Law and must be posted on the DGS website. These forms must include the public notice statement, bid tabulation records and requests to award a contract, the contract resulting from the procurement. These documents are required to be accessible on the DGS website for a minimum of 30 days from posting.

The bill provides for situations where a procurement agreement is entered into in the event of an emergency. In these cases, a contract may not be necessary. The transaction information would still need to be made available for public record. Emergency procurements may occur during times of a potential public health or safety threat.

The bill contains the provisions of Senate Bill 1313, which amends the GESA program to clarify payment terms within a guaranteed energy savings contract. The bill redefines the term "energy conservation measure" to be "a program, facility alteration or technology upgrade designed to reduce energy, water, wastewater or other consumption or operating costs." In addition, the term applies to extensions of heating or air condition systems and indoor air quality systems.

The term "energy-related cost savings" now includes savings gained as a result of energy conservation measures. These savings may include avoided current or planned capital expense, avoided renovation, renewal or repair costs as a result of replacing old and unreliable equipment and systems or thermal improvements to the building envelope. The term "operating costs" is redefined to provide for which costs should be included in cost-saving calculations.

The bill was signed into law as **Act 163 of 2016.**

*** <u>Proving Citizenship to Receive Benefits</u> -** The Senate voted 40-8 for **Senate Bill 9**, which would have required proof of U.S. citizenship for any individual applying for public assistance.

Under the bill, known as the "Proof of Citizenship for Receipt of Public Benefits Act," the state Human Services Department would have been required to verify, through the Systematic Alien Verification of Entitlement, that each non-citizen applicant is legally in the United States.

Bill supporters claimed that illegal immigration creates unfair competition for jobs with American workers and imposes unnecessary strains on taxpayer-funded services designed to provide assistance to Pennsylvania citizens.

The bill died in the House.

*** <u>Procurement Transparency</u> -** The Senate unanimously approved **Senate Bill 316**, which would have amended Title 62 (Procurement) by providing public access to procurement records.

Consistent with the Right-to-Know Law, the bill would have required purchasing agencies to make procurement documents available on the state Department of General Services website.

The bill was originally introduced the previous session as Senate Bill 369. It passed the Senate State Government Committee unanimously, but did not advance further.

The bill was bogged down with amendments in the House and eventually died.

***** <u>Transparency in State Advertising</u> -** The Senate unanimously approved **Senate Bill 442**, which creates the Taxpayer-Funded Advertising Transparency Act and requires all commonwealth-paid advertisements to say: "Paid for with Pennsylvania taxpayer dollars." This legislation will not apply to advertisements that are broadcast free of charge.

This legislation was amended to exempt Pennsylvania State Lottery advertisements.

The bill was signed into law as **Act 90 of 2015**.

*** <u>Employee Union Deductions</u> -** In a party line vote**,** the Senate voted 26-23 in favor of **Senate Bill 501**, which would have created the so-called "Protection of Employee Wages Act" to prohibit the deduction of money from public sector employees' paychecks to be used for political contributions.

Proponents said the bill would prevent public employers from deducting money from employees' paychecks to be used for political campaigns. The bill was originally drafted to prevent employers from collecting membership dues, but the bill was amended to allow employers to continue to deduct money for the purposes of bargaining agreements, charitable entities and fair share fees.

Opponents of the bill claim it is an attempt to specifically target and weaken a unions' ability to negotiate for their members and engage in the legislative process. Current law already prohibits the use of union dues for political purposes and this bill specifically targets collective bargaining agreements. Contributions to Political Action Committees are voluntary and not required of members.

The bill died in the House.

*** **Eliminating LBFC Reports -** The Senate unanimously approved **Senate Bill 622**, which removes certain reporting responsibilities from the Legislative Budget and Finance Committee.

The three reports are a performance audit of PennDOT, a cost benefits analysis of health insurance policies, and a study on the impact of slots on the State Lottery. This legislation saves money by cutting the reoccurring costs of producing these reports.

The bill was enacted as **Act 13 of 2015**.

*** **Analyzing Collective Bargaining Agreements -** The Senate voted 29-19 along party lines to approve **Senate Bill 644,** which requires the Independent Fiscal Office (IFO) to produce a cost analysis on all collective bargaining agreements with public sector unions that are executed by the governor.

Under this legislation, the IFO will provide cost analyses of the agreements to assist in the decision making process before the agreements are enacted. The governor will be required to present any proposed agreements to the IFO 20 days in advance. The analyses include the number of employees affected by the agreement, employer costs, and a salary, benefits and pension analysis.

Advocates of the legislation argue that the bill is designed to provide independent oversight to the billions of dollars being spent on collective bargaining agreements. Opponents claim the bill is narrow in focus and targets unions. Opponents also challenged the fact that bill only requires analysis to be run on collective bargaining agreements — and not all government contracts.

Gov. Tom Wolf signed the bill and discussed his efforts to enhance government transparency. "This is not a broad solution to the problems plaguing Pennsylvania's government," Wolf said. "Public officials are allowed to take gifts, and they do not have to report outside income. There is not enough transparency in contracting or oversight of lobbying."

The bill was enacted as **Act 15 of 2016.**

* **Disclosure of Proposed Collective Bargaining Agreements -** The Senate voted 29-19 in favor of **Senate Bill 645,** the companion bill to Senate Bill 644**,** that would have required the public to be notified of any state employee collective bargaining agreements.

Under the bill, commonwealth employers would have been required to post a statement of the terms of the agreement and an estimate of the cost on their websites.

Republicans claimed bill was aimed at taxpayer protection by providing transparency and time for public reaction. Democrats said the bill was aimed at sidetracking legitimate union negotiations.

The bill died in the House.

*** **Civil Service Modernization -** The Senate unanimously approved **Senate Bill 1154**, which amends the Civil Service Act to update the notification and application process for Civil Service positions.

This bill changes how job openings for state jobs are presented to applicants. It allows applicants to be notified of job openings by methods other than mail. Specifically, applicants may now be notified through email of their placement and position for a certain job as well as their test results. The bill also allows the Civil Service Commission to allow for more than three applicants to be considered for an open position.

Lastly, the legislation allows the commission to post specific job openings rather than only general details about the position. This change allows applicants to apply for specific positions rather than a general class of jobs.

The bill was enacted as **Act 69 of 2016**.

TRANSPORTATION

*** **Share the Road License Plate** - The Senate unanimously approved **House Bill 150**, which amends the Vehicle Code to allow PennDOT to issue a “Share the Road” license plate to help bring awareness to bicycle safety.

Individuals may apply for this new plate for their car or truck (weighing less than 14,000 pounds) for a $40 fee. The revenue from the plates will be used to create a “Bicycle and Pedestrian Coordinator” position at PennDOT and to erect highway bicycle signage.

The bill was enacted as **Act 36 of 2016**.

*** **Scrap Metal from Vehicles** - The Senate voted 48-1 in favor of **House Bill 871**, which amends the Vehicle Code to unify the procedures for dismantling vehicles and handling scrap metal material.

The bill clarifies the procedures for processing scrap metal when dismantling vehicles. Once a vehicle is dismantled to the point that is no longer identifiable as a vehicle, the vehicle’s certificate of title, certificate of salvage or non-repairable certificate must be sent to the PennDOT. A certificate of salvage issued for a vehicle is not required to be notarized and verified by a corporate officer.

The legislation addresses vehicles waiting to be transferred to a salvage metal processor. When the processor receives the certificate of title or the certificate of salvage, they are required to send this information and an assessment to PennDOT indicating if the vehicle is non-repairable.

This bill allows insurance companies to ask PennDOT to issue a salvage certificate if they are unable to obtain the certificate of title or salvage certificate from the vehicle owner.

The bill was enacted as **Act 91 of 2016**.

*** **Adding to the List of Emergency Vehicles** - The Senate unanimously approved **House Bill 898**, which adds certain vehicles owned by the Philadelphia Prison System and the Pennsylvania Turnpike Commission to the list of Pennsylvania’s authorized emergency vehicles.

Authorized vehicles from the Philadelphia Prison System may now escort other emergency vehicles or ambulances when transporting prisoners in need of medical attention. Drivers of emergency vehicles used by the Philadelphia Prison System would not be authorized to exceed the speed limit in an emergency situation.

Vehicles owned by the Turnpike and used to respond to emergency situations would be authorized to use flashing red lights and audible warning systems.

The measure also adds provisions requiring PennDOT to remove dead deer from state-owned roads.

The bill was enacted as **Act 75 of 2016**.

*** <u>**Veto Power for Governor on DRPA**</u> - The Senate unanimously approved **House Bill 1087**, which provides veto power to the governor of Pennsylvania over the actions of Pennsylvania's commissioners on the Delaware River Port Authority (DRPA) board.

Under the measure, the governor may veto the action of a Pennsylvania-appointed commissioner within 10 business days of receiving the minutes.

The bill was enacted as **Act 130 of 2016**.

*** <u>**Financing of Motor Homes/Recreational Trailers**</u> - The Senate unanimously approved **House Bill 1195**, which amends the Vehicle Code to extend the financing period for a motor home or recreational trailer.

This legislation allows consumers to finance recreational vehicles for up to 20 years without needing to renew the finance. The law previously allowed institutions to offer recreational vehicle loans for only six years before needing to refinance.

The bill was enacted as **Act 86 of 2015**.

*** <u>**Repealing Railroad Track Placement**</u> - The Senate unanimously approved **House Bill 1200**, which repeals a duplicate section in current law that provides for railroad track placement for tracks that cross under a viaduct or bridge.

Currently, railroad companies are required to contribute to the ongoing maintenance costs of bridges and viaducts when a track crosses under one of these structures. This legislation repeals the section (Section 7 of Act 71 of 1903) because this section is found in other parts of Pennsylvania's laws.

The bill was enacted as **Act 29 of 2016**.

*** <u>**Federal Government Taking Over Public Roads**</u> - The Senate unanimously approved **House Bill 1201**, which authorizes the former Department of Highways (now PennDOT) and counties, cities, boroughs, towns and townships to adopt and take over public roads and highways constructed by the federal government during times of war.

This legislation repeals Act 131 of 1943 which allowed the mentioned authorities to claim federally constructed highways during a time of war.

This bill was enacted as **Act No. 2 of 2016**.

*** <u>**Prohibits Watching Television While Driving**</u> - The Senate unanimously approved **House Bill 1278**, which bans motorists from watching live television or prerecorded videos while driving.

This bill prohibits motor vehicles from being operated while an "image display device" is broadcasting "television images, live stream, satellite or any other prerecorded video images."

Video devices used to display views around the vehicle and GPS devices are exempt.

Television-type receiving equipment used for safety or law enforcement purposes is also exempt from the restrictions.

The measure does not prohibit television devices from being located in the front of a vehicle, but does prohibit them from being visible to the driver.

The bill was enacted as **Act 19 of 2016**.

*** **Removing Telephones from Turnpike** - The Senate voted 49-1 in favor **House Bill 1335**, which does away with the requirement that emergency telephones be placed along the Pennsylvania Turnpike.

This bill allows the Turnpike Commission to provide emergency telephones, but removes it as a requirement. When they were first installed years ago, motorists used the emergency callboxes to make approximately 20,000 calls annually. A 2012 study showed that only 1,700 calls were being made from these telephones. The increase in the number of cell phone users has decreased the need for the call boxes.

Removing the required maintenance and service of the phones is expected to save approximately $200,000 annually.

The bill was enacted as **Act 77 of 2016**.

*** **Individual Property Displacement** - The Senate unanimously approved **House Bill 1411**, which amends Title 26 (Eminent Domain) to redefine the maximum reestablishment amount for individuals who have their property displaced.

This bill provides for the costs related to moving and for replacement housing when individuals are displaced from their homes

The measure also redefines the re-establishment costs for an individual's property displacement. The maximum cost of a displaced farm will increase from $12,000 to $25,000. The maximum defined cost of a displaced homeowner will go up from $27,000 to $31,000. For tenants, the maximum reimbursement for displacement costs will be hiked from $6,300 to $7,200.

The bill was enacted as **Act 88 of 2015**.

*** **Youth All-Terrain Vehicles Riders** - The Senate unanimously approved **House Bill 1703**, which updates the state's restrictions on all-terrain vehicles (ATVs) relating to youth riders.

The bill updates the riding restrictions by limiting all youth riders to the age recommendation warning label that is affixed to the ATV by the manufacturer, which is based on speed capacity rather than displacement. In the case of older ATVs that may not have the warning label, the 70cc engine restriction for 8 and 9 year olds will still apply.

The bill was enacted as **Act 136 of 2016**.

*** **Suspension of Registration for Unpaid Tolls** - The Senate unanimously approved **House Bill 2025**, which allows PennDOT to suspend the registration of motorists who fail to pay tolls on the Turnpike — until the motorist makes the payment.

This will be applicable to vehicles registered in Pennsylvania as well as neighboring states through a reciprocity agreement. The bill also extends the authority to other entities that collect tolls such as the Delaware River Joint Toll Bridge Commission.

The bill also increases the allowance for temporary vehicle registration cards issued to a vehicle acquired in Pennsylvania for transportation to another state for registration to be valid from 30 days to 60 days and eliminates the grandfather clause exempting mechanics who were certified to training qualifications and competence as of January 1, 1983 from reapplying for certification.

A registration fee for a motor carrier vehicle in excess of 17,000 pounds will be refunded if the vehicle is stolen or demolished and the vehicle has a non-repairable certificate or certificate of salvage.

The bill was enacted as **Act 165 of 2016.**

******* **Stolen Valor** - The Senate unanimously approved **Senate Bill 42**, which amends Title 75 (Vehicles) to fine any individual who falsely claims to be a veteran on their Pennsylvania driver's license application. Anyone found guilty of this third degree misdemeanor is subject to a fine of up to $2,500 and/or a year in prison.

The bill was enacted as **Act 32 of 2015**.

******* **Bike Medics** - The Senate unanimously approved **Senate Bill 61**, which amends the Vehicle Code to allow bike medics to use their bicycles in the same manner as emergency response vehicles and police officers on bicycles.

This bill enables bike medics to maneuver quickly through crowded areas to provide immediate care before emergency response vehicles can arrive. The bill was amended to clarify that these bike medics may only operate within the scope of practice of an emergency medical service provider.

The bill was enacted as **Act 44 of 2016**.

***** **Probationary License** - The Senate unanimously approved **Senate Bill 62**, which would have amended the Vehicle Code to change the requirements for receiving a probationary license.

PennDOT offers probationary licenses to drivers who have had their driving privileges revoked several times. Currently, to be eligible for the license, a driver needs to have between one and seven offenses and have served at least three years with a suspended license. For a higher number of offenses, the driver is required to do the following: eight to 14 offenses requires four years, 15 to 21 offenses requires five years and 22 or more offenses requires at least six years with a suspended license.

This legislation would have cut each of the time requirements in half. For example, an individual with one to seven offenses would be able to get a probationary license after a year and a half of suspension time served.

Current law allows for individuals to receive a probationary license only once. This legislation would have allowed drivers to reapply for another probationary license after five years, if theirs was suspended. The individual would have been able to earn their regular license after three years of driving with no violations.

Similar legislation was introduced last session (SB 618), but was never acted upon.

The bill died in the House.

* **Rendering Aid at Car Accidents** - The Senate voted 48-1 in favor of **Senate Bill 146**, which would have amended the vehicle code to require passengers involved in accidents to assist injured persons.

This legislation provided for the duty of passengers in a vehicle to help a person involved in a car accident. Current law only requires a passenger to help an injured individual if the driver is physically unable to assist them. This bill would have required passengers to give reasonable assistance if the driver refuses or is unable to assist the injured person.

If a driver neglects to help an injured individual, they would have been subject to a third degree misdemeanor and a maximum fine of $2,500. A passenger who neglects to assist an individual would have faced a summary offense with a maximum fine of $300.

Similar legislation has been introduced over the last few years. Senate Bill 357 was introduced in the 2013-2014 session but was never acted upon.

The bill died in the House.

***** "Honoring Our Veterans" Motorcycle License Plates** - The Senate unanimously approved **Senate Bill 284**, which amends the Vehicle Code to allow for a special veterans' license plate for motorcycles.

The specialty plates include the statement "Honoring Our Veterans." Act 194 of 2012 already allows individuals to purchase the plate for passenger vehicles and trucks. This legislation extends the opportunity to purchase them for motorcycles.

The bill was enacted as **Act 17 of 2015**.

****V Changes to the Delaware River Port Authority** - The Senate voted 37-13 in favor of **Senate Bill 286**, which would have required the Delaware River Port Authority (DRPA) to adopt an open records policy, create a commuter's council to oversee the agency's activity and enter Pennsylvania into a compact with New Jersey.

The DRPA manages connecting bridges between Pennsylvania, New Jersey and Delaware. Any changes proposed by this legislation would have needed to be passed in New Jersey as well. The bill would have placed several restrictions on the DRPA and the authority's ability to act independently with regards to financial and economic development projects. The DRPA would have had several oversight rules placed on their members and actions to prohibit the abuse of power or resources.

DRPA board members would have been prohibited from receiving gifts, toll exemptions and other benefits that would have been personally beneficial to their board position. In addition, the Senate would have been required to approve the governor's board appointments.

The bill was vetoed by Gov. Tom Wolf **(Veto No. 5 of 2016).** The governor stated that the reforms were consistent with his reform goals and worthy of becoming law. However, he added that he was "concerned with a single provision within this measure that allows for legislative interference with an executive branch prerogative." The governor said that the proposed state Senate approval of his board appointments is "unnecessary" and "does not improve the operation of the DRPA." The governor added that several of the other beneficial reforms in this legislation were already implemented through other bills.

** <u>**Veto Power for Governor of Pennsylvania**</u> **-** The Senate unanimously approved **Senate Bill 287**, a companion bill to Senate Bill 286.

This bill would have provided Pennsylvania's governor the authority to override the actions of Pennsylvania's commissioners on the Delaware River Port Authority (DRPA).

The bill died in the House. However, components of the bill were part of House Bill 1087, which was enacted.

*** <u>**Additional Provisions for Ignition Interlock Systems**</u> - The Senate unanimously passed **Senate Bill 290**, which amends the Vehicle Code to implement additional provisions for ignition interlock systems.

Before this legislation's enactment, drivers were required to install an ignition interlock system on their vehicle for a year after if they received a second driving under the influence (DUI) offense. They were only required to do this if they had received another DUI within the last 10 years, if the person refused chemical testing or if the individual illegally operated a vehicle that did not have the ignition interlock system at the time of their second offense.

This legislation makes first-time DUI offenders eligible to immediately install ignition interlock systems in their vehicles. Individuals who have committed previous DUI violations or have refused chemical testing may also apply for an ignition interlock limited license if they have served at least half of their driver's license suspension. First-time offenders will be eligible to apply for the limited license immediately.

The license allows individuals to only operate vehicles equipped with an ignition interlock system. A person will be eligible for the limited license if he or she had an existing Pennsylvania license, is eligible under federal law, or if their driving privileges were not suspended due to a DUI-related homicide.

The bill is aimed at preventing drunk driving. Many drivers with suspended licenses continue to drive illegally. The Center for Disease Control and Prevention found ignition interlock laws have reduced repeat offenses by about 67 percent.

The bill was enacted as **Act 33 of 2016**.

*** <u>**Transit Revitalization Investment District**</u> - The Senate voted 46-2 in favor of **Senate Bill 385**, which encourages the creation of transportation hubs.

A transportation hub is considered the area around a mass transit stop or station.

The bill modernizes the Transit Revitalization Investment District (TRID) Act of 2004 and was prompted by the current law's inability to create TRIDs. The measure enhances the current methods of obtaining and utilizing funding for creating and sustaining these mass transportation hubs.

The bill was enacted as **Act 151 of 2016**.

*** <u>**Organ Donation**</u> - The Senate unanimously approved **Senate Bill 398**, which amends Title 20 (Decedents, Estates, and Fiduciaries) to encourage organ donation.

By changing the language on organ donor applications and identification cards, this bill is designed to promote organ donation. The legislation adds the phrase "Pennsylvania strongly supports organ and tissue donation because of its life-saving and life-enhancing opportunities" to both the application for an identification card and on the organ donor form.

The bill was enacted as **Act 79 of 2015.**

* **<u>Pennsylvania Turnpike Commission</u>** - The Senate voted 33-14 in favor of **Senate Bill 474**, which would have required the state Senate to approve the chief executive officer (CEO) of the Pennsylvania Turnpike Commission.

Currently, the commissioners of the Pennsylvania Turnpike nominate and elect the CEO. Both Gov. Tom Wolf and the Turnpike Commission expressed opposition to the bill, claiming Senate approval is unnecessary oversight because the commissioners who choose the CEO are already approved by the Senate.

Similar bills, SB 551 and SB 812, were introduced in previous sessions but were never voted on in either chamber.

The bill died in the House.

***<u>Radar Use for Local Police</u>** - The Senate voted 47-3 in favor of **Senate Bill 535**, which would have amended the Vehicle Code to allow local police departments to use radar for speed enforcement.

This legislation would have allowed local police departments to utilize radar and other forms of electronic speed enforcement after officers have completed a state-approved training. Individuals who are caught speeding by one of these electronic timing devices would not have received any points against them unless they were driving at least 10 miles per hour over the speed limit.

The bill would have also required all devices to be tested for accuracy within a year prior to the alleged violation. In accordance with the National Highway Traffic Safety Administration policies, all electronic devices approved for use in Pennsylvania would need to be listed on the Consumer Product List.

Local police departments would have been required to report revenue generated from speed enforcement citations to the Department of Revenue. Municipal shares of revenue generated from speed enforcement citations by radar that exceed 20 percent of a municipality's budget would have gone to the state's General Fund for traffic safety purposes.

Currently, only the State Police are authorized to utilize radar in Pennsylvania.

The bill died in the House.

*** **<u>Snowmobile and ATV Accounts</u>** - The Senate unanimously approved **Senate Bill 648**, which amends the vehicle code to provide for separate accounts for snowmobiles and all-terrain vehicles (ATV).

Previously, the funds were collected under one restricted account. This legislation creates the ATV Management Restricted Account and the Snowmobile Management Restricted Account.

Funds that are collected from snowmobile-related fines and costs will be distributed into the Restricted Snowmobile Account, and the same goes for ATV costs and funds. Current funding is used for continued operation, construction, land acquisition and maintenance costs. The funds will not be shared between accounts except for repairs that are made to shared trails. Lawmakers claim that ATV operations contribute a large amount of the current funding share, but receive a proportionally small portion of the distributed funds.

This bill requires the House and Senate Appropriations committees to audit funds every two years. The Department of Conservation and Natural Resources will be responsible for managing the income and expenditures of each account and creating an annual report.

The bill was enacted as **Act 97 of 2016.**

*** **Police Escorts for Super-Sized Trucks** - The Senate unanimously approved **Senate Bill 748**, which amends the Vehicle Code to eliminate the mandatory police escort for super-sized truck loads.

This measure removes the requirement for a police escort for large loads, which in turn will reduce the costs of providing escorts for these vehicles. Drivers of certified escort vehicles are added to the list of traffic controllers. The measure also requires that drivers of escort vehicles be certified and licensed by PennDOT. Definitions are amended under this legislation, as well as the list of cargo that may be required to be escorted or transported on a super-sized truck.

The bill was enacted as **Act 55 of 2015**.

***** Emergency Responders** - The Senate unanimously approved **Senate Bill 765**, which amends the vehicle code to include utility personnel and electric cooperative as emergency responders. The bill also includes a vehicle owned by the Pennsylvania Turnpike Commission that is used by an emergency responder as an emergency vehicle.

The measure expands the definition of emergency responders and emergency vehicles to help ensure the safety of these individuals. Drivers are required to move away from emergency responders or to reduce their speed as they pass. This bill expands the definition of an "emergency response area" to include the areas where the newly-added emergency responders are working.

The bill was enacted as **Act 61 of 2015.**

* **Automated Speed Enforcement Systems** - The Senate unanimously approved **Senate Bill 840**, which would have amended the Vehicle Code to provide a five-year pilot program for automated speed enforcement systems in active work zones.

The devices would have detected vehicles exceeding the speed limit and record an image of the offender's license plate, the time, location, and the vehicle's speed. The program would have only been conducted within active work zones. Two visible warning signs would have been required to show that a device was in use.

It would have recorded individuals speeding by at least 11 miles per hour over the posted speed limit while a work zone is active. All fines would have been $100, and 75 percent of revenue proceeds would have gone to the State Police to recruit, train and equip state police cadets and bolster state trooper presence in work zones and the remaining funds would have been used for work zone safety and public awareness.

PennDOT and the Turnpike Commission would have been required to submit an annual report that includes the number of vehicular accidents, injuries and deaths in work zones. The report would have included speed data, the amount of notices, violations, fines and the number of police hours provided in work zones as a result of the generated funds.

The bill died in the House.

*** **<u>Protecting Highway Workers</u>** - The Senate unanimously approved **Senate Bill 887**, which amends the Vehicle Code to protect highway workers and emergency responders in construction zones.

The legislation takes preventative action against reckless and speeding drivers. This bill was inspired due to the high number of deaths of highway workers and emergency responders on Pennsylvania highways the last few decades.

The bill adds several fines related to the death or harm of highway workers in work zones. The fine for endangering a highway worker or causing them bodily harm is now $1,000. For serious bodily harm a driver will be fined up to $5,000 and lose his or her license for six months. A fine of $10,000 and the loss of one's license for one year will be imposed on any driver who causes death to a highway worker.

This bill was also amended to provide for the conviction and punishment of minors who cause harm or death to a highway worker. They will be put into an Accelerated Rehabilitative Disposition program.

The bill was enacted as **Act 70 of 2015.**

* **<u>Waiving Tolls for Certain Vehicles</u>** - The Senate unanimously approved **Senate Bill 891**, which would have amended the Pennsylvania Turnpike Commission Act to require the commission to waive tolls for vehicles accompanying a fallen firefighter, ambulance service or rescue squad member, law enforcement officer or armed service member killed in the line of duty.

The bill died in the House.

*** **<u>Commercial Driver's License</u>** - The Senate unanimously approved **Senate Bill 925**, which amends the vehicle code to unify national standards to receive a commercial driver's license (CDL).

This bill changes the qualification standards for the CDL and for the commercial driver's permit to comply with the Federal Motor Carrier Administration's commercial driver's license knowledge and skills testing and commercial driver permit standards.

The bill prohibits an employer from knowingly allowing an employee to drive a commercial motorized vehicle if the employee has a license restriction. The measure clarifies that the use of an interpreter while taking the knowledge test is also prohibited. Drivers will now be allowed to use the results of their skill tests from other states to receive their Pennsylvania license.

Permit holders must be accompanied by a CDL holder while driving, and are limited in which commercial vehicles they are allowed to drive. All applicants for a commercial driver's permit must be at least 18 years old.

The bill amends the definition of a commercial motor vehicle and a tank vehicle to adjust to the changes made to the license requirements. PennDOT reserves the right to revoke commercial licenses.

The bill was also amended to extend the time period between required physical exams for school bus drivers from 12 to 13 months.

The bill was enacted as **Act 49 of 2015**.

* **Delaware River Joint Toll Bridge Commission Members** - The Senate unanimously approved **Senate Bill 927**, which would have amended the Delaware River Joint Toll Bridge Compact to require state Senate confirmation of Pennsylvania's new Delaware River Joint Toll Bridge Commission members.

New Jersey represents half of the members on the commission and its Senate confirms their governor's nominations. This bill would have also required the Pennsylvania Senate to confirm our governor's nominations.

The bill died in the House.

***Individual Property Displacement** - The Senate unanimously approved **Senate Bill 931**, which would have amended Title 26 (Eminent Domain) to redefine the maximum allowable payment for individuals who have their property displaced.

This bill provided for the costs related to moving and for replacement housing when individuals are displaced from their homes. The measure would have redefined the estimated costs of the displacement of individual's property. The maximum cost of a displaced farm would have been increased from $12,000 to $25,000. The maximum defined cost of a displaced homeowner would have been increased from $27,000 to $31,000. For tenants the maximum reimbursement for displacement costs would have been hiked from $6,300 to $7,200.

This legislation would have brought Pennsylvania's reimbursement caps in line with federal limits and therefore maintained $1.5 billion in federal funding.

The same bill was passed by the General Assembly, House Bill 1411 (Act 88 of 2015).

Senate Bill 931 died in the House.

***Increase of Littering Fines** - The Senate unanimously approved **Senate Bill 973**, which would have increased littering fines and adjusted the fines to account for the weight of the litter.

Current fines range from $50 and $300 for a first time offense. Subsequent offenses are between $300 and $1,000.

This legislation would have changed the fine rates and scaled them according to the weight of the litter. A first-time offense of littering up to five pounds would have ranged between $50 and $300. Subsequent fines would have been between $100 and $500. A first time offense for littering between 5 pounds and 100 pounds would have been between $300 and $500. Subsequent offenses would have been between $500 and $1,000. Litter weighing over 100 pounds would have been a fine between $500 and $1,000 for a first offense. Subsequent offenses would have been between $1,000 and $2,000.

The bill was previously introduced as House Bill 45 of 2013, but was never acted upon in the House Transportation Committee.

The bill died in the House.

*** **Special Disability Plate for Primary Caretaker** - The Senate unanimously approved **Senate Bill 983**, which amends the Vehicle Code to allow a primary caretaker of disabled adult children to receive a special disability plate.

The bill allows such parents to obtain a vehicle disability license plate if their adult child has a special disability need. The bill was amended to also allow the spouse of a disabled adult child to also receive the license plate.

The bill was enacted as **Act 55 of 2016**.

* **<u>Suspension of Vehicle Registration for Unpaid Tolls</u>** - The Senate unanimously approved **Senate Bill 1086**, which would have amended the Vehicle Code to implement a recovery plan to obtain funds from those who evade Turnpike tolls.

Currently, unpaid tolls can only be obtained through collection agencies. To secure the remaining funds, this legislation would have allowed PennDOT to suspend an individual's vehicle registration if their vehicle was used in relation to an unpaid Turnpike toll. This legislation would have applied to vehicles registered outside of Pennsylvania as well.

Provisions of this bill were included in House Bill 2025 (Act 165 of 2016).

Senate Bill 1086 died in the House.

******* **<u>Auto cycles</u>** - The Senate unanimously approved **Senate Bill 1108**, which amends the Vehicle Code to define, license and report accidents of three-wheeled "auto cycles."

The bill defines an auto cycle as "a three-wheeled motorcycle that has a steering wheel and seating that does not require the operator to straddle or sit astride." Auto cycles are defined in the bill as a type of motorcycle, but a Class M motorcycle license will not be required for this vehicle. Driver's license applicants will not be allowed to use an auto cycle to test for their driver's license.

The bill was amended in the House to allow PennDOT to issue permits to trucks hauling milk on highways if the vehicle weighs less than 95,000 pounds.

The bill was enacted as **Act 34 of 2016**.

******* **<u>Rear-Facing Car Seats</u>** - The Senate unanimously approved **Senate bill 1152**, which amends the Vehicle Code to require children under the age of 2 to be placed in a rear-facing car seat.

This legislation requires car-seats to be oriented towards the rear of the vehicle if the child is under the age of 2 until the child exceeds the "maximum weight and height limits" specified for the safety seat.

The bill also amends language to require drivers under the age of 18 to properly secure any passengers under the age of 8 in a safety seat belt.

The bill was enacted as **Act 43 of 2016.**

******* **<u>Armed Forces License Plates</u>** - The Senate unanimously approved **Senate Bill 1155**, which amends the Vehicle Code to provide for special license plates for members of the U.S. armed forces.

This bill allows PennDOT to issue special recognition license plates to active members of the armed forces, reserves and Pennsylvania National Guard. This includes members of the Army, Navy, Air Force, Marine Corps and Coast Guard. The plates may be purchased for an additional $20 fee, which will be added to the registration fee. These special license plates may only be affixed to passenger trucks and cars.

The bill was enacted as **Act 108 of 2016.**

* **<u>Adds SERT to the Definition of Emergency Service Responders</u>** - The Senate unanimously approved **Senate Bill 1233**, which would have amended the Vehicle Code to define "emergency service responder" and "emergency vehicle."

This legislation would have added Special Emergency Response Teams (SERT) to the definition of emergency service responders and emergency vehicles. The change would have allowed police officers who are also members of SERT to utilize flashing lights on their private vehicles when responding to emergency situations.

The bill died in the House.

*** **<u>Traffic Signals</u>** - The Senate voted 45-5 in favor of **Senate Bill 1267**, which provides funds for traffic signal maintenance, allows municipal authorities to make changes to critical traffic corridors and permits drivers to treat inoperable traffic signals as stop signs.

The bill gives municipalities the authority to work with PennDOT to modify and replace traffic signals that are located in "critical" or "designated traffic corridors." Essentially, municipalities may enact their own plans at certain traffic signals managed by PennDOT.

PennDOT will be authorized to implement a pilot program on one or more "critical corridors." The results of this program must be evaluated by January 1, 2022 and reported in the Pennsylvania Bulletin.

The legislation adds provisions for inoperable or malfunctioning signals; specifically, if the vehicle cannot be detected by video or weight. The bill allows drivers to proceed with caution through these inoperable signals when the light is green or yellow. Drivers are now permitted to proceed through red or unlighted signals if they stop in the same manner as a stop sign.

The bill updates the Vehicle Code in regards to traffic signals to allow funds to be used by municipalities on PennDOT-managed signals. Up to $40,000 of signal funds may now be allocated to municipalities for upgrading traffic signals. The appropriations may be used to implement light-emitting diode technology and intelligent transportation system applications, for performing regional operations, developing special event plans, and monitoring and operating traffic signals.

The bill also requires PennDOT to evaluate the effectiveness of all automated red light enforcement systems in Philadelphia by June 1, 2017.

The bill was enacted as **Act 101 of 2016**.

URBAN AFFAIRS AND HOUSING

*** **<u>Real Estate Transfers</u>** - The Senate unanimously passed **House Bill 341**, which amends the Residential Real Estate Transfers Law (Title 68) to require that property disclosure statements inform the land buyer of the existing storm water equipment and facility conditions.

The bill requires the buyer to be made aware of ongoing maintenance responsibilities, including but not limited to basins, pipes, ponds, ditches and drains. This legislation also requires that buyers be informed of any existing sinkholes.

The bill was enacted as **Act 6 of 2015**.

***** <u>Lease Agreements</u>** - The Senate unanimously approved **House Bill 447**, which amends The Landlord and Tenant Act to clarify how a lease termination occurs when the tenant dies.

The legislation deals with situations where a sole tenant passes away and a lease agreement needs to be resolved. The individual responsible for the tenant's estate will be authorized to terminate the lease. The lease may be terminated on the last day of the third calendar month after their death or upon the removal of all of the tenant's personal property, whichever occurs later.

The bill does not exempt the tenant's estate from being liable for damages and other debt incurred before the lease termination. However, the tenant will no longer be liable for damages or breach of the lease due to termination.

The bill was enacted as **Act 116 of 2016.**

***** <u>Housing Affordability</u>** - The Senate voted 47-1 in favor of **House Bill 792**, which amends the Housing Finance Agency Law to change how funding is acquired for the Housing Affordability and Rehabilitation Enhancement Fund (PHARE).

Previously, PHARE only received revenue from Act 13 Impact Fees and that money was only allowed to be used in the county it was obtained in. House Bill 792 extends that revenue use to all counties.

This legislation also provides funds for the Housing Trust Fund (HTF) by using additional revenue from the Realty Transfer Tax. The additional revenue will be calculated by using 40 percent of the revenue that exceeds the amount budgeted for the HTF that fiscal year. The HTF is capped at $25 million a year.

PHARE funds assist in the reconstruction of blighted buildings to create affordable homes and apartments for lower income families. Proponents of this bill claim the additional funding will encourage home improvements and home ownership.

The bill was enacted as **Act 58 of 2015.**

***** <u>Planned Communities</u>** - The Senate unanimously voted for **House Bill 1340**, which brings the Pennsylvania Uniform Planned Community Act and the Uniform Condominium Act into compliance with federal standards and clarifies the language for planned communities.

The Federal Housing Administration (FHA) is in charge of regulating and approving all condo financing for condo purchases. To gain FHA approval, buyers are required to meet all standards set by the Condo Owner Association.

This bill requires that a leased unit needs to be considered a residential unit for voting purposes. The bill also changes the requirements for voting approval for leasing units in a planned community to require a two-thirds approval vote instead of a unanimous vote.

The measure also extends the amount of time a property can be held until payment is made from three to four years.

The bill was enacted as **Act 21 of 2016.**

*** **Reduction of Blighted Buildings** - The Senate unanimously approved **House Bill 1437**, which amends the Municipal Code and Ordinance Compliance Act to reduce the amount of time property owners have to correct a building or structure code violation after purchase. The bill also changes municipal responsibility for inspection certifications.

The legislation amends the amount of a time, from 18 months to 12 months, that the purchasers of a building/structure have correct violations. If the violations are not corrected in that time, the owner must demolish the building or structure. Owners may ask the municipality for an extension or another inspection if they are given a temporary certification.

The bill establishes "use and occupancy certificates" and "temporary use and occupancy certificate" certification. This legislation also requires a municipality to issue a use and occupancy certificate to any owner of an inspected structure with no violations. A temporary certificate would be authorized if there is at least one violation. The bill also defines what it means for a structure to be "unfit for human habitation."

If a purchaser fails to comply with the regulations of this bill, he or she would be "personally liable for the costs of maintenance, repairs or demolition sufficient to correct the cited violations, and a fine of not less than $1,000 and not more than $10,000."

The bill is aimed at reducing blighted buildings structures. The bill also stipulates that one-third of violation fines are to be used for low income housing.

The reduction in time an owner has to correct code violations was proposed in Senate Bill 942 of this session, but was enacted through this bill.

This legislation was enacted as **Act 133 of 2016.**

* **Property Flood Disclosure** - The Senate unanimously approved **Senate Bill 141**, which would have amended the Real and Personal Property law to require land owners to disclose if their property is located in a flood zone or wetlands area.

Landowners would have been required to provide the property's flood history, including the frequency and extent of the flooding.

The bill was never acted upon in the House and died in the House Urban Affairs Committee.

*** **Lodging and Housing Law** - The Senate voted unanimously to approve **Senate Bill 179**, which amends Title 48 (Lodging and Housing) by consolidating the statutes pertaining to hotels and other lodging establishments, such as those that allow hotelkeepers to deny accommodation to those refusing to pay, are acting disorderly, or who possess controlled substances or illegal firearms, among others.

These statutes are now consolidated into Chapter 13 of Title 48. The bill is a redraft from the 2013-14 legislative session.

Senate Bill 179 was enacted as **Act 51 of 2016**.

*** **Building Code Violations** - The Senate unanimously approved **Senate Bill 330,** which provides harsher consequences for property negligence.

This bill lowers the required number of code violations from four to two, before a code violation becomes a criminal offense. The law also requires that a landowner make reasonable attempts to correct violations and increases the fines for failing to correct code violations.

Proponents noted that dilapidated buildings often pose a health risk to the community and that building owners need to be more accountable.

Last session, similar legislation was introduced (Senate Bill 1242), but died in the Senate Appropriations Committee.

Senate Bill 330 was enacted as **Act 34 of 2015**.

***** **<u>Demolition and Rehabilitation Fund</u>** - The Senate unanimously approved **Senate Bill 482**, which would have allowed counties to implement an optional county demolition and rehabilitation fund.

This optional sales tax fee would have been up to 10 percent of the purchase price and applied to property that was sold because of delinquent taxes. The tax could not have been applied to a property if it was sold to a nonprofit entity, land bank or government entity. Money collected from the optional tax would have been used to help fight blight and to deal with abandoned properties. All money from this fee would have been used to demolish or rehabilitate properties in the county.

This legislation contains similar measures to Senate Bill 486, which was enacted as Act 152 of 2016. This bill was laid upon the table in the House and later died in the House Urban Affairs Committee.

******* **<u>Demolition Funding Program</u>** - The Senate unanimously approved **Senate Bill 486**, which amends the Recorder of Deeds Fee Law to help raise funds to demolish dilapidated properties.

This legislation would allow an optional but additional recording fee of $15 for deed and mortgage recordings. The new fee would go towards a fund for demolishing dilapidated properties. Any county will be allowed to adopt the demolition funding program. The use of the additional revenue would be restricted for demolition of blighted homes.

The bill was amended to require each county that imposes the optional fee to submit an initial report, within 90 days, to the Department of Community and Economic Development. The report must include how the county plans to spend the funds, the number of properties that will likely be demolished and any other relevant demolition related information. Each county that chooses to implement the fee for blight demolition would be required to establish a demolition fund.

This legislation contains similar measures to Senate Bill 482.

This bill was enacted **Act 152 of 2016.**

***** **<u>Housing Affordability</u>** - The Senate unanimously approved **Senate Bill 566**, which would have amended the Housing Finance Agency Law to provide funding for the Pennsylvania Housing Affordability and Rehabilitation Enhancement Fund (PHARE).

Currently, PHARE is only receiving revenue from impact fees. The revenue obtained from these fees is only allowed to be used in the counties where the revenue is obtained. This legislation would have expanded funding to all counties across Pennsylvania.

The bill would have required money to be transferred from the Realty Transfer Tax to the Housing Trust Fund. By transferring this revenue, PHARE aimed to improve housing conditions and affordable housing opportunities. With the additional revenue, PHARE would have been able to expand and offer services to all counties across Pennsylvania. The fund would have been used to “assist with the creation, rehabilitation and support of affordable housing.” Similar legislation (Senate Bill 1380) passed the Senate Urban Affairs and Housing Committee last session, but died in the Senate Appropriations Committee.

This bill was never acted upon in the House and died in the House Urban Affairs Committee.

* **Uniform Planned Community Act** - The Senate unanimously approved **Senate Bill 666**, which would have amended the Real and Personal Property law to expand the approved voting methods for homeowner’s associations, condos and cooperatives.

The legislation would have allowed these three types of associations to expand their voting methods to include paper ballots, absentee ballots, electronic ballots, internet-based ballots and any other approved method. This change in the Real and Personal Property law would have created greater transparency and clarity in voting procedures.

The bill was never acted upon in the House and died in the House Urban Affairs Committee.

*** **Creation of Planned Communities** - The Senate voted 48-1 in favor of **Senate Bill 687**, which amends the Uniform Planned Community Act to enable a municipality to avoid authorizing the creation of Planned Communities if there are pre-approved existing structures that will be used.

Planned community declarations will be required when these communities are being created from locations without existing structures or buildings. Construction of any buildings or structures will still need to receive the appropriate ordinances.

A companion bill to Senate Bill 688, this bill was enacted as **Act 37 of 2015**.

*** **Condominium Construction** - The Senate voted 48-1 in favor of **Senate Bill 688**, which amends the Uniform Condominium Act to remove the requirement that a municipality approve new condominiums that are developed from existing structures. However, authorization is still required if new buildings are constructed.

Construction of any subdivision or land development would require approval and still need to receive the appropriate ordinances to develop the condominiums.

A companion bill to Senate Bill 687, this bill was enacted as **Act 38 of 2015.**

* **Code Violation Compliance** - The Senate unanimously approved **Senate Bill 942**, which would have amended the Code and Ordinance Compliance Act to reduce the amount of time an individual has to correct a building code violation.

This legislation was aimed at substantial violations that pose a threat to health, safety or property. A person who buys a building with a known code violation currently has 18 months to fix the code violation or demolish the building. The bill would have lowered the amount of time to 12 months. The bill was aimed at reducing the number of blighted buildings and would have sped up the process of correcting buildings with substantial violations.

Similar measures were introduced into House Bill 1437, which later became Act 133 of 2016. This bill was never acted upon in the House and died in the House Urban Affairs Committee.

*** **<u>Uniform Parcel Index</u>** - The Senate voted 29-18 in favor of **Senate Bill 1282**, which prohibits counties from charging fees to each unit of a condominium, cooperative or planned community if an amendment is filed to that community's declarations.

Counties with a Uniform Parcel Index (UPI) system must create a master parcel number for each condominium, cooperative or planned community. Amendments to community documents must be indexed under that master parcel number.

While counties may continue to require that community documents be filed under each unit's UPI number, they may not charge each unit for such filing on a "per parcel" basis, unless the filing under each unit's UPI is specifically requested by the homeowner's association.

The bill was enacted as **Act 162 of 2016.**

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS

*** **<u>Death Benefits</u>** - The Senate unanimously approved **House Bill 49**, which adds a $100,000 death benefit to members of the Pennsylvania Civil Air Patrol.

The Emergency and Law Enforcement Personnel Death Benefits Act already provides $100,000 in death benefits to law enforcement officers, certain emergency responders and National Guard members who die in the line of duty. This legislation extends those benefits to Pennsylvania Civil Air Patrol.

The bill was enacted as **Act 110 of 2016**.

*** **<u>First Responders Solicitation</u>** - The Senate unanimously approved **House Bill 138**, which amends Title 35 (Health and Safety) to allow first responder organizations to solicit contributions alongside roads and highways.

First responder organizations include fire companies, emergency medical service companies, law enforcement personnel and other rescue companies. Responders must obtain prior written consent from the municipality and PennDOT before they can do the road side solicitation. All participants are required to wear a PennDOT-approved safety vest.

The bill was enacted as **Act 57 of 2015.**

*** **<u>Death Benefits</u>** - The Senate unanimously approved House Bill 152, which amends the Emergency and Law Enforcement Personnel Death Benefits Act.

This legislation extends the filing period for the death benefit from 90 days to three years, which will put the state's filing period in line with the federal Public Safety Officers' Death and Disability Benefits Program.

This bill was enacted as **Act 1 of 2015**.

*** **<u>Veterans Transition</u>** - The Senate unanimously approved **House Bill 157**, which amends Title 51 (Military Affairs) to help veterans transition from their military life to a civilian career.

The bill ensures that a veteran's military education and training are considered and applicable in seeking jobs with certain state agencies.

The definition of a veteran is redefined as "an individual who has served in the U.S. Armed Forces, including a reserve component and national guard, and who has been discharged or released from the service under conditions other than dishonorable."

The bill was enacted as **Act 23 of 2015**.

*** __**Persian Gulf War Bonus Program**__ - The Senate unanimously approved **House Bill 175**, which extends the application deadline for the Persian Gulf Veterans' Bonus Program to December 31, 2019.

The program provides financial compensation for veterans who served in the Persian Gulf War. An individual who served in this conflict may qualify for up to $525. An additional $5,000 is available if the soldier was a prisoner of war.

The application process ended on August 31, 2015. Without the extension legislation, the application deadline would have been August 31, 2015. There is $500,000 still available for this bonus program. The measure gives veterans more time to apply.

The bill was enacted as **Act 50 of 2015.**

*** __**Active Duty Pay**__ - The Senate unanimously approved **House Bill 602**, which increases the active duty pay for National Guard members from $75 to $100 per day.

Under the bill, state Guard members will now be eligible for a minimum pay of $100 per day in cases where the governor activates them for active duty state service.

The bill was enacted as **Act 61 of 2016**.

*** __**Surcharge Fees**__ - The Senate unanimously approved **House Bill 911**, which modernizes the 911 Public Safety Emergency Telephone Act. This legislation updates surcharge fees and dictates how those funds will be collected and distributed.

Pennsylvania Emergency Management Agency (PEMA) was in charge of the collection and distribution of 911 call fees. With this legislation, PEMA must establish a 911 board to manage public safety telecommunications. This bill also requires counties to manage their own 911 plans by appointing a 911 coordinator. Counties may implement an optional surcharge fee, of up to $52 per residents and $12 per employee for businesses. The standard required surcharge for all phone lines will now be $1.65 per customer.

The State Treasury will establish a 911 fund in which money will be saved for any improvement costs as determined by PEMA. PEMA's 911 Board will report on the effectiveness of this law to the General Assembly.

The bill was enacted as **Act 12 of 2015**.

*** __**Protected Information**__ - The Senate voted 48-1 in favor of **House Bill 1310** to protect the information of those who make emergency 9-1-1 calls.

This bill, which amends Title 35 (Health and Safety), prohibits the use of a caller's name, telephone number, address or location when he or she calls 9-1-1. The bill is designed to protect callers and victims and to protect them from possible threats or danger. Citing safety and privacy, many witnesses request anonymity after witnessing a crime.

The measure does allow the information to be released via court order.

The bill was enacted as **Act 30 of 2016**.

*** **<u>Fee Exemption</u>** - The Senate unanimously approved **House Bill 1600**, which provides a state business start-up fee exemption for veteran-owned or reservist-owned small businesses.

The fee is imposed when an individual opens or starts a business in Pennsylvania.

This legislation also provides for voluntary veterans' preference in private employment and enables private employers to adopt and apply a veterans' preference employment policy. If an employer chooses to adopt the policy, they must, in writing, inform all applicants that the employer has a veterans' preference policy, disclose to all employees annually and to all applicants at the time of hiring and apply it uniformly to employment decisions on hiring, promotions and retention.

The bill was enacted as **Act 135 of 2016.**

*** **<u>Tax Credits</u>** - The Senate unanimously approved **House Bill 1683**, which authorizes local governing bodies to offer income and/or property tax credits for volunteer first responders.

Under the measure, the tax credit will be applied to an active volunteer's tax liability. It limits the tax credit to no more than 20 percent of the tax liability of the active volunteer.

The municipality must adopt application guidelines and forms for the tax credit program, which will remain in effect until the local governing body repeals the program.

A required list of eligible volunteers must be submitted to the governing body no later than 45 days before tax notices are distributed by the fire chief or EMS supervisor or chief.

The legislation also allows the credit for active volunteers who file a joint tax return. Anyone who falsifies their volunteer service is subject to a first degree misdemeanor punishable by a fine of up to $2,500.

The bill was enacted as **Act 172 of 2016.**

*** **<u>Fire & EMS Grant Program</u>** - The Senate unanimously approved **House Bill 1877**, which renews the Volunteer Fire and Emergency Medical Services (VFEMS) grant program.

This legislation extends the VFEMS grant program until 2020. The program has been in place since 2003 and has been continually renewed and refunded since then. This measure extends the sunset date by four years to continue providing $30 million in grant money to VFEMS.

The bill amends the existing use and distribution of the grant money and now adds career emergency medical services company to the grant recipients list. The bill also restricts the use of a portion of the grant money by preventing the commissioner from using more than $800,000 of any unencumbered funds remaining in the fund for grant program administrative costs.

The bill also deals with fire companies and emergency medical services companies that merge services. Instead of these companies losing individual funding, the joined companies will now continue receiving their separate individual grants for 10 years. The bill also allows the grant money to be used as a bonus for firefighters who have gained certification as at least a level 1 Fire Fighter.

The bill was enacted as **Act 60 of 2016**.

*** **Blood Testing** - The Senate unanimously approved **House Bill 2058**, which allows paramedics to draw blood upon request for certain driving violations.

Paramedics may assist law enforcement by providing drug and alcohol blood testing of individuals. Upon conviction of such persons, a paramedic user fee must be paid to the EMS agency to pay for criminal lab service costs.

A law enforcement officer who witnesses a blood draw may testify in court on behalf of the paramedic concerning the chain of custody. The bill also provides additional liability protections for paramedics who provide blood-draw services.

The bill was enacted as **Act 142 of 2016.**

*** **Officer Disability Benefits** - The Senate unanimously approved **House Bill 2148**, which amends the Enforcement Officer Disability Benefits Law, also known as the Heart and Lung Act, to include firefighters employed by the commonwealth.

These individuals include firefighters of airport authorities, fire suppression instructors, firefighters who are fire and safety marshals, assistant fire marshals, forest patrolmen and forest technicians, fire academy instructors and assistant fire marshals and emergency medical services personnel employed with a city fire department.

This bill was enacted as **Act 145 of 2016.**

*** **Veterans License Plates** - The Senate unanimously approved **Senate Bill 285**, a companion bill to Senate Bill 284, which amends the current military affairs code to dedicate $15 from each "Honoring Our Veterans" license plate to the Veterans' Trust Fund.

The bill was enacted as **Act 18 of 2015**.

* **Tax Exemption** - The Senate unanimously approved **Senate Bill 299**, which would have given municipalities the option of waiving some or all of the earned income tax for volunteer firefighters and volunteers at nonprofit emergency medical services agencies. Each municipality would have created their own exemption requirements if they wanted to offer the tax credit.

The bill died in the House.

* **Grant Allotment** - The Senate unanimously approved **Senate Bill 370**, which would have allowed merging fire companies to receive the sum of their individual grant allotments indefinitely.

Due to mergers, larger fire companies lose their individual funding five years after merging and instead receive grant funding equal to what only one fire company would receive. In an effort to maintain quality, membership and proper funding, this legislation would have removed the five-year transition period and kept equal funding as if the fire companies had remained separated.

This bill died in the House.

****** **<u>Senate Confirmation</u>** - In a near party-line vote of 32-17, the Senate approved **Senate Bill 490**, which would have required that the governor's chosen director of the Pennsylvania Emergency Management Agency (PEMA) be approved by a majority Senate vote.

Currently, the director of PEMA is appointed by the governor. Republicans claim the bill would improve the agency's accountability. Democrats countered that the bill unfairly limits the governor's executive privilege.

This legislation was vetoed by the governor as **Veto No. 9 of 2015**.

******* **<u>Korean War Veterans</u>** - The Senate unanimously approved **Senate Bill 847**, which adds the Korean War Veterans Association, Inc., as a new representative to the State Veterans Commission.

The State Veterans Commission is made up of representatives from veterans' organizations in Pennsylvania and studies pending legislation impacting veterans.

This bill was enacted as **Act 42 of 2016**.

***** **<u>Preferred Employment</u>** - The Senate unanimously approved **Senate Bill 1013**, which would have amended Title 51 (Military Affairs) to allow private employers to offer preferential employment to military veterans.

The bill would have allowed a private employer to provide a preference in hiring veterans. They would have been required to disclose this information during the application process. Implementing such a preference would not have put them in violation of state and local equal employment opportunities law.

This bill died in the House.

******* **<u>Veterans Discharge</u>** - The Senate unanimously approved **Senate Bill 1045**, which amends Title 51 (Military Affairs) to clarify Veteran discharge conditions for discharges other than dishonorable.

This legislation redefines the nature of a veteran's discharge to better interpret the law, and to cause less confusion when veterans apply for programs and benefits in Pennsylvania. The programs and benefits available for veterans depend on the individual's discharge from service. However, the term "discharge" was not properly defined and did not specify that individuals with a dishonorable discharge should not be eligible for these services.

The bill was enacted as **Act 82 of 2015**.

******* **<u>Promotion Process</u>** - The Senate unanimously approved **Senate Bill 1046**, which amends Title 51 (Military Affairs) to alter the promotion process for retired Pennsylvania National Guard personnel.

Under this measure, promotions will be based on merit and not solely on years of service. Previously, every retired officer who applied for a promotion was promoted to the next rank, above their current rank. Applicants must have completed at least 25 years of service in the U.S armed forces to receive this rank promotion.

This bill changes the retired National Guard Promotion honorary process to no longer award the individual promotion to any applicant, but instead base the rank promotion on the individual's merit. This legislation requires a veteran's service be evaluated by a commanding officer so that they can affirm that the individual served honorably.

The bill further mandates that those who wear the retired Pennsylvania National Guard uniform must do so in compliance with the military uniform regulations. This amendment brings Pennsylvania into compliance with U.S. Army and Air Force regulations.

The bill was enacted as **Act 83 of 2015**.

******* **Veterans' Trust Fund** - The Senate unanimously approved **Senate Bill 1226**, which amends the Military Affairs code to make changes to the Veterans Emergency Assistance Program.

The Veterans Trust Fund was established to provide grants for veterans' assistance programs across Pennsylvania. The revenue is used to help veterans and their families, provide for shelter and other living necessities and to build and maintain honorary monuments. This legislation renames the Veterans Emergency Assistance Program the "Veterans Temporary Assistance Program."

The bill also corrects inconsistencies between the Veterans Trust Fund and the Veterans Temporary Assistance Program. The legislation clarifies how the grant money may be distributed and which organizations may receive the funding. The bill also defines which individuals are considered to be eligible veterans for the assistance program. Grant money may now be used for training purposes for veterans' services within the Department of Military and Veterans Affairs.

The bill was enacted as **Act 109 of 2016.**

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