

## LEGISLATIVE WRAP-UP FOR THE 2017-2018 SESSION

### **FOR EDITORIAL BACKGROUND:**

With Pennsylvania's economy and job market churning, bipartisanship and cooperation were hallmarks of the 2017-18 state Senate session.

In both fiscal years, lawmakers and Gov. Tom Wolf managed to advance bipartisan budgets that limited spending, hiked school funding and held the line on taxes (*See HB 218 and HB 2121, Appropriations*).

During that period, Republicans blocked the governor's tax fairness proposals that would have raised additional revenue by placing a severance tax on gas drilling, closing the co-called Delaware corporate tax loophole and charging a nominal fee to rural communities that rely solely on state police coverage.

Throughout the session, lawmakers passed numerous bills aimed at protecting children (*See HB 44, HB 217, HB 594, and SB 1092, Judiciary*), crime victims (*see HB 1232, Aging and Youth, HB 2060, SB 189, SB 313, SB 472, SB 449, SB 500, SB 501, 502, 554, SB 897, SB 919, SB 1011, SB 1072 and SB 1090, and SB 1134, Judiciary*), helping curb drug addiction (*See SB 446, Urban Affairs and Housing; HB 1539, HB 1951, SB 662, Judiciary, SB 472, Consumer Protection and Professional Licensure, HB 17, HB 353, and SB 655, Health and Human Services*), providing so-called "Right to try" rights for terminally-ill patients to obtain experimental drugs (*see HB 45, Health and Human Services*) and taking steps to make schools safer (*See SB 1098, Transportation, SB 383, SB 1142, Education*).

Lawmakers also passed significant bills aimed at: providing "second chance" opportunities to former convicts (*See HB 1419, SB 529, Judiciary*); reducing public employee pension deficits (*See SB 1, Finance*); abating lead from the state's aging infrastructure (*See SB 656, Local Government*); and legalizing sports betting and online gaming (*See HB 271, Community and Economic Development*).

For the two-year 2019-20 legislative session, Senate Democrats said they will continue to fight for legislation that strengthens our economy, protects children, rebuilds the state's aging infrastructure and invests in education and job growth.

*February 2019*

### **Legislation is coded as follows:**

**\* Senate Passage**

**\*\* Senate and House Passage**

**\*\*\* Became law**

**V Vetoed by the Governor**

### **Aging and Youth**

**\*\*\* Increased Access to PACE/PACENET Benefits** -- The Senate unanimously passed **House Bill 270**, which increases the maximum allowable eligibility income for PACE/PACENET enrollees.

The bill also allows for medication synchronization and medication therapy management for PACE/PACENET enrollees through coordination by doctors and pharmacies. The measure allows for the payment of late enrollment penalties for the Medicare Part D program of PACE/PACENET enrollees and lays out the size and composition of the Pharmaceutical Assistance Advisory Board.

The bill became **Act 87 of 2018**.

\*\*\* **Extension of Eligibility for PACE/PACENET Recipients** -- The Senate unanimously passed **House Bill 425** which extends cost of living adjustment moratorium (under Act 91 of 2015) that enables PACE and PACENET recipients to retain life-sustaining medication coverage assistance.

While cost of living adjustments (COLA) for those receiving Social Security payments are beneficial to seniors, the benefit hike can put some seniors over the maximum income level for Pennsylvania's Lottery-funded prescription drug assistance programs, PACE/PACENET.

The bill will enable 13,000 seniors to keep their PACE/PACENET benefits through December 31, 2019.

The bill became **Act 62 of 2017**.

\*\*\* **Public Display of Child Abuse Toll-Free Number** -- The Senate unanimously approved **House Bill 1232**, which amends the Child Protective Services Law and will require K-12 schools and hospitals to publicly display a poster that contains the statewide toll-free 'Childline' number for reporting suspected child abuse or neglect.

The legislation also extends from five to 10 years the period for which general protective service reports must be maintained in the statewide database.

The bill also changes the status of individuals who are involved in co-op programs from "employer" to "volunteer" so they do not have to pay for a clearance to participate in volunteer services.

Health care professionals will also be required to provide notice to the state of any infant under the age of one who is afflicted by substance use or Fetal Alcohol Spectrum disorder.

The bill became **Act 54 of 2018**.

\*\*\* **Kinship Navigator Program** -- The Senate unanimously approved **House Bill 2133**, which creates the "Kinship Caregiver Navigator Program" within the Department of Human Services to connect individuals raising minor children outside the formal child welfare system with federal, state and local resources.

The bill became **Act 89 of 2018**.

\* **PACE and PACENET Fraud Prevention** -- The Senate unanimously approved **Senate Bill 891**, which was aimed at combatting welfare fraud and abuse of the state's prescription assistance program.

The bill would have required the Pennsylvania Department of Aging to cross-check its list of PACE and PACENET beneficiaries with death records maintained by the Pennsylvania Department of Health. PACE and PACENET are public benefit programs that provide prescription assistance to older Pennsylvanians.

The bill died in the House Aging and Older Adult Services Committee.

\* **Older Adults Protections** -- The Senate unanimously approved **Senate Bill 899**, which would have updated the Older Adult Protective Services Act and codified it into the new chapter within the domestic relations law (Title 23).

The bill would have complied with the automatic employment bans ruled unconstitutional (*Commonwealth v. Peake*) by including a waiver request process. The measure also included a provision that would have protected senior citizens from financial exploitation.

The bill died in the House.

### **Agriculture and Rural Affairs**

\*\*\* **Plant and Noxious Weeds** -- The Senate unanimously passed **House Bill 790**, which repeals the Noxious Weed Control Law (Act 74 of 1982) and replaces it with the Controlled Plant and Noxious Weed Act.

This bill will control existing and potentially noxious weeds, allowing Pennsylvania to easily study and control invasive plant species within the state.

The bill became **Act 25 of 2017**.

\*\*\* **“Good Neighbor Agreements” with USDA** -- The Senate unanimously approved **House Bill 1494**, which allows the governor to enter into a “Good Neighbor Agreement” with the U.S. Secretary of Agriculture to help harvest and sell timber, promote forest regeneration and to improve other types of forest habitats.

A Good Neighbor Agreement is a cooperative agreement between the U.S. Secretary of Agriculture and the governor to carry out authorized restoration services. These agreements provide a cooperative framework between state and federal governments as they try and restore forest lands. All money received from the sale of timber on federal land under this type of agreement will be used to pay for federal costs associated with this agreement.

The bill was enacted as **Act 14 of 2017**.

\*\*\* **Training of Humane Society Officers** -- The Senate unanimously approved **House Bill 1917**, which strengthens the training and oversight of humane society police officers.

These officers help enforce the state’s animal cruelty laws. Under this measure, officers will undergo additional training and be required to reside in Pennsylvania.

In addition, the Humane Society Police Officer Advisory Board must meet at least once a year or as often as necessary to provide advice to state officials and review training programs.

The bill became **Act 77 of 2018**.

\* **Lawn Fertilizer Requirements** -- The Senate approved **Senate Bill 792** by a vote of 47-3. The bill would have established labeling requirements for lawn fertilizer. This includes standards on what nutrients the fertilizer should contain and how it should be applied.

This legislation would have mandated that professional fertilizer applicators be certified or act under the supervision of a certified professional. The bill would also have imposed training and

education requirements for professional fertilizer certification, which are under the oversight of the state Department of Agriculture.

This legislation would have spelled out penalties for violations of content and labeling provisions. Violations would have led to one's fertilizer certification being revoked.

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

\* **'Agritourism' on Conservation Easement Lands** -- The Senate unanimously approved **Senate Bill 819**, which would have allowed "agritourism" activity on land subject to a conservation easement.

Agritourism activities provide education and entertainment to the public to help promote agriculture while providing an additional revenue stream for farmers.

Activities in the bill would have included: public interaction with rural animals; farming/harvesting activities; tours, exhibitions and taste tests that promote farm products; bed and breakfast operations that encourage engagement with farming; equine training and recreational riding; games, rides and other entertainment activities; and events held in conjunction with seasonal festivals to promote local agricultural products.

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

\*\*\* **Nutrient Management and Agricultural Advisory Boards** -- The Senate unanimously approved **Senate Bill 1171**, which establishes the Nutrient Management Advisory Board and the Agricultural Advisory Board.

The Nutrient Management Advisory Board consists of 16 members. Five of those members are active commercial farm owners or operators nominated by the statewide general farm organizations. The other members include a veterinary nutrition specialist, a hydrologist, two members of specific academia, two citizens who are not farmers, and representatives from the feed and fertilizer industries, commercial agricultural lenders, local government and the environment. The bill removes the commercial agricultural lender and replaces it with another active commercial farmer. The six farmers must be selected from separate regions of the state.

The new Agricultural Advisory Board will provide advice and expertise to the secretary of the Department of Environmental Protection on agricultural policies and regulatory proposals. This board is comprised of 24 members.

The bill became **Act 162 of 2018**.

### **Appropriations**

\*\*V **Capital Budget Amortization** -- The Senate unanimously approved **House Bill 83**, which would have amended the Capital Facilities Debt Enabling Act to change the amortization methodology for new capital budget debt.

For bonds issued on or after July 1, 2018, the bill would have only permitted the commonwealth to structure capital debt using the equal annual maturities, or level principal methodology.

Claiming that the bill restricts the state's flexibility to restructure outstanding debt to reduce future liabilities for citizens, the governor vetoed the bill (**Veto #3 of 2018**).

\*\*\* **2017-18 Budget** -- The Senate voted 43-7 for **House Bill 218**, which is the \$31.9 billion General Appropriation Bill for fiscal 2017-18. This amount is an increase of \$54 million over the fiscal 2016-17 budget.

Notable appropriations in the 2017-18 budget included:

- \$2 billion in cuts and savings (complement management, corrections population decline and facility closures, agency consolidations and debt management);
- \$190 million on new education investments, including funds for Pre-K counts, Head Start Supplemental Assistance, Basic & Special Education and the State System of Higher Education;
- \$20.4 million to fight the opioid epidemic;
- restores funding for agriculture research, education and promotion programs;
- restores funding for various tourism, community, and economic development programs; and
- supports home and community-based services for seniors, individuals with physical disabilities and those with intellectual disabilities.

House Bill 218 became **Act No. 1A of 2017** without Gov. Tom Wolf's signature. He refused to sign the bill because the legislature did not produce an accompanying fiscal code bill to spell out how the spending plan would be paid for (The fiscal code bill, House Bill 674, wasn't enacted until October of 2017).

"In the coming days, it is my hope that the General Assembly will come together to pass a responsible solution to balance our books," Wolf said. "There are many options available to balance the budget in the long-term, like those I presented earlier this year. Our creditors and the people of Pennsylvania understand a responsible resolution must take real and necessary steps to improve Pennsylvania's fiscal future."

\*\*\* **Capital Budget** --The Senate unanimously approved **House Bill 785**, which amends the Capital Facilities Debt Enabling Act and adjusts the Redevelopment Assistance Capital Project (RACP) debt ceiling to provide for the implementation of the capital budget for 2017-18.

The legislation changes the debt structure amounts for capital projects financed by debt. It also provides for the maximum outstanding obligations for redevelopment assistance. The maximum RACP debt is set to \$3.150 billion, \$300 million less than the previous year.

The bill was enacted as **Act 45 of 2017**.

\*\* **Spending Transparency** -- The Senate unanimously approved **House Bill 1843**, which would have provided for a transparency portal on the state Treasury's website for commonwealth revenues and expenditures as well as provide expanded access to the Office of the Budget's Integrated Central System.

The bill was amended in the Senate to remove some specific agency definitions. The amendment would have eliminated the requirement to post unedited budget documents on the agency website; and removed post-investment information on the State Treasury Transparency Portal. A Democratic amendment, which would have removed the provisions of the bill relating to agency budget requests, was defeated, 16-33.

The bill died in the House.

\*\*\* **Department of State Funding** -- The Senate unanimously approved **House Bill 2078**, which makes the following appropriations to entities within the Department of State for fiscal 2018-2019:

- \$49,723,000 to the Bureau of Professional and Occupational Affairs
- \$9,031,000 to the State Board of Medicine
- \$2,422,000 to the State Board of Osteopathic Medicine
- \$647,000 to the State Athletic Commission

The bill became **Act 2A of 2018**.

\*\*\* **Workmen's Comp** -- The Senate unanimously approved **House Bill 2079**, which provides for appropriations from the Workmen's Compensation Administration Fund for fiscal 2018-2019.

This includes an appropriation of \$71.2 million to the Department of Labor and Industry to administer the Workers' Compensation Act and the Pennsylvania Occupational Disease Act and an appropriation of \$275,000 to the Office of Small Business Advocate for its operations.

The bill became **Act 3A of 2018**.

\*\*\* **Small Business Advocate** -- The Senate unanimously approved **House Bill 2080**, which appropriates \$1.855 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.

The bill became **Act 4A of 2018**.

\*\*\* **Consumer Advocate** -- The Senate unanimously approved **House Bill 2081**, which appropriates \$5.85 million from a restricted revenue account in the General Fund to the Office of the Consumer Advocate in the Office of the Attorney General.

The bill became **Act 5A of 2018**.

\*\*\* **PSERS Funding** -- The Senate unanimously approved **House Bill 2082**, which appropriates \$51.637 million from the Public School Employees' Retirement Fund to provide for the expenses of the Public School Employees' Retirement Board.

The bill also appropriates \$4.950 million from the PSERS Defined Contribution Fund for the administration of the School Employees' Defined Contribution Plan.

The bill became **Act 6A of 2018**.

\*\*\* **SERS Funding** -- The Senate unanimously approved **House Bill 2083**, which appropriates \$30.766 million from the State Employees' Retirement Fund to provide for the expenses of the State Employees' Retirement Board. This also provides for the payment of bills incurred and remaining unpaid at the close of the previous fiscal year.

The bill also appropriates \$4.901 million from the SERS Defined Contribution Fund for the administration of the State Employees Defined Contribution Plan.

The bill became **Act 7A of 2018**.

\*\*\* **Philly Parking Authority** -- The Senate unanimously approved **House Bill 2084**, which makes the following appropriations to the Philadelphia Parking Authority for its continued operations:

- Philadelphia Taxicab & Limousine Regulatory Fund – \$2.935 million
- Philadelphia Taxicab & Medallion Fund – \$200,000

The bill became **Act 8A of 2018**.

\*\*\* **PUC Funding** -- The Senate unanimously approved **House Bill 2085**, which appropriates \$74.185 million from the General Fund's restricted revenue account to the Public Utility Commission (PUC).

The bill also appropriates \$6.067 million in federal funds to the PUC. This includes \$3.977 million for the enforcement of the Natural Gas Pipeline Safety Act and \$2.090 million for Motor Carrier Safety. The bill became **Act 9A of 2018**.

\*\*\* **Gaming Funding** -- The Senate unanimously approved **House Bill 2086**, which makes various appropriations for expenses relating to gaming activities, including:

- \$84.875 million from the State Gaming Fund. This represents an increase of \$6.823 million;
- \$1.859 million from the Fantasy Contest Fund (fantasy sports); and
- \$5.014 million from the Video Gaming Fund for activities relating to Video Gaming Terminals.

The bill became **Act 10A of 2018**.

\*\*\* **2018-19 State Budget** -- The Senate voted 47-2 in favor of **House Bill 2121**, the state's budget bill. The measure appropriates funds for the state, executive, legislative and judicial departments, public debt and public schools for fiscal 2018-19.

Democrats lauded the legislation, which makes major investments in education at every level, workforce development, health care and social justice. They called the on-time budget a "product of months of bipartisan work and compromise."

The bill appropriates \$32.092 billion in the state General Funds, \$4.065 billion in state Special Funds and \$27.756 billion in federal funds. Despite increases in mandated expenses – including pensions, health care and human services – the overall increase in spending is just 1.7 percent over the previous fiscal year and well below the rate of inflation.

House Bill 2121 increases funding for basic education by \$100 million to a total of more than \$6 billion. It also increases the state investment in early childhood education by \$25 million and special education by \$15 million. Educational Improvement Tax Credits – which help students trapped in failing schools – will also see a \$25 million increase. State System of Higher Education funding will increase of 3.3 percent, and funding for state-related universities will increase by 3 percent. The funding is expected to prevent tuition costs from rising faster than the inflation rate.

Reacting to the tragic Parkland school shooting in Florida, the budget makes a historic investment in school safety with \$70 million in funding – including \$60 million in new money for school resource officers, security equipment and other proven methods of preventing school violence.

The measure also increases funding for job creation and community improvement programs by more than \$11 million over the previous fiscal year.

The bill became **Act 1A of 2018**.

\*\*\* **Funding for Penn State University** -- The Senate unanimously approved **House Bill 2242**, which provides for the state's appropriation to Penn State University. This includes \$237 million for General Support and \$22.736 million for the Penn College of Technology. These appropriations represent a 3 percent increase over the previous year.

The bill also authorizes the appropriation of monies contained within the Agricultural College Land Script Fund account for Agricultural Research and Extension Services.

The bill became **Act 11A of 2018**.

\*\*\* **Funding for Pitt** -- The Senate unanimously approved **House Bill 2243**, which provides for the state's appropriation to the University of Pittsburgh. This includes \$148.5 million for General Support and \$2.846 million for Rural Education Outreach. This represents a 3 percent increase over the previous year.

The bill became **Act 12A of 2018**.

\*\*\* **Temple Funding** -- The Senate unanimously approved **House Bill 2244**, which provides for the state's appropriation to Temple University. This includes \$155.1 million for General Support. This represents a 3 percent increase over the previous year.

The bill became **Act 13A of 2018**.

\*\*\* **Lincoln University Funding** -- The Senate unanimously approved **House Bill 2245**, which provides for the state's appropriation to Lincoln University. This includes \$14.869 million for General Support. This represents a 3 percent increase over the previous year.

The bill became **Act 14A of 2018**.

\*\*\* **University of Penn Funding** -- The Senate unanimously approved **House Bill 2246**, which provides for the state appropriation to the University of Pennsylvania. This includes \$13.039 million for Veterinary Activities and \$289,000 for the Center for Infectious Diseases. This represents a 3 percent increase over the previous year.

The bill became **Act 15A of 2018**.

\*\*\* **Performance-based Budgeting** -- The Senate unanimously approved **Senate Bill 181**, which creates the requirement for a version of performance-based budgeting and tax credit efficiency review.

The bill establishes a Performance-based Budget Board, which will act as a review board to "approve the performance-based budget plans developed by the Independent Fiscal Office (IFO) for agencies and to make recommendations on how each agency's operations and programs may be made more transparent, effective and efficient."

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

This measure includes provisions for the Independent Fiscal Office to evaluate tax credits offered to various companies and individuals within Pennsylvania. This evaluation will examine the tax credit's current use and determine if it can be more efficient and effectively carried out.

The bill was amended to allow the House to direct the IFO to conduct a tax credit review by concurrent resolution.

The bill was enacted as **Act 48 of 2017**.



\*\*\* **Funding for Penn** -- The Senate unanimously approved **Senate Bill 325**, which appropriates \$30.135 million to the University of Pennsylvania for the 2017-18 fiscal year. This appropriation is the same amount that was provided for in the 2016-17 fiscal year.

The bill was enacted as **Act 11A of 2017**.

\*\*\* **Funding for Penn State** -- The Senate unanimously approved **Senate Bill 326**, which appropriates \$22.074 million to the Pennsylvania State University of Technology for the 2017-18 fiscal year. This appropriation is the same amount that was provided for in the 2016-17 fiscal year.

The bill was enacted as **Act 12A of 2017**.

\*\*\* **Funding for Pitt** -- The Senate unanimously approved **Senate Bill 327**, which appropriates \$2.763 million to the University of Pittsburgh for the 2017-18 fiscal year. This appropriation is the same amount that was provided for in the 2016-17 fiscal year.

The bill was enacted as **Act 13A of 2017**.

\*\*\* **Funding for Temple University** -- The Senate unanimously approved **Senate Bill 328**, which appropriates \$150.586 million to Temple University for the 2017-18 fiscal year. This is the same amount that was appropriated for the 2016-17 fiscal year.

The bill was enacted as **Act 14A of 2017**.

\*\*\* **Funding for Lincoln University** -- The Senate unanimously approved **Senate Bill 329**, which appropriates \$14.436 million to Lincoln University for the 2017-18 fiscal year. This is the same amount that was appropriated for the 2016-17 fiscal year.

The bill was enacted as **Act 15A of 2017**.

\*\*\* **Capital Budget Itemization** -- The Senate unanimously approved **Senate Bill 651**, which allows for the Capital Budget Project Itemization Act of 2017-2018 for capital projects to be itemized in the amount of approximately \$22 billion.

The legislation establishes the categories of capital projects that may be partially or fully state funded.

The bill was enacted as **Act 52 of 2017**.

\*\*\* **SERS Funding** -- The Senate unanimously approved **Senate Bill 680**, which appropriates \$32.619 million for the administrative costs of the State Employees' Retirement System (SERS) for the 2017-18 fiscal year.

The bill was enacted as **Act 2A of 2017**. It was enacted without the governor's signature, who was concerned that no fiscal code bill accompanied budget appropriation bills.

\*\*\* **PSERS Funding** -- The Senate unanimously approved **Senate Bill 681**, which appropriates \$45.841 million for the administrative costs of the Public School Employees' Retirement System (PSERS) for the 2017-18 fiscal year. The bill was enacted as **Act 3A of 2017**. It became law without the governor's signature.

\*\*\* **Department of State Funding** -- The Senate unanimously approved **Senate Bill 682**, which appropriates \$59.707 million from the Professional Licensure Augmentation Account and from restricted revenue accounts within the General Fund to the Department of State for operations.

The bill was enacted as **Act 4A of 2017**, without the governor's signature.

\*\*\* **Workmen's Comp Funds** -- The Senate unanimously approved **Senate Bill 683**, which appropriates funds from the Workmen's Compensation Administration Fund for the 2017-18 fiscal year — and to pay bills unpaid from the previous fiscal year.

The bill also allocates \$78.4 million to the Department of Labor and Industry and \$275,000 to the Office of Small Business Advocate in the Department of Community and Economic Development for obligational costs associated with the Workers' Compensation Act and the Pennsylvania Occupational Disease Act.

Senate Bill 683 became **Act 5A of 2017**, without the governor's signature.

\*\*\* **PUC Funds** -- The Senate unanimously passed **Senate Bill 684**, which appropriates \$73.5 million in state funds from the restricted revenue account within the General Fund to the Pennsylvania Public Utility Commission (PUC) for the 2017-2018 fiscal year.

The bill also appropriates federal funds to the PUC which includes \$3.8 million for the National Gas Pipeline Safety fund and \$1.7 million for the Motor Carrier Safety fund.

Senate Bill 684 became **Act 6A of 2017**, without the governor's signature.

\*\*\* **Consumer Advocate Funds** -- The Senate unanimously passed **Senate Bill 685**, which appropriates \$5.7 million from the General Fund to the Office of Consumer Advocate in the Office of Attorney General for fiscal 2017-18.

Senate Bill 685 became **Act 7A of 2017**, without the governor's signature.

\*\*\* **Small Business Advocate** -- The Senate unanimously passed **Senate Bill 686**, which appropriates \$1.7 million from the General Fund to the Office of Small Business Advocate in the Department of Community and Economic Development to pay for operations of that department for the upcoming fiscal year.

Senate Bill 686 became **Act 8A of 2017**, without the governor's signature.

\*\*\* **Gaming Board Funding** -- The Senate unanimously passed **Senate Bill 687**, which is known as The Gaming Control Appropriation Act, and sends funds from the State Gaming Fund to the Attorney General, the Department of Revenue, the Pennsylvania State Police and the Pennsylvania Gaming Board.

Senate Bill 687 lowers the state appropriation to the Pennsylvania Gaming Control Board from \$30.7 million to \$28.6 million.

The bill was enacted as **Act 9A of 2017**, without the governor's signature.

\*\*\* **Philly Parking Authority Funding** -- The Senate unanimously passed **Senate Bill 688**, which appropriates \$3.6 million from the Philadelphia Taxicab and Limousine Regulatory Fund to the Philadelphia Parking Authority for the 2017-18 fiscal year. It also appropriates \$2 million from the Philadelphia Taxicab Medallion Fund to the Philadelphia Parking Authority.

Senate Bill 688 became **Act 10A of 2017**, without the governor's signature.

\* **Capital Budget** -- The Senate unanimously passed **Senate Bill 697**, which would have been the Capital Budget Act of 2017-2018. Senate Bill 697 would have placed limitations on debt to be incurred on capital projects during the 2017-2018 fiscal year. The bill would have limited the debt to \$1.6 billion.

Senate Bill 697 died in the House Appropriations Committee. House bill 785, which was enacted that October as Act 45 of 2017, became the Capital Budget vehicle for fiscal 2017-18.

### **Banking and Securities**

\*\*\* **Amending Insurance Surplus or Safety Fund** -- The Senate unanimously approved **House Bill 152**, which repeals a section of the insurance company law that allows a surplus or safety fund.

The legislation also adds a section allowing for the state Insurance Department to maintain an electronic database of contact information for life insurers. It requires the department and all life insurers to participate in the life policy locator service adopted by the National Association of Insurance Commissioners.

The bill also mandates that insurance producers complete at least four continuing education credits in an annuity training course.

The bill became **Act 48 of 2018**.

\*\*\* **Self-Service Storage Facility Insurance** --The Senate unanimously approved **House Bill 504**, which amends the Insurance Department Act of 1921 to provide for self-service storage facility insurance.

The bill requires the self-service storage producer to make brochures or other written material readily available to a prospective occupant.

The bill became **Act 97 of 2018**.

\*\*\* **Reimbursement for Emergency Medical Services** -- The Senate unanimously approved **House Bill 1013**, which amends the Insurance Company Law of 1921 by requiring reimbursement for emergency medical services (EMS) provided when a patient/enrollee is not transported

The measure also establishes the Quality Eye Care for Insured Pennsylvanians Act.

The bill became **Act 103 of 2018**.

\*\*\* **Reauthorization of CHIP** -- The Senate voted 43-6 in favor of **House Bill 1388**, which Reauthorizes the Pennsylvania Children's Health Insurance Program (CHIP) through 2019.

This bill extends the Pennsylvania Children's Health Insurance Program to December 31, 2019. The program would have expired on December 31, 2017. The measure also ensures that funding does not expire for at least 90 days after federal funding for the program ends. A federal budget dispute threatened the program's funding in early 2018.

The bill previously contained controversial amendments that prohibit the reimbursement of funds for gender or sex reassignment surgery or gender or sex transition services. Those provisions were amended out of the enacted legislation.

The bill was enacted as **Act 58 of 2017**.

**\*\*\* Formalize Insurance Examination Process** -- The Senate voted 47-1 for **House Bill 1851**, which requires the state insurance department to formalize its examination process with best practices. It requires the department to schedule a conference with the insurance company prior to examination fieldwork; codifies topics that must be discussed; and provides the company with a detailed written budget estimate for the examination.

The bill became **Act 41 of 2018**.

**\*\*\* Amending Check Casher Licensing** -- The Senate unanimously approved **House Bill 2453**, which amends the Check Casher Licensing Act by updating licensing provisions and permitting the cashing of post-dated government, government assistance and payroll checks.

The bill became **Act 122 of 2018**.

**\* Changes to the Underground Storage Tank Indemnification Board** -- The Senate unanimously approved **Senate Bill 143**, which would have amended the Storage Tank and Spill Prevention Act to make changes to 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 relinquished its seat on the board. The Pennsylvania Food Merchants Association represents many underground storage tank retailers in Pennsylvania and was highly recommended to the board.

The bill also provided for the appointing of new members to the board. The bill died in the House Environmental Resources and Energy Committee.

**\* Eye Care for Insured Pennsylvanians** -- The Senate unanimously passed **Senate Bill 257**, which would have amended the insurance company law to provide for quality eye care for insured residents. The legislation would have allowed for an insured with an in-network provider to select an out-of-network vision care supplier.

If the in-network provider recommended an out-of-network supplier, they would have been required to give written notice that the supplier is not in-network, that the insured had the option of selecting in-network and that financial obligations for the insured would be different with the out-of-network supplier.

The legislation would have also provided for discount access programs for non-covered vision services. A vision provider would have been able to opt out of the contractual obligation to provide these discounts if the provider gave written disclosure to the insured discount program.

The bill died in the House.

**\*\* Direct Dental Insurance Payments** -- The Senate approved **Senate Bill 373** by a vote of 35-15. **Senate Bill 373** would have allowed dental patients to authorize direct payments of dental insurance benefits to service providers. Insurance contracts issued 120 days after the passing of this legislation would have been required to provide this option.

A claim form would have been required to clearly and conspicuously state whether the provider would bill the patient for any balance that exceeds the direct payment assigned to the provider. The insured would have then been required to make applicable copayments, coinsurances or deductibles at the time of service, but would have not been required to make any other payment at the point of service.

This legislation would have also provided for the Legislative Budget and Finance committees to study the cost and benefits of direct reimbursement of non-participating providers, the impact of requiring direct reimbursement and the impact on consumers of prohibiting health insurance carriers from refusing to accept a valid assignment of benefits.

The bill was amended and passed the House but died when it returned to the Senate Rules and Executive Nominations Committee.

\* **Service Charge for Bad Checks** -- The Senate unanimously passed **Senate Bill 590**, which would have hiked the maximum service charge a merchant can assess for a bad check from \$50 to \$75.

The bill died in the House Commerce Committee.

\*\*\* **Creation of Pennsylvania Uniform Voidable Transactions Act** -- The Senate unanimously approved **Senate Bill 629**, which creates the Pennsylvania Uniform Voidable Transactions Act by renaming and amending the Pennsylvania Uniform Fraudulent Transfer Act.

The bill amends the term “fraudulently” to remove the requirement of needing to prove fraud to prevent the transfer of an asset. In addition, the bill clarifies what standards of proof need to be presented to block a fraudulent transfer.

The bill was enacted as **Act 78 of 2017**.

\*\*\* **Limited Lines of Travel Insurance Providers** -- The Senate unanimously approved **Senate Bill 630**, which provides for the licensure of limited lines travel insurance producers. The bill outlines requirements for the sale of travel insurance, for authority of limited lines travel insurance producers and for registration and training of travel retailers.

The bill was enacted as **Act 26 of 2018**.

\*\*\* **Regulations and Qualifications for Mortgage Servicers** -- The Senate unanimously approved **Senate Bill 751**, which provides regulations and licensure qualifications for mortgage loan servicers.

Mortgage loan servicers are non-bank entities that handle mortgage-related transactions between lenders and consumers. Mortgage servicers were not previously regulated in Pennsylvania. This bill mandates that these companies be licensed, regulated, and in compliance with federal and state mortgage laws while they take part in mortgage-related actions.

The measure allows the Department of Banking and Securities to issue a license to a mortgage loan servicer once the department determines that the entity applying for a license has met all necessary criteria. The bill also requires the department to ensure that state regulations have incorporated the Federal Consumer Financial Protection Bureau’s mortgage service regulations.

The bill was enacted as **Act 81 of 2017**.

\* **Remote Delivery Health Care Services** -- The Senate unanimously approved **Senate Bill 780**, which would have provided for the remote delivery of health care services and medical information via telecommunication technology.

This may have included audio-only telephone conversations, voicemail, fax, email, instant messaging, text messaging or online questionnaires. The legislation also would have provided for insurance coverage of telemedicine and Medicaid reimbursement payments for telemedicine.

The bill died in the House Professional Licensure Committee.

\*\*\* **Insurance Inducements** -- The Senate unanimously approved **Senate Bill 877**, which amends the Insurance Department Act to allow insurers to offer customers up to \$100 in inducements.

The legislation allows inducements to be offered on an annual aggregate basis. Insurers may not make receipt of anything valuable contingent on the purchase of insurance.

The bill became **Act 22 of 2018**.

\*\*\* **Insurance Inducements (Continued)** -- The Senate unanimously approved **Senate Bill 878**, which amends the insurance company act to allow insurance companies to offer customers up to \$100 in inducements.

The legislation allows rebates and inducements to be offered on an annual aggregate basis. Insurance producers may not make receipt of anything valuable contingent on the purchase of insurance.

The bill became **Act 23 of 2018**.

\* **Reimbursement for Emergency Services** -- The Senate unanimously approved **Senate Bill 1003**, which would have required licensed ambulance companies dispatched to provide emergency services to be reasonably reimbursed – even if service didn't include emergency transportation.

Under the bill, insurance plans would have no longer been able to refuse payment if the enrollee were not, or refused to be, transported to a hospital.

The bill was referred to the House Insurance Committee and died in the House. However, its components were amended into House Bill 1013, which became Act 97 of 2018.

\* **Formalized Examination of Insurers** -- The Senate unanimously approved **Senate Bill 1031**, which would have formalized a system for the state Insurance Department to conduct its examination of insurers.

The legislation outlined specifics to utilize best practices in the industry as well as to increase transparency and efficiency. The department would also have been required to publish an annual analysis that would have included the total amount billed to insurance companies for examinations conducted during the prior fiscal year.

The bill was referred to the House Insurance Committee where it died. However, it was amended into House Bill 1851, which became Act 41 of 2018.

\*\*\* **Additional Regulation of State's Insurance Industry** -- The Senate unanimously approved **Senate Bill 1205**, which provides stricter regulation of the state's insurance industry.

Under the measure, insurers are required to provide the state with information about their corporate governance structure, as well as their policies and practices.

Companies must file disclosure statements with the state on a yearly basis. Insurers will be penalized for not filing the required paperwork. Ultimately, the bill is aimed at helping the state understand how insurance corporations operate.

The bill was signed into law as **Act 163 of 2018**.

### **Communications and Technology**

\*\*\* **Obtaining Real ID Cards** -- The Senate voted 49-1 in favor of **Senate Bill 133**, which enables Pennsylvanians to obtain federal “Real ID” cards.

Real ID refers to a photo identification card or driver’s license issued by the PennDOT under the federal Real ID law of 2005.

The measure repeals the Pennsylvania Real ID Nonparticipation Act of 2012 and requires PennDOT to comply with the federal Real ID law. The bill enables Pennsylvania residents to apply for a standard driver’s license/identification card or a Real ID compliant driver’s license. Each form of ID must state if it complies with the Real ID Act.

The measure also mandates that PennDOT detail the Real ID implementation costs to the Senate Communications and Technology and Senate Transportation committees.

The bill was enacted as **Act 3 of 2017**.

### **Community, Economic and Recreational Development**

\*\*\* **“Agent” for the Pennsylvania Industrial Development Authority** -- The Senate unanimously passed **House Bill 151**, which defines the term “agent” within the Pennsylvania Industrial Developments Authority (PIDA).

PIDA does not have any direct employees. The agency is staffed by employees of the Department of Community and Economic Development (DCED). This bill defines the term agent to include DCED employees, allowing them to conduct the required inspections and monitoring of programs under the authority of PIDA.

This bill became **Act 7 of 2017**.

\*\*\* **iLottery Authorization** -- The Senate voted 31-19 in favor of **House Bill 271**, which authorizes fantasy contests, video gaming terminals (VGTs), interactive gaming, sports wagering, multi-use computing device gaming, iLottery and various horse racing reforms.

The bill prohibits a licensed racing entity from accepting a wager from someone located at another racetrack. In addition, the initial electronic wager license fee is reduced from \$500,000 to \$50,000. The renewal fee will be reduced by 10 percent down to \$10,000. The bill also changes the name of the Race Horse Development Fund to the “Race Horse Development Trust Fund.”

The law will allow stand-alone casinos to provide simulcast horse racing.

The measure gives the Pennsylvania Gaming Control Board fantasy sports contest oversight. Fantasy sports contests are simulated games in which a fee and a prize are administered by a licensed operator. Winnings from these contests reflect the skill of participants in the game and statistical results of their individual performance. The board is responsible for developing games. Operators with slot machine licenses will be authorized to apply for short-term approval of fantasy contest licensure. This legislation places a 15 percent tax on a license holder’s quarterly fantasy contest adjusted revenues.

Interactive gaming is the process of placing bets over a computer network held by a licensed entity. Peer-to-peer gaming will be taxed at 16 percent and non-peer-to-peer gaming at 54 percent. Multi-use gaming and interactive gaming devices will be authorized at commercial airports servicing at least 50,000 passengers per year. These devices will be taxed at a 34 percent tax rate.

The measure also authorizes the gaming board to make Local Share Assessment distributions to counties hosting entities utilizing the gaming options. The legislation details specific amounts to be distributed within various counties to the Commonwealth Financing Authority to maintain parks and heritage sites, child advocacy centers and support services for victims of domestic violence. The bill was amended to alter the percentage the local share fund will receive under this legislation through the various forms of gaming mentioned above.

The bill allows for VGTs at truck stops throughout Pennsylvania. A county that hosts a licensed facility may, by resolution, prohibit the placement of VGTs at truck stops in their county. No more than five VGTs are authorized to be placed in the same location.

This bill also legalizes iLottery within Pennsylvania. iLottery provides lottery products through mobile applications and gives customers “instant gaming options.”

The bill was enacted as **Act 42 of 2017**.

**\*\* Pittsburgh Airport 50/50 Raffle** -- The Senate passed **House Bill 864** by a vote of 42-7. The bill would have amended the Local Option Small Games of Chance statute to permit the Greater Pittsburgh Airport to conduct 50-50 raffles.

The revenue generated through the raffles would have gone to the Airport Authority Charitable Foundation (ACAA), which supports community causes such as military and veterans affairs, children’s venues, arts, history and culture.

The bill died in the House Rules Committee.

**\*\*\* Pennsylvania Business One-Stop Shop** -- The Senate unanimously approved **House Bill 1284**, which creates the Pennsylvania Business One-Stop Shop Act.

The one-stop shop provides a single point of access online to business owners to identify and secure necessary permits, licenses, certifications, applications, forms and registrations needed to start a business.

The bill requires Pennsylvania Department of Community and Economic Development and other state agencies to provide technical help, guidance and resources for the one-stop shop.

The bill became **Act 107 of 2018**.

**\*\*\* Booking Agent Sales Tax Collection** -- The Senate approved **House Bill 1511** by a vote of 43-6. The bill amends the Tax Reform Code to clarify how a booking agent must collect sales tax on room rentals and remit the revenue collected to the state.

The measure additionally establishes a Tourism Promotion Fund within the state Treasury Department and requires that the tax collected by a booking agent on accommodation fees be deposited into the fund and used to promote statewide tourism. The measure will also apply to any applicable county hotel tax. No more than half of the allocated funds can be used for funding local tourism agencies and special events or grants.

The bill became **Act 109 of 2018**.

**\*\*\* Creation of the Property Assessed Clean Energy Program**-- The Senate passed **Senate Bill 234** in a vote of 42 to 8. The bill establishes the Pennsylvania Property Assessed Clean Energy Program (PACE).



Property Assessed Clean Energy is a financing mechanism that enables low-cost, long-term funding for energy efficiency, renewable energy and water conservation upgrades to commercial or industrial properties.

A local government may choose to participate in or develop a PACE financing program. Local taxing authorities collect the assessment on the improved building and remit it for payment on the debt incurred from the building's energy-efficiency and clean energy technology upgrades.

PACE programs can be found in communities across the United States and have the support of many environmental and community stakeholders.

The bill became **Act 30 of 2018**.

\* **Removing Intergovernmental Cooperation Oversight in Pittsburgh** -- The Senate unanimously passed **Senate Bill 1047**, which would have removed Intergovernmental Cooperation Authority oversight in Pittsburgh.

Under the bill, the Secretary of Community and Economic Development could have immediately certified that the assistance of the Intergovernmental Authority was no longer needed once Pittsburgh had annual operating budgets and approved five-year financial plans after the authority's minimum seven-year term was completed.

The authority voted 3-1 in January of 2018 to shut down its oversight as Pittsburgh was positioned to exit Act 47. The move required legislative approval. The authority has overseen Pittsburgh's spending and debt obligations since 2004 when Pittsburgh's debt burden amounted to more than one-fifth of its operating budget. Since then, the city has cut its workforce by 26 percent, restructured employee benefits and enacted fiscal reforms.

The bill died in the House Urban Affairs Committee.

### **Consumer Protection and Professional Licensure**

\*\*\* **Broker Price Options** -- The Senate unanimously approved **House Bill 863**, which will provide for broker price opinions (BPOs) and an increase in the educational requirements for a sales person license.

BPOs are estimates prepared by a broker that detail the probable selling price of a parcel of real property and can be used in real estate transactions where, in the interest of time and money, a party believes it unnecessary to obtain an appraisal. The legislation outlines the certain circumstances in which BPOs can be used.

The bill became **Act 75 of 2018**.

\*\*\* **Allowing Access to Cemeteries** -- The Senate unanimously passed **House Bill 1019**, which allows reasonable visitation access to cemeteries.

There were instances in Pennsylvania where cemeteries were purchased and privatized, and the owners prevented people from visiting the graves of their loved ones.

This bill allows reasonable visitor access to cemeteries, establishes procedures for the sale and purchase of a cemetery, and assures that cemetery owners honor burial plot purchases.

The bill became **Act 64 of 2017**.

\*\*\* **Pittsburgh Water and Sewer Authority Oversight** -- The Senate unanimously passed **House Bill 1490**, which places the Pittsburgh Water and Sewer Authority (PWSA) under the oversight of the Public Utility Commission (PUC).

The oversight was prompted by PWSA 's improper maintenance of its delivery systems, facilities, meters and customer billing. PUC oversight is expected to help assure safety and quality to PWSA customers.

The bill became **Act 65 of 2017**.

\*\*\* **Alternative Rate Mechanism in the Public Utility Code** -- The Senate approved **House Bill 1782** by a vote of 41-8. The bill amends the Public Utility Code to allow for alternative rate mechanisms (ARMs).

The PUC has the authority to approve, but not require specific ARMs petitioned by electric and natural gas companies. ARMs can include decoupling, performance-based rates, formula rates and multiyear rates.

ARMs may include rates related to sliding scale rates and voluntary changes in rates. They may also provide for the recovery of returns of capital investments. Regarding the Philadelphia Gas Works, it may also include recovery under the cash flow ratemaking method.

The bill became **Act 58 of 2018**.

\*\*\* **Vehicle Manufacturers Compensation for Recall Repair Costs** -- The Senate unanimously approved **House Bill 1898**, which amends the Board of Vehicles Act to require manufacturers to compensate new vehicle dealers for all labor and parts required by the manufacturer to perform recall repairs.

Vehicle dealers must disclose in writing any open, unremedied recalls to purchasers at the time of sale. Manufacturers cannot require new dealers to remodel facilities unless 10 years have passed since its initial construction or last major remodeling.

The bill also provides a 45-day temporary permit for new vehicle dealers. The temporary permit will be issued if a new dealer does not have the franchise approval letter, telephone business line information or certificate, lease or deed for the property when the application was submitted.

The measure allows dealers to charge fees relating to privacy and safeguarding of customer information requirements, providing financial services and preparation and retrieval of documents.

The bill became **Act 59 of 2018**.

\*\*\* **Replacement of Regulated Water and Wastewater Utilities** -- The Senate passed **House Bill 2075** with a vote of 48 to 1. The bill allows local governments to tap various government funding sources to help citizens fund sewer and water line repairs.

Prompted by issues concerning the presence of lead in some of Pittsburgh's aging water lines, the law empowers local governments to provide additional financial sources to homeowners to expedite repair/replacement work.

Under the bill, municipal authorities and governments may replace a homeowner's water and sewer laterals when there is a public health concern such as lead.

The bill, which was amended into the state's fiscal code, became **Act 120 of 2018**.

\* **Definitions of Certified Nurse Practitioners** -- The Senate voted 39-10 in favor of **Senate Bill 25**, which would have amended the definition of a certified nurse practitioner and provided for temporary practice permits.

The bill would have clarified that the title of “advanced practice registered nurse-certified nurse practitioner” was reserved for individuals authorized to practice independently in a clinical specialty area. The legislation would have removed the requirement that nurse practitioners authorized to practice a clinical specialty collaborate with a doctor.

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

The legislation also provided detailed the scope of practice for certified nurse practitioners and their authority to prescribe certain drugs. This bill would also have recognized certified nurse practitioners as a primary care provider under managed care and other health care plans.

The bill died in the House Professional Licensure Committee.

\*\*\* **Oversight of ONE Call System** -- The Senate unanimously approved **Senate Bill 242**, which moves oversight responsibilities of the One Call System from the Department of Labor and Industry to the Public Utility Commission (PUC). The measure also places additional responsibilities on facility owners, designers and excavators.

The One Call System is the state’s communication system for excavators and designers to call facility owners to let them know about planned excavations. The One Call System may not require its members to locate lines or facilities installed before this bill, unless they have existing maps that meet requirements of the One Call System’s member mapping solutions.

The legislation assigns the following duties to facility owners. They must:

- voluntarily submit maps of lines or facilities installed;
- communicate to the excavator within two hours with information about its facility location when the owner has failed to respond to notification from the One Call System;
- maintain records of abandoned main line locations and report alleged violations to the PUC if the cost of repair is over \$2,500. In addition, owners will be responsible for maintaining underground line mapping information; and
- add two representatives to represent convention and unconventional wells on the One Call System board of directors.

The legislation places the following additional responsibilities on the One Call System, which must:

- provide a report of alleged violations, including photographs;
- removes excavation work exclusions for extracting resources;
- make the lawful start date three to 10 business days following notification to the One Call System;
- notify a facility owner as soon as possible if an excavator has identified, unmasked or incorrectly marked a facility and of the owner’s responsibilities; and
- require those who request information from the One Call System to pay an annual fee.

This legislation assigns the following duties to excavators. They must:

- report any incident in which a facility owner's line is damaged during excavation or any other violation within 10 days;
- request facility information for the One Call System and pay the applicable fee;
- re-notify the One Call System of any unmarked or incorrectly marked facility. Excavation may not begin until sufficient information has been received to safely excavate. If the owner fails to provide information within three hours after notification from the One Call System, the excavator may proceed; and
- make locale request to the One Call System prior to the excavation and pay the applicable fee.

The PUC must establish a Damage Prevention Committee to advise the PUC on damage prevention matters for underground facilities.

The bill was enacted as **Act 50 of 2017**.

\* **Licensing of Certified Registered Nurse Anesthetists** -- The Senate unanimously approved **Senate Bill 274**, which would have amended the Professional Nursing Law to provide for the licensing of Certified Registered Nurse Anesthetists (CRNA).

This legislation would have created advanced nursing training and qualifications to certify individuals as professional nurses. The new license would have required more education courses and training requirements.

The bill would have designated that registered nurses licensed by the State Board of Nursing be considered as a CRNA. Such nurses would have been required to preserve suitable professional liability insurance.

Professional Nursing Law prohibits the use of the title of nurse or Registered Nurse by any individual who does not have a nursing certification, nursing diploma, license, record, registration or aid.

The bill died in the House Professional Licensure Committee.

\*\*\* **Self-Reporting Disciplinary Actions** -- The Senate unanimously passed **Senate Bill 354**, which requires any licensee regulated by the state Bureau of Professional and Occupational Affairs to self-report a disciplinary action taken against them by a licensing agency of another jurisdiction. Written notification must be provided within 30 days.

Under the measure, a licensing board or commission may suspend the license temporarily to determine if the licensee is an immediate and clear danger to public health and safety. A hearing must be held Within 30 days of a temporary suspension to determine if a suspension should be upheld.

The legislation allows the commissioner of the bureau to expunge the disciplinary record of a licensee if the violation involves the failure to complete continuing education requirements or practicing on a lapsed license under appropriate conditions.

This bill became **Act 6 of 2018**.

\* **Removing Certification for Philadelphia Assessors** -- The Senate unanimously passed **Senate Bill 384**, which would have removed the certification exemption for assessors in Philadelphia. This legislation would have given Philadelphia assessors three years to become certified.

The bill died in the House Professional Licensure Committee.

**\*\*\* Penalties for Violation of Licensure** -- The Senate unanimously approved **Senate Bill 458**, which amends the Public Utilities Code to add additional penalties for transporting property between homes, for compensation, without the appropriate license.

This legislation adds stricter penalties to illegal household goods movers. Individuals who move household items are required to register and obtain a permit with the Public Utility Commission (PUC). The PUC oversees enforcement of this law and has struggled to effectively deter the crime.

The tougher penalties could result in a \$5,000 fine for the first offense. Additional penalties could lead to a forfeiture of the offender's vehicle or a \$10,000 fine.

The bill became **Act 77 of 2017**.

**\* Ban on Opioid Prescriptions Beyond Seven Days** -- The Senate unanimously approved **Senate Bill 472**, which would have expanded the tougher limitations on prescribing opioids to minors to all individuals.

The bill would have banned doctors from prescribing more than a seven-day supply of a controlled substance containing an opioid. The bill would have provided an exemption for situations where an individual's health or safety was at risk.

The bill would also have required prescribers to assess a patient's current or previous prescriptions. Prescribers would also have been required to discuss the risk of addiction and overdose as well as the dangers of mixing opioids with other substances.

The bill expired in the House Health Committee.

**\*\*\* Update of Licensing Requirements for Counselors** -- The Senate unanimously approved **Senate Bill 530**, which amends the Social Workers, Marriage and Family Therapists and Professional Counselors Act by updating license requirements and clarifying the role for the independent practices of clinical social work, marriage and family therapy and professional counseling.

It adds to the definitions of each of these practitioners that the individual engaging in the work styles themselves as a practitioner.

The also bill outlines licensing requirements for each of these fields and specifies penalties of up to \$10,000 for people who illegally engage in this work.

The bill became **Act 76 of 2018**.

**\*\*\* Limited Emergency Prescriptions** -- The Senate unanimously passed **Senate Bill 542**, which permits pharmacists to dispense emergency prescription refills for up to 30 days.

A patient who is on a life-sustaining drug or a drug essential to maintaining a consistent drug therapy, may receive a 30-day emergency refill without a prescription. The drug may not be a controlled substance. Previously, the law only allowed for 72-hour emergency prescriptions. However, medications such as insulin, are not available in a 72-hour supply.

The bill became **Act 8 of 2018**.

**\* Scope of Practice for Optometrists** -- The Senate passed **Senate Bill 668** by a vote of 32-17. This legislation would have given optometrists more freedom in treating patients. It also would have opened the door for more drugs to be prescribed to patients, so long as they were approved by the federal Food and Drug Administration.

The bill would have made it a crime for optometrists to advertise a service that he or she is prohibited by law from doing. Violators could have been fined or had their license suspended.

The bill died in the House Professional Licensure Committee.

\* **Pennsylvania Evaluators** -- The Senate unanimously approved **Senate Bill 689**, which would have amended the Real Estate Appraisers Certification Act (Act 98 of 1990) by appointing two Certified Pennsylvania Evaluators to the State Board of Certified Real Estate Appraisers.

The bill died in the House.

\*\*\* **Recreational Vehicle Regulations** -- The Senate unanimously adopted **Senate Bill 764**, which creates specific law regarding recreational vehicle (RV) dealers, manufacturers, and salespeople.

Previously, RVs were guided by the same guidelines as automotive dealers. This was an issue as RVs deal with multiple manufacturers unlike automotive dealers, and classifications for models of RVs are different than traditional automotives.

The bill clearly defines types of RVs (motorhomes, travel trailers, fifth wheel trailers, folding camping trailers, park model RVs, and truck campers) and lays out specific regulations for RV dealers.

The bill became **Act 134 of 2018**.

\*\*\* **Chiropractic Student Scope of Practice** -- The Senate approved **Senate Bill 892**, which allows unlicensed students enrolled in chiropractic school to perform chiropractic activities that are part of the school's curriculum.

A student must be under the direct supervision of a board-licensed chiropractor and the chiropractic activity must be part of their educational curriculum.

The bill became **Act 67 of 2018**.

## Education

\* **Changes to Cyber and Charter Schools** -- The Senate voted 26-23 in favor of **House Bill 97**, which would have made changes to the state's cyber and charter school law.

The bill would have:

- required public and charter school advertisements to clearly indicate the use of public funds for tuition and transportation costs;
- allowed students attending public, charter and vocational schools to enroll and earn credits in post-secondary courses simultaneously;
- required charter schools to participate in the same assessments as public schools;
- imposed higher standards on charter schools and their boards, including meeting the State Board of Education's performance matrix, disclosing potential conflicts of interest, meeting academic quality benchmarks and developing a teacher evaluation system;
- provided for a system of payment and recuperation of unpaid or overpaid funds for public school districts and charter and cyber charter schools;

- required school boards to have access to charter and regional charter school’s records and facilities to ensure compliance with the law; and
- allowed charter schools to consolidate into organizations with multiple charter schools with approval by the department and each charter authorizer.

Unassigned funds accrued by charter schools over the set limits would have been returned to the public-school districts that paid charter school tuition the previous year.

The bill died in the House Rules Committee.

\*\*\* **“Every Student Succeeds Act”** -- The Senate voted 35-15 in favor of **House Bill 178**, which tasks the Department of Education to create a new plan under the “Every Student Succeeds Act” that focuses on student assessments and school district/teacher accountability.

The measure also delays the use of the Keystone exam as a high school graduation requirement from the 2018-2019 to 2019-2020 school year.

The bill also requires newly-elected school board members to complete a mandatory training. It reduces from 150 to 90 the number of days for the board to renew a superintendent’s contract or to consider new candidates. This bill increases the time in which the state board must adopt a master plan for higher education and basic education from 5 years to 10 years.

The legislation bases teacher furloughs on teacher performance and not salary or seniority. Changes will also be made to teacher certification programs.

The measure provides for specific requirements for schools regarding financial watch status. Any school that has been identified for financial watch status will be placed under the supervision of a financial administrator who can develop a financial improvement plan.

Starting with the 2018-2019 school year, students in grades six through twelve will receive instruction on preventing opioid abuse. The departments of Education and Health are required to develop the curriculum.

Under the measure, the Department of Education will no longer provide annual reports on community colleges. This legislation also requires public higher education institutions to adopt and publicize uniform standards for determining academic credit. The bill was amended to allow two or more charter schools to consolidate into multiple charter school associations. The Educational Improvement Tax Credit is increased by \$10 million.

The bill was enacted as **Act 55 of 2017**.

\*\*\* **Keystone Exam Requirements** -- The Senate unanimously approved **House Bill 202**, which amends the Public School Code to change Keystone Exam requirements and allow for career and technical education (CTE) students to demonstrate proficiency standards through alternate measures.

The bill removes several required Keystone Exams in the following subjects: English composition, algebra II, geometry, chemistry, civics and government, world history and American history. Students are still required to take Keystone exams created by the state Department of Education in algebra I, literature and biology.

The legislation allows CTE students demonstrate proficiency in subjects they failed by passing an equivalent school course. In addition, those students must attain an industry-based certification in their field of study.

This bill was enacted as **Act 6 of 2017**.

\*\*\* **EpiPen Administer Immunity** -- The Senate unanimously approved **House Bill 224**, which grants civil immunity to bus drivers and crossing guards who administer Epinephrine Auto-Injectors (EpiPens). Previously, such immunity only applied to school employees, not bus drivers and crossing guards.

The measure also requires these employees to complete a training program developed by the Department of Health to learn how to properly use an EpiPen.

The bill was enacted as **Act 2 of 2017**.

\*\*\* **Civics Test Requirement** -- The Senate unanimously passed **House Bill 564** which requires schools to develop and administer civics tests to students. The testing will begin in the 2020-2021 school year.

Students must receive a perfect score to receive a certificate of recognition. Students with certain IEPs (Individualized Education Plan) are exempt from this requirement.

The bill was enacted as **Act 35 of 2018**.

\*\*\* **Use of Sun Protection at School** -- The Senate unanimously approved **House Bill 1228**, which allows students to use sun protection at school without a doctor's note.

The bill became **Act 105 of 2018**.

\*\*\* **Teacher Certificate Modifications** -- The Senate unanimously approved **House Bill 1386**, which modifies how teacher certificates are issued and allows some teachers to expand certificates to include different grade levels.

The bill also requires the Joint State Government Commission to study and report on teacher certification areas and their appropriateness, as well as national certification trends.

The bill was signed into law as **Act 82 of 2018**.

\*\*\* **Higher Education Comparison Tool** -- The Senate approved **House Bill 1448** by a vote of 44-4. The bill provides for the use of the Higher Education Comparison Tool, which is information posted online for prospective students by the Education department, PHEAA and state colleges and universities.

The legislation also includes educational provisions such as certification and testing requirements, administrative regulations, safety and security and funding allocations for the fiscal year.

The bill became **Act 39 of 2018**.

\*\*\* **Scholarships for Online College Courses** -- The Senate unanimously passed **House Bill 1653**, which amends the Higher Education Scholarship Law to allow students to win state scholarships for Pennsylvania college programs offering online coursework.

If the school is located, but not incorporated in Pennsylvania, then no more than half of the coursework may be online. PHEAA can require participating schools to report necessary data to show the impact of online coursework on the scholarship program.

The bill was enacted as **Act 5 of 2018**.



**\*\*\* Suicide Prevention at Colleges** -- The Senate unanimously approved **House Bill 1822**, which provides suicide prevention at colleges.

Each institution may develop and implement a mental health and suicide prevention plan to inform staff and students about mental health and suicide prevention programs located on campus or in the community.

At a minimum, a plan should include a contact information for suicide prevention hotlines, crisis intervention services, mental health services and access, multimedia access, student outreach plans and post-intervention plans. If an institution adopts a mental health and suicide prevention plan, it must post the plan and free prevention materials on its public website; provide all incoming students with hotline and crisis intervention service information via mail and e-mail no less than twice a calendar year; and review and update its plan at least one time each year.

The bill became **Act 110 of 2018**.

**\*\*\* Support Services for Students of Active Military Families** -- The Senate unanimously approved **House Bill 2052**, which requires schools provide support services for students whose parents or guardians are called to active military duty.

The bill became **Act 119 of 2018**.

**\*\*\* Communication of Annual Loan Information** -- The Senate unanimously approved **House Bill 2124**, which requires colleges to communicate certain annual loan information to students.

An institution of higher education that receives information on federal or other education loans must provide students with an annual estimate of the total amount of the federal education loans or other student loans disbursed by the institution of higher education taken out by the student.

Schools must also provide an estimate on the total payoff amount of the loans and information on how the student can access online repayment calculators.

The bill was signed into law as **Act 121 of 2018**.

**\*\*V Classification of Vocational Instruction Programs** -- The Senate approved **House Bill 2157** by a vote of 46-3. The bill would have provided for the classification of vocational instruction programs by schools and required guidelines to specify when students' credits may be applied toward an agriculture education program or vocational or technical coursework, programs or activities.

The bill was vetoed by the governor as **Veto #4 of 2018**. The governor stated that the legislation would make certain agricultural education programs ineligible for state and federal funding. He added that removing the program approval authority from the department would impair those schools' ability to receive such funding and eliminate funding for approved agricultural education programs. He said the bill would also require schools that currently receive Federal Perkins funding for agriculture education programs to forego such funds, costing those schools \$6.3 million.

**\* Scholarships for Online College Courses** -- The Senate unanimously approved **Senate Bill 53**, which would have amended the Higher Education Scholarship Law to allow students to apply for grants offered through the Pennsylvania Higher Education Assistance Agency (PHEAA) for online classes.

The bill would have also allowed students to apply for grants for online classes offered by schools based in Pennsylvania, but not necessarily domiciled. PHEAA would have determined which schools are eligible to receive grants through this state program.

In 2013, the State Grant Distance Education Pilot Program was created to assess the benefits of offering grants to students taking up to half of their credits online. The program provided data supporting the benefits of offering grants to students taking the applicable online classes.

The bill died in the House Education Committee. Its language was incorporated into House Bill 1653, which became Act 5 of 2018.

\* **Superintendent/Assistant Superintendent Contract Renewal** -- Senate unanimously approved **Senate Bill 227**, which would have amended the Public School Code to reduce the number of days a school board has to decide whether to renew a contract with a superintendent or assistant superintendent.

The bill would have trimmed the number of days a school board has to hold a public meeting on the renewal of a superintendent's contract from 150 to 90 days before the contract's expiration. Currently, if a school board fails to complete the notice requirements for contract renewal, the same contract is reinstated for another term. The bill would only have extended the contract for one additional year.

The bill died in the House Appropriations Committee.

\* **School Employee Access to Firearms** -- The Senate voted 28-22 in favor of **Senate Bill 383**, which would have amended the Public School Code to empower school districts to allow certain school employees to have access to firearms in schools.

Designed to protect students, the legislation would have allowed school directors to establish policies allowing certain school personnel to access firearms in school facilities. School districts that implemented the policies would have been required to establish a firearm safety plan. The firearm safety plan would have needed to be coordinated with local law enforcement.

Any individuals authorized to have access to the firearms would have needed a license to carry a concealed firearm. Also, any individuals authorized to access the firearms on school property would have been required to complete a psychological evaluation.

Identities of school personnel authorized to access firearms would not have been publicly available.

The bill died in the House Education Committee.

\* **CPR Program for Vocational School Students** -- The Senate unanimously approved **Senate Bill 521** which would have established a program to teach high school students how to perform CPR (cardiopulmonary resuscitation).

Pennsylvania would have joined more than 30 states that teach students how to perform this life-saving technique. They would also have learned about automated external defibrillators. Students could have been excused from the course if they are unable to perform certain motor skills or submitted a written request from their parents.

The bill died in the House Education Committee.

\* **Excused Absence for Musical Performance** -- The Senate unanimously approved **Senate Bill 540**, which would have made it an "excused absence" for students to participate in a musical performance with U.S. military veterans.

The legislation would have allowed students to be excused from school if they were participating in a musical performance for an event or funeral, in collaboration with a national veterans' organization.

The bill died in the House Education Committee.

\* **Posting of School Employment Openings Online** -- The Senate passed **Senate Bill 592** by a vote of 36-14 on a largely party line vote. The bill would have required school boards to post job openings of some positions on their website including: superintendent, assistant superintendent, associate superintendent and principal.

The legislation would have required intermediate unit boards to post the following job openings: executive director, assistant and executive director.

The posting would have been required to include the details of the offer and proposed contract, including salary and the term of the contract.

Proponents of this legislation claimed it would lead to transparency and accountability for local school boards. Opponents argue that it would have violated the sovereignty of the local school boards.

The bill died in the House Education Committee.

\*\*\***Extension of Dyslexia and Early Literacy Intervention Program** -- The Senate unanimously approved **Senate Bill 776**, which provides for a two-year extension to the Dyslexia and Early Literacy Intervention program and adds five additional school districts as participants in the program.

The bill was signed into law as **Act 37 of 2018**.

\* **Community College Secondary Education Fire Training** -- The Senate unanimously approved of **Senate Bill 955**, which would have established the Community College Secondary Education Fire Training pilot program to train high school students to be firefighters through a program run by a partnership between community colleges, school districts and vocational-technical schools.

The state Fire Commissioner would have selected the participating colleges. Those schools could have received at least \$150,000 for the program. The Legislative Budget and Finance Committee would have made recommendations and conducted surveys to determine if the program was helping to increase the number of volunteer firefighters.

The program would have expired four years from its effective date. The bill died in the House Education Committee.

\*\*\* **Additional Support and Pathways for Keystone Exam Requirement** -- The Senate unanimously approved **Senate Bill 1095**, which allows for additional school support and alternative pathways for students to graduate from high school when aptitude on the Keystone Exams serves as a graduation requirement.

The bill was signed into law as **Act 158 of 2018**.

\* **Vocational Education Certificates** -- The Senate approved **Senate Bill 1104** by a vote of 48-1. The bill would have reduced the number of credits required for vocational education certificates I and II from 78-60. Applicants for vocational intern certificates would have been required to demonstrate four years of wage-earning experience.

The bill died in the House Education Committee.

\* **Part-Time Police for School Districts** -- The Senate unanimously approved **Senate Bill 1136**, which would have allowed a school district located in a municipality without a police department to receive police services from a part-time police unit from a neighboring municipality.

The bill died in the House Education Committee.

\*\*\* **“Safe2Say Program” for School Threats** -- The Senate voted 47-1 for **Senate Bill 1142**, which establishes the “Safe2Say Program” for anonymous reporting of potential school threats.

The measure provides a system for anonymously reporting potential threats to schools or students. The information reported will be quickly relayed to relevant law enforcement and school administration officials. The bill also mandates training for those who take the anonymous reports, as well as the law enforcement and school officials who respond to the reports.

The bill was signed into law as **Act 44 of 2018**.

\* **Depression Screening for Students** -- The Senate unanimously approved **Senate Bill 1181**, which would have required students, beginning in sixth grade, to undergo screening for depression. Screening would have been repeated in 11th grade.

As it currently stands, school-age children are required to receive certain medical tests. However, depression is not a required assessment. Every child’s school maintains a comprehensive health record for each student.

Under this bill, parents could have decided to share screening results with schools. If results were shared with the school, students could have been referred to school student assistance programs or psychologists, or they could be referred for a disability evaluation.

The bill died in the House Education Committee.

### **Environmental Resources and Energy**

\*\*\* **Storage Tank Indemnification Board** -- The Senate unanimously passed **House Bill 290**, which changes the makeup of the Underground Storage Tank Indemnification Board.

This measure replaces the Truck Stop Operators representative on the board with a representative from a statewide organization representing fuel retailers and food merchants who own a significant portion of underground storage tanks across Pennsylvania.

The bill became **Act 61 of 2017**.

\*\*\* **Recreational Land Use Definitions of Persons** -- The Senate unanimously approved **House Bill 544**, which amends the Recreational Use of Land and Water Act to include improvements made to land and water.

The bill addresses and changes the law to identify a recreational user as a person who enters or uses land for a recreational purpose. The measure limits landowner liability.

The bill became **Act 98 of 2018**.

\*\*\* **Leaf Collection Clarification** -- The Senate voted 34-15 for **House Bill 927**, which clarifies the state's leaf collection law.

The bill exempts municipalities (other than counties with a population above 5,000, but with a population density of less than 500 people per square mile) from establishing a leaf collection program.

Under the bill, a municipality must pass an ordinance prohibiting the burning of leaf waste. If a municipality has not enacted such an ordinance, the municipality is subject to the state's leaf waste collection program requirements that are based on population and/or population density.

This bill was signed into law as **Act 101 of 2018**.

\*\*\* **Emergency Personnel at Mines** -- The Senate unanimously passed **House Bill 1341**, which amends the Bituminous Coal Mine Safety Act to add emergency medical responders and advanced emergency medical technicians to the list of persons who satisfy emergency medical personnel requirements at mine sites.

This bill became **Act 16 of 2018**.

\*\*\* **Storm Water Exemptions for Agricultural High Tunnels** -- The Senate unanimously approved **House Bill 1486**, which amends the Storm Water Management Act by creating exemptions for agricultural high tunnels (structures used to grow crops).

The legislation defines a high tunnel and outlines the criteria necessary to qualify for an exemption.

The bill also requires municipalities with storm water management plans that include high tunnels to amend their plan to comply with the new law.

This bill became **Act 15 of 2018**.

\* **Protections for Landowners Who Lease to Gas Companies** -- The Senate unanimously approved **Senate Bill 138**, which would have amended the Oil and Gas Lease Act to govern the payment of royalties to a landowner and to allow landowners to inspect gas company records for payment verification purposes.

The legislation aimed to protect the rights of landowners who have leased their property for the exploration of oil and natural gas. It would have required oil and natural gas companies to pay royalties on products procured on these properties within 90 days. Delayed payments would have incurred interest.

The bill added the requirement that payments to owners include a unique property identification. Annual contract information would have been required to be provided to all joint venture companies or individuals. In addition, landowners could have annually requested to examine records relating to any property they collected royalties from within the last three years.

This bill is a companion bill to Senate Bill 139. Senate Bill 138 died in the House Environmental Resources and Energy Committee.

\* **Preventing Gas Companies from Retaliating Against Landowners** -- The Senate unanimously approved **Senate Bill 139**, which would have prevented oil and natural gas companies from retaliating against a landowner who tries to, in "good faith," verify the accuracy of royalty payments.

This bill would have created the "Natural Gas Lease Anti-Retaliation Act" to prevent gas and oil companies from taking any action against a landowner because the land owner made a good faith

inquiry regarding royalty payments. Violators would have faced in civil actions and a fine of up to \$1,000 per day for each day until the violation was corrected.

A good faith action in the bill was defined as: “a claim, demand or complaint intended to secure rights granted under a lease or to determine whether the terms of a lease are being complied with... that is made without malice or ulterior motive.”

This bill was a companion bill to Senate Bill 138. Senate Bill 139 died in the House Environmental Resources and Energy Committee.

\*\*\* **New Land Development On-Lot Sewage System** -- The Senate voted 48-1 in favor of **Senate Bill 144**, which requires proposals for new land development to have a plan approved for an on-lot sewage system by a sewage enforcement officer.

The measure requires the state Department of Environmental Resources, in consultation with the Sewage Advisory Committee, to develop standards for all alternate on-lot systems.

The department and committee must reclassify systems as alternate or conventional based on their findings – and remove a classification if the data shows insufficient or inadequate findings.

The bill was enacted as **Act 26 of 2017**.

\*\*\* **Elimination of Waste Designation for Steel Slag** -- The Senate unanimously passed **Senate Bill 497**, which eliminates the waste designation for steel slag when it is being sold in the stream of commerce -- and not as discarded material.

Steel slag producers, steel mills, and slag processors must pursue classification as a co-product or obtain a permit for the beneficial use of waste through the state Department of Environmental Protection. Under the measure, the slag must be proven environmentally safe and produced intentionally for sale.

The bill became **Act 7 of 2018**.

\*\*\* **Exempting Mining Subsidence from Being Considered Pollution** -- The Senate voted 28-11 in favor of **Senate Bill 624**, which exempts planned mining subsidence from being legally considered pollution if the mining company has a plan approved by the state Department of Environmental Protection (DEP).

The measure creates a new subsection for permit applications for bituminous coal mining operations. If the planned subsidence results from bituminous coal mining, the subsidence will not be considered “pollution” as outlined in the Clean Streams Law. This only applies if the subsidence occurs in a predictable and controlled manner and does not cause permanent disruption of surface waters.

The provision only applies if the mine has an approved plan with the DEP to alleviate impacts of predicted subsidence. Under that scenario, the measure takes precedence over standards in the Clean Streams Law.

Bill proponents claimed it will make it easier to mine and create jobs. Opponents argued that the bill will weaken environmental protections and endanger streams.

The bill was enacted as **Act 32 of 2017**, without the governor’s signature.

\* **Renovating Private Lateral Sewer Lines** -- The Senate unanimously passed **Senate Bill 639**, which would have amended the Pennsylvania Infrastructure Investment Authority Act by adding a

section to allow government entities to use financial assistance to renovate private lateral sewer lines connected to public sewer systems.

The bill would have allowed government entities to use financial assistance received under this law to renovate private lateral water lines connected to public water systems.

The legislation would have also clarified that government entities that take part cannot be considered owners of the private lines, nor will they have any further responsibility for them.

Senate Bill 639 died in the House Environmental Resources and Energy Committee.

\* **Recycling Fee** -- The Senate unanimously approved **Senate Bill 646**, which would have amended the Municipal Waste Planning, Recycling and Waste Reduction Act by removing the sunset for the recycling fee, which will expire on January 1, 2020.

The legislation would have also removed the provision that mandates that unobligated Recycling Fund monies be transferred to the Solid Waste Abatement Fund.

The bill died in the House Appropriations Committee.

\* **Pennsylvania Clean Water Procurement Program** -- The Senate voted 47 to 2 in favor of **Senate Bill 799**, which would have established the Pennsylvania Clean Water Procurement program and made changes to the Growing Greener program. For Fiscal Year 2017-2018, funds would have been allocated as follows:

9% – Department of Conservation and National Resources;

2% – Department of Environmental Protection;

7% – Department of Agriculture;

6% – Pennsylvania Infrastructure Investment Authority (PENNVEST);

6% – Department of Community and Economic Development;

6% – Pennsylvania Fish and Boat Commission;

3% – Pennsylvania Game Commission; and

1% – Pennsylvania Historical and Museum Commission.

The program would have allowed The Department of Environmental Protection (DEP) to provide for a competitive bidding process for vendors who provide “verified TMDL nutrient credits” (cost efficient ways to reduce pollution) in the state. Bid awards would have been determined by environmental and recreational benefits as well as any other criteria set by the DEP and the State Conversation Commission. The legislation would also have established the Watershed Innovation and Improvement Fund as the funding source.

The bill died in the House Environmental Resources and Energy Committee.

## **Finance**

\*\*\* **Pediatric Cancer Contributions** -- The Senate unanimously approved **House Bill 46**, which amends the Tax Code to allow taxpayers to contribute to pediatric cancer research through their state personal income tax return.

The bill requires the Department of Revenue to offer the option on the income tax return. The donor can indicate on their tax return how much they would like to contribute.

The bill requires the Secretary of the Department of Health to identify which Pennsylvania hospitals conducting pediatric cancer research are eligible for funding.

The bill was enacted as **Act 39 of 2017**.

**\*\*\* Bingo Prize Limits** -- The Senate unanimously approved **House Bill 411**, which increases Bingo prize limits.

The state's Bingo Law places certain restrictions on charitable Bingo. The measure increases the prize limitations by doubling the maximum amount allowed per game. Only licensed associations are authorized to run charitable Bingo.

The bill also allows these associations to run additional Bingo game variations and removes the limitation of only running Bingo two days a week.

The bill was enacted as **Act 66 of 2017**.

**\*\* Amendments to the Fiscal Code** -- The Senate voted 40-10 in favor of **House Bill 453**, which would have required that any entity being audited by the Department of the Auditor General respond within 120 days.

The department would have needed to post responses on its website and notify the governor if no response were received. The bill would also have given the Auditor General the authority to audit the Susquehanna River Basin Commission and the Delaware River Basin Commission.

This bill would have also transferred \$6 million from the Trust Account for the Building Pennsylvania Program to the Natural Gas Infrastructure Development Fund for use by the Commonwealth Financing Authority.

The bill would have required taxicabs in Philadelphia to pay 1 percent of their gross receipts to the parking authority on a quarterly basis. The authority could then have suspended or revoked the license of companies that did not comply.

The legislation would have established the First Chance Trust Fund, which would have received revenues from selected contractors, grants, gifts, donations and other payments.

The Senate non-concurred the House amendments by a vote of 43-7.

**\*\*\* Tax Code** -- The Senate voted 29-21 in favor of **House Bill 542**, which amends the Tax Reform Code to provide language for implementation of the fiscal year 2017-18 budget.

The measure requires remote sellers, or out-of-state vendors who sell taxable items in Pennsylvania, but do not collect the sales tax, to collect and remit sales tax for purchases. Sellers must elect to be subject to the provisions of remitting sales tax with the Department of Revenue or comply with the notice and reporting requirements within this law.

In addition, this legislation includes the following amendments:

- Adds kegs used to contain malt or brewed beverage to exclusions under the Sales and Use Tax, if they are reused in the products delivery;
- Converts the Data Center Sales Tax refund into an exemption and removes the \$5 million cap;
- Provides for the expansion of available fireworks and implements a 12 percent sales tax;
- Codifies the Pennsylvania ABLE Savings Program Tax Exemption Act; and



- Provides for the concert rehearsal and tour production tax credit, film production tax credit, City Revitalization and Improvement Zones, Neighborhood Improvement Zones and Keystone Opportunity Zones.

The bill was enacted as **Act 43 of 2017**.

\*\*\***Allocation for Neighborhood Assistance Tax Credit Program** -- The Senate unanimously approved **House Bill 645**, which increases the tax credit allocation for the Neighborhood Assistance Tax Credit Program from \$18 million to \$36 million.

The program encourages businesses to invest in projects that make specific improvements in distressed areas.

The bill became **Act 100 of 2018**.

\*\*\* **2017 General Appropriation Act** -- The Senate voted 41-9 in favor of **House Bill 674**, which amends the Fiscal Code to implement the 2017 General Appropriation Act.

The measure:

- requires the Department of Revenue to monitor lottery winnings over \$2,500 to ensure the winner does not owe any delinquent child support;
- makes several transfers between the Tobacco Settlement Fund, Race Horse Development Fund and several restricted accounts;
- provides for the Actual Value Initiative (AVI) for Philadelphia;
- requires that any person, association or agency that has been audited by the Auditor General's Office to respond to the audit recommendations;
- repeals and reenacts the Oil and Gas Lease Fund and adds provisions to oil and gas lessor production restrictions;
- provides for data collection authorization related to the Department of Human Services seeking information relating to ambulatory surgical centers;
- adds \$15 million to the available funds for small water and sewer projects that cost between \$30,000 and \$500,000;
- requires the Joint Underwriting Association to pay \$200 million to the State Treasurer for expenses related to medical assistance payments;
- allows public municipality authorities to use funds to replace private water and sewer lines;
- creates the First Chance Trust Fund Account within the General Fund; and
- creates and transfers funds to the State Employees' Retirement System and Public School Employees' Retirement System restricted accounts.

The bill was enacted as **Act 44 of 2017**.

\*\*\* **DCED Tax Collection Oversight** -- The Senate approved of **House Bill 866** by a vote of 44-6. The bill gives the Department of Community and Economic Development oversight over tax collection committees, collectors and collection offices.

This legislation allows taxpayers who make periodic estimated tax payments to avoid penalties if they make four equal, timely estimated payments equal to 100 percent of the prior year's return or 90 percent of the current year's tax, less any withholding.

This bill outlines what tax rate should be withheld for an employee on temporary assignment.

This bill became **Act 18 of 2018**.

\*\*\* **Telecommunications Gross Receipts Tax** -- The Senate unanimously approved **House Bill 994** which amends the Tax Reform Code to ensure that the sale of telecommunication devices is not subject to the telecommunications companies GRT (Gross Receipts Tax).

Telephone messages transmitted within the state and in interstate commerce are subject to the state's service provider's GRT. The legislation excludes the sales of telephones, modems, tablets and other devices from the GRT.

The bill became **Act 52 of 2018**.

\*\*V **Prohibiting Plastic Bag Ban** -- The Senate approved **House Bill 1071** by a vote of 28-21. The bill would have prohibited local governments from imposing a ban, fee, surcharge or tax on a recyclable plastic bag supplied by a retailer to a customer at the point of sale.

This ban would not have included a reusable bag or pouch made of cloth, fabric or durable plastic that is designed for multiple uses.

This bill was vetoed as **Veto # 1 of 2017**. Governor Tom Wolf stated that the legislation would potentially prevent local governments from protecting and preserving environmental resources in their community. He said the bill was also inconsistent with the Environmental Rights Amendment of the Pennsylvania Constitution.

\*\*\* **Homestead Exclusions** -- The Senate voted 46-2 in favor of **House Bill 1285**, which amends the Pennsylvania Constitution to double the authority to grant homestead exclusions, from 50 percent to 100 percent of one's assessed property value.

Previously, the General Assembly could only authorize a tax exemption for up to 50 percent of a property's medium assessed value. This bill empowers municipalities to provide greater property tax relief.

Last session, House Bill 147, was passed as Pamphlet Laws Resolution No. 2 of 2016. The enactment of House Bill 1285 satisfies the requirement to have any bill amending the Pennsylvania Constitution passed in two consecutive sessions.

House Bill 1285 was enacted as **Pamphlet Laws Resolution No. 1 of 2017**. Voters then approved the resolution, which amended the constitution, by referendum in November of 2017.

\*\*\* **PSERS Retirement Options** -- The Senate voted 40-9 in favor of **Senate Bill 1**, which designs two new retirement options for PSERS (Public School Employees' Retirement System) and SERS (State Employees' Retirement System) members.

The legislation implements a new pension system for new state employees hired after January 1, 2019, and for new public school employees hired after July 1, 2019. The measure eliminates the current defined benefits (DB) plan.

The bill replaces this option with a side-by-side hybrid pension plan, including a DB and a defined contribution (DC) plan. Another option would be for a straight DC plan. Current employees have the option of enrolling into these two new plans. The new plans include a shared risk and shared gain component to mitigate taxpayer risk.

Certain state-employed law enforcement officers are exempt from this legislation and may continue enrollment in the previous DB plan. In addition, the bill extends the normal retirement age from 62 to 67.

The measure was prompted by Pennsylvania's multi-billion-dollar pension deficit.

The bill was enacted as **Act 5 of 2017**.

\* **"Like-Kind" Exchanges Tax Referrals** -- The Senate voted 46-4 in favor of **Senate Bill 201**, which would have amended the Tax Reform Code to allow for tax deferrals on "like-kind" exchanges.

This bill would have enacted measures similar to provisions within the Federal Internal Revenue Code to allow "like-kind" property exchanges to be eligible for tax-deferral purposes when an individual sells a property to buy another similar property. The change would have been effective at the end of 2018.

The bill died in the House Finance Committee.

\* **Forfeiture of Pension Benefits** -- The Senate unanimously approved **Senate Bill 611**, which would have amended the Public Employee Pension Forfeiture Act to retroactively forfeit the benefits of a public official or employee who has been convicted, pled guilty or no contest to crimes related to public office or employment.

Neither an appeal or collateral attack on the case would have provided for a stay in the forfeiture of benefits.

The bill died in the House Appropriations Committee.

\* **ABLE Savings Program Tax Exemption Act** -- The Senate unanimously approved **Senate Bill 677**, which would have created the Pennsylvania ABLE (Achieving a Better Life Experience) Savings Program Tax Exemption Act.

Act 17 of 2016 created the 529-ABLE Plan to encourage families to save money for disabled family members in tax-exempt savings accounts. This bill was intended to exempt undistributed earnings on an account and a rollover distribution that is tax-excluded under section 529(c) of the Internal Revenue Code and from state and local taxation. The bill would have also made account contributions deductible from the state personal income tax.

The bill died in the House Finance Committee.

\*\*\* **Capital Investment Deductions** -- The Senate approved **Senate Bill 1056** by a vote of 42-7. The bill amends the tax reform code to allow for the entire cost of capital investments to be deducted from a corporation's taxable income.

The bill became **Act 72 of 2018**.

### **Game and Fisheries**

\*\*\* **Mistaken Kill Provisions** -- The Senate unanimously passed **House Bill 359**, which places bear and elk under the mistaken kill provisions of the state Game law.

The measure imposes a \$100 restitution fine and revokes one's hunting license unless:

- the violation is the defendant's first offense;
- the defendant complied with all the procedural requirements relating to killing wildlife by mistake;
- the offense occurred during an open season within the applicable wildlife management unit;
- the defendant pleads guilty to the violation;
- the violation does not involve a threatened or endangered species;
- there were no relevant aggravating circumstances concerning the violation.

This new law also allows investigative or Game Commission enforcement officers to wear body cameras.

The bill became **Act 3 of 2017**.

\* **Fish and Boat Commission Fees** -- The Senate voted 47-2 in favor of **Senate Bill 30**, which would have empowered the Pennsylvania Fish and Boat Commission to set its own licensing fees.

Currently, fees for fishing licenses, boat registrations and titles are established by the legislature. Under the bill, licensing fee changes would have still needed to be reviewed by the legislature and brought before the public for input. The legislation would have also allowed for funds collected from Lake Erie permits to be used for projects that support public fishing at Lake Erie, Presque Isle Bay and their tributaries.

The legislation would have been in effect for three years before facing legislative renewal.

Similar legislation (Senate Bill 192) was introduced for Game Commission fees. Senate Bill 30 died in the House Game and Fisheries Committee.

\* **Using Birds of Prey to Hunt on Sundays** -- The Senate unanimously approved **Senate Bill 123**, which would have allowed for the use of falconry techniques for hunting on Sundays.

The bill would have allowed hunters to use birds of prey to hunt on Sundays. Currently, except for foxes and coyotes, Pennsylvania law forbids Sunday hunting.

The bill died in the House Game and Fisheries Committee.

\*\*\* **Circumstantial Use of Leashed Tracking Dogs** -- The Senate unanimously passed **Senate Bill 135**, which allows for the use of a leashed dog to track or assist in recovering a white-tailed deer, bear or elk that has been legally harvested or wounded.

It was previously illegal to use a dog to hunt or take big game, other than wild turkey during the fall season. It was also illegal to allow a dog – even under a person's ownership or control -- to pursue big game.

This bill does not change previous law. Senate bill 135 just allows dogs to be used in pursuit of game already harvested or wounded. Dogs are still banned from physically hunting big game.

The bill became **Act 11 of 2018**.

\* **Game Commission Fees** -- The Senate voted 47-2 in favor of **Senate Bill 192**, which would have allowed the Pennsylvania Game Commission to set its own fees. Currently fees for hunting and fur-taking licenses are established by the legislature.

The legislation would have required the Legislative Budget and Finance Committee to issue a report detailing the amount of revenue received from the fees. Licensing fee changes would have

needed to be brought before the public for open comments. All fee changes could have been reviewed by the legislature. This legislation would have been in effect for three years — and then would have needed to be renewed by the General Assembly.

Similar legislation, Senate Bill 30, was introduced for Fish and Boat Commission fees. Senate Bill 192 died in the House Game and Fisheries Committee.

\* **Fish and Boat Commission Term Limits** -- The Senate passed **Senate Bill 935** with a 34 to 16 vote. The bill would have placed an eight-year term limit on the executive director of the Pennsylvania Fish and Boat Commission.

There were no previous term limits on this position.

Opponents of the bill argued that term limits were only brought up after the current executive director threatened to reduce services in certain districts due to the legislature's failure to raise annual fees on fishing licenses.

The bill died in the House.

### **Health and Human Services**

\*\*\* **Consent of Substance Abuse Care** -- The Senate unanimously approved **House Bill 17**, which amends the state Drug and Alcohol Abuse Control Act to allow for a parent or legal guardian to provide consent over the objection of a minor when medical care or counseling is provided for substance abuse.

The bill became **Act 47 of 2018**.

**Stroke System of Care Act** -- The Senate unanimously approved **House Bill 23**, which changes the name of the Primary Stroke Center Recognition Act to the Stroke System of Care Act.

The measure also updates previous certification requirements placed on primary stroke centers. Federal certification programs have changed over the last several years. These changes have created the need for updated certification standard throughout Pennsylvania's primary stroke centers. With the new certifications, hospitals will be authorized to utilize certain medical personnel and more adequately treat patients.

This bill also enables the Department of Health to recognize or revoke a hospital's title as a comprehensive stroke center or an acute stroke-ready hospital. All certified comprehensive stroke centers and stroke-ready hospitals, certified to handle emergency situations, will be made available by the department.

The bill was enacted as **Act 4 of 2017**.

\*\*\* **"Right to Try" for Terminally Ill Patients** -- The Senate unanimously passed **House Bill 45**, known as "Right to Try" legislation, which allows terminally ill patients to use investigative medical

treatments, products, and devices that have not yet been approved by the federal Food and Drug Administration (FDA).

“Terminal illness” is defined in the bill as a disease or condition that will result in death or permanent unconscious without the receipt of life-sustaining procedures. Patients eligible to try investigative treatments must be diagnosed as terminally ill by their physician, have considered all other treatments options approved by the FDA, have been unable to participate in clinical trials of medical treatments within 100 miles of their home or have not been accepted to a clinical trial within one week of the application process, and must have received a recommendation for the investigative treatment from their physician.

If the patient receiving the treatment is a child or lacks capacity to provide consent, written consent must be provided by a legally-authorized representative or guardian on the patient’s behalf.

This bill was enacted as **Act 33 of 2017**.

**\*\*V Work Requirements for Government Assistance** -- The Senate voted 35-15 in favor of **House Bill 59**, which would have instituted work requirements for those who receive government assistance benefits.

This legislation would have required the Department of Human Services (DHS) to seek federal approval for changes that would have mandated that recipients work or actively seek work. It would have exempted disabled, pregnant, or elderly Medicaid-eligible people. The measure would have also placed appropriation limits on non-essential benefits.

Under the bill, DHS would have been required to request a waiver to receive federal funds to help provide services for people receiving treatment for substance abuse disorder at institutions for mental disease. The department would have had to seek federal financial assistance for the state’s medical assistance programs before submitting a supplemental appropriation request to the legislature.

The bill would have mandated DHS to issue a request for proposals for a total population coordinated care management pilot program in one Medicaid managed care region. The purpose of this program was aimed at increasing the use of primary and preventative medical care and decreasing the use of specialty care and emergency services.

Other new elements to the Human Services code would have included compensation for employees who are injured by persons in their care while working at DHS. This would have included their salary and medical expenses for up to three years. This legislation would have empowered a child applying for or receiving adoption assistance to appeal the amount of the adoptive subsidy awarded under the Adoption Opportunities Act.

House Bill 59 became **Veto No. 2 of 2017**. Governor Wolf stated in his veto letter that the “legislation increases costs, creates unnecessary delays and confusion, penalizes individuals who need healthcare and terminates health coverage for those who need it most.”

\*\*\* **2017-18 Administrative Code** -- The Senate voted 37-13 for **House Bill 118**, the state's 2017-18 Administrative Code.

The legislation:

- requires employees with access to federal tax information to provide federal criminal history, State Police record, or proof of eligibility to work in the U.S. and fingerprints for police and FBI background checks;
- changes the composition of the Pennsylvania commission on crime and delinquency;
- increases the cost of a certified copy of a death record from \$9 to \$20 and prohibits the Department of Human Services from charging more than \$13 for a child abuse clearance;
- allows the State Police to increase the fee for a criminal history record;
- allows the Attorney General's office to use up to one-fourth of money collected for the office's operations (not exceeding \$2.5 million annually);
- creates the Higher Education Regulatory Restricted Account. This account provides funds for administration and managing services of higher education. The bill also sets fees for services provided to colleges and authorizes the Board of Education to increase the fees if revenues are insufficient to meet expenses projected for a two-year period;
- requires the Joint Underwriting Association to transfer \$200 million in excess funds to the General Fund;
- removes the end date for the recycling fee under the "Municipal Waste, Planning, Recycling and Waste Reduction Act" and allows the money accumulated to remain in the Recycling Fund;
- allows water treatment facilities that exclusively treat water from conventional oil and gas well operations to continue operating under existing permits;
- requires the Department of Health to establish the Drug and Alcohol detoxification facilities and provide detoxification in licensed health facilities;
- specifies standards for state classification as an alternative energy source by requiring sources using solar energy to be directly delivering electricity to a retail customer or distribution company in the state; and
- reauthorizes Senior Judge Operational supports grants to assist counties with the costs of judicial administration. This legislation renews the grants through the year 2020.

House Bill 118 was enacted as **Act 40 of 2017**.

\*\*\* **Prescription of EpiPen Auto-Injections** -- The Senate unanimously approved **House Bill 126**, which allows a health care practitioner with prescriptive authority to prescribe epinephrine (EpiPen) auto-injections in the name of an authorized entity.

The measure also requires an employee or agent of the authority to complete an anaphylaxis training program as required by the Department of Health.

The bill was enacted as **Act 93 of 2018**.

\*\*\* **Rare Disease Advisory Council** -- The Senate unanimously approved **House Bill 239** which creates the Rare Disease Advisory Council.

The advisory council advises the departments on additional at-large appointments to the council to help carry out duties. The council will meet periodically, a minimum of three times a year.

Purposes of the Rare Disease Advisory Council include:

- coordinating statewide efforts for the study of rare disease in the state;
- advising the legislature and relevant state and private agencies on rare diseases; and
- coordinating with other rare disease advisory bodies and other interested entities regarding research, diagnosis and treatment of rare diseases.

Duties of the Rare Disease Advisory Council include:

- researching, collecting rare disease data and conducting comprehensive surveys of rare diseases in Pennsylvania;
- ensuring that the duties are coordinated with similar research at the federal and state level;
- researching and identifying priorities concerning the quality and cost effectiveness of and access to treatment and other services provided to individuals with rare diseases;
- identifying best practices in other states and at the national level for rare disease management;
- developing public awareness strategies; and
- creating a task force comprised of council members and others to develop a report to the state legislature.

The Rare Disease Advisory Council may apply for grant money available for rare disease programs. Within a year the council will submit a comprehensive report to the Health and Human Services committees of the House and Senate.

House Bill 239 became **Act 14 of 2017**.

\*\*\* **Electronic Prescriptions of Certain Controlled Substances** -- The Senate unanimously approved **House Bill 353**, which requires electronic prescriptions of certain Schedule II, III, IV and V controlled substances.

This bill was aimed at eliminating a major source of drug diversion by mandating controlled substance prescriptions to be electronic. If a physician uses his or her clinical judgement to prescribe an opioid, the prescription must be electronically transmitted to the pharmacy of the patient's choice.

This bill became **Act 96 of 2018**.

\*\*\* **Addition of Physician Assistants to Vital Statistics Law** -- The Senate unanimously approved **House Bill 424**, which amends the Vital Statistics Law to add physician assistants to the list of health care practitioners authorized to certify medical information for death certificates.



The bill became **Act 17 of 2017**.

\*\*\* **Outpatient Psychiatric Oversight Act** -- The Senate unanimously approved **House Bill 478**, which creates the Outpatient Psychiatric Oversight Act.

The measure requires outpatient psychiatric clinics to have a psychiatrist on site for two hours per week of psychiatric time for each full-time equivalent treatment staff member employed by the clinic.

Telepsychiatry provided by an offsite psychiatrist cannot be included in the required psychiatric time.

The bill became **Act 25 of 2018**.

\*\*\* **New Standards for Outpatient Mental Health Treatment** -- The Senate unanimously approved **House Bill 1233**, which amends the Mental Health Procedures Act to establish a new standard for assisted, outpatient mental health treatment.

This legislation defines “assisted outpatient treatment” as community-based outpatient social, medical and behavioral health treatment services ordered by a court for severely mentally disabled person. An assisted outpatient treatment plan is an individualized treatment plan ordered by a court as part of involuntary commitment. The treatment plan must be reviewed and approved by a psychiatrist or a licensed clinical psychologist prior to submission to the court.

A person who qualifies for outpatient treatment will not be subject to involuntary inpatient treatment. The procedures for initiating assisted outpatient treatment include a petition that demonstrates reasonable cause followed by a court hearing process that includes input from providers and the submission of a proposed assisted outpatient treatment plan.

A person may benefit from assisted outpatient treatment for up to 180 days if they continue to meet treatment requirements or if they are discharged from involuntary inpatient treatment.

The bill became **Act 106 of 2018**.

\*\*\* **Updated Definition of Ambulatory Surgical Facilities** – The Senate unanimously approved **House Bill 1234**, which amends the Act 48 of 1979 known as the Health Care Facilities Act by updating the definition of an Ambulatory Surgical Facilities (ASF).

The bill became **Act 70 of 2017**.

\*\*\* **Human Services Codes 2018-2019** -- The Senate unanimously approved **House Bill 1677**, which provides for the Human Services Code for 2018-2019. This includes over \$900 million to cover payments to the Medical Assistance Program and \$8 million for Supplemental Nursing Facility Payments.

The bill also provides for the Coordinated Service Delivery Pilot Program to promote and implement innovative and research-based practices to assist in the delivery of education and human services to students and their families.

The legislation authorizes a Medicaid outcome-based program to provide hospitals and managed care organizations with information to help reduce avoidable events and increase efficiency.

The bill became **Act 40 of 2018**.

\*\*\* **Maternal Mortality Review Act** -- The Senate unanimously approved **House Bill 1869**, which creates the "Maternal Mortality Review Act" and establishes the Maternal Mortality Review Committee.

The Secretary of Health will appoint committee members, including people from several academic disciplines and professional specializations within the health care community and from different geographic regions in the state.

The committee will meet at least once a year to review cases of maternal death and make preventative recommendations. These recommendations must be provided at least every three years to the secretary of health, Senate and House chairs of the Health and Human Services committees, health care providers, health care facilities and the public.

The bill became **Act 24 of 2018**.

\*\*\* **Patient Test Result Information Act** -- The Senate unanimously approved **House Bill 1884**, which created the Patient Test Result Information Act.

The law requires that notification of specific radiological test results be sent directly to the patient or patient's designee when a significant abnormality is detected.

The bill became **Act 112 of 2018**.

\*\*V **Work Requirements for Medical Assistance** -- The Senate approved **House Bill 2138** by a vote of 30-19. The bill amends the Human Services Code by mandating that certain enrollees in the medical assistance program meet specific work or work-related requirements as a condition of eligibility for health care through the medical assistance program.

The bill became **Veto #2 of 2018** by the Governor because he claimed the bill does not promote health coverage, access and treatment. The governor stated in his veto message that the bill would have increased costs, created unnecessary delays and confusion, penalized individuals who need healthcare, and terminated health coverage for those who need it most.

**\*\*\* Public Assistance Integrity Act** -- The Senate approved **Senate Bill 6** by a vote of 37-12. The bill creates the Public Assistance Integrity Act and amends the Human Services Code (Act 21 of 1967) by limiting the usage and defining “access device.”

The bill also limits benefit eligibility criteria and increases penalties for instances of willful fraud. The bill clarifies that a vehicle with a fair market value of less than \$40,000 is not considered an available resource when the difference between the fair market value and the amount owed on the purchase price of the vehicle is less than \$40,000. Also, licensed physicians are included as additional agents authorized to treat those who fail their first drug test while seeking assistance under Section 432.25.

The bill also addresses lost access devices (access cards). It requires a recipient to pay \$5 to replace the access device the first time it is requested. It requires a recipient to pay \$100 for subsequent requests if they are 64 years of age or younger. A recipient who is 65 years of age or older who requests additional replacement access cards pays \$5. The cards are issued to Medical Assistance recipients who receive cash assistance and/or food stamps as well as medical services, if eligible.

The bill became **Act 125 of 2018**.

**\*\*\* Spinal Cord Injury Research Program** -- The Senate unanimously approved **Senate Bill 31**, which helps those who suffer from spinal cord disabilities.

The Spinal Cord Injury Research program established by this bill will be funded with Tobacco Settlement Fund monies. Grants will be awarded to institutions that are working to discover new and innovate treatments and rehabilitation efforts.

The bill was signed into law as **Act 126 of 2018**.

**\* Statewide 2-1-1 System Grants** -- The Senate unanimously approved **Senate Bill 211**, which would have expanded the state’s 2-1-1 System Grant Program.

The Pennsylvania 2-1-1 system is a communication system that provides health and human services assistance in certain parts of Pennsylvania. Currently, the program is supported by private funds. This grant program would have supported the expansion of coverage to parts of Pennsylvania that have no access to the system.

The Department of Human Services would have provided funding to expand the statewide 2-1-1 system. The grant would have been used for starting an around-the-clock system throughout Pennsylvania and used to expand access to the current system through text-to-chat and other applications. The grant would have also been used to increase quality assurance standards.

The bill died in the House Health Committee.

**\* Carbon Monoxide Alarms in Child Care Facilities** -- The Senate unanimously approved **Senate Bill 439**, which would have provided for standards for carbon monoxide alarms in child care facilities and imposed penalties for failing to comply with the prescribed standards.

The bill died in the House Health Committee.

\* **Orders for Life-Sustaining Treatment** -- The Senate passed **Senate Bill 623** by a vote of 47-1. The bill would have formalized and further defined laws on Pennsylvania orders for life-sustaining treatment.

The orders convert an individual's end of life wishes regarding health care into a medical order that apply across all health care settings. The bill would have ensured that individuals have access to a form allowing them to state their wishes. Instructions would have clearly stated what a patient may or may not request (such as prohibiting suicide or euthanasia).

The bill died in the House Health Committee.

\* **Safe and Effective Opioid Prescribing Advisory Council** -- The Senate unanimously approved **Senate Bill 655**, which would have established the Pennsylvania Safe and Effective Opioid Prescribing Advisory Council. Responding to the state's opioid overdose crisis, the council would have examined and made recommendations regarding safer opioid prescribing and dispensing practices.

The bill died in the House Health Committee.

\* **Home Health and Living Center Services Under Medical Assistance** -- The Senate unanimously approved **Senate Bill 912**, which would have created a "deemed eligible" program for home care, home health and older adult daily living center services under Medical Assistance.

If a home care agency deemed an individual eligible for medical assistance, he or she would have received home care services, home health services and older adult daily living center services as soon as a preliminary plan was developed. The Department of Human Services would have made a final determination on the eligibility of a medical assistance applicant. Medical Assistance payments would have been authorized for the first 60 days of services provided during the period of presumed eligibility.

The bill died in the House Health Committee.

\*\*\* **Home Health Disposal of Prescription Drugs** -- The Senate unanimously approved **Senate Bill 978**, which allows a home health or hospice agency to safely dispose of unused prescription medications following the death or discharge of a patient.

Before disposing of the drugs, the agency personnel must receive permission from the patient, patient's family member, caregiver, or health care representative. Items must be safely disposed of in accordance with guidelines set by the federal FDA (Food and Drug Administration).

The bill became **Act 69 of 2018**.

\* **Declaration of Public Health Emergencies** -- The Senate unanimously passed **Senate Bill 1001**, which would have given the Department of Health authority to declare public health emergencies for 90 days.

Such declarations could have only been extended by the Secretary of the Department of Health. The bill would have also provided the definition and criteria for what constitutes a public health emergency. Trained, licensed, or certified public health workers would have been authorized to administer treatment during a public health emergency as a necessary means to prevent and control the spread of a disease.

The bill died in the House Health Committee.

\* **Interbranch Commission on Child-Welfare** -- The Senate unanimously approved **Senate Bill 1087**, which would have created the Interbranch Commission on the Child-Welfare system act. The commission would have consisted of the Auditor General and six members appointed by the Chief Justice of the state Supreme Court, five members appointed by the Governor, four members appointed by the majority and minority leaders of each chamber of the legislature and the deputy secretary for the Office of Children, Youth and Families in the Department of Health.

The commission would have undertaken a joint non-criminal investigation and review of the child-welfare system and would have made recommendations to the governor, legislature and Supreme Court within two years.

The bill died in the House Health Committee.

\* **Improved Access to Rural Hospitals** -- The Senate unanimously approved **Senate Bill 1237**, which would have addressed the need for improved access to hospitals in rural areas.

The state created a Rural Health Program designed to address some of the problems many rural hospitals face. The program addresses payment plans, reimbursements, expansion of community health services, and the need for behavioral health and substance abuse programs. This bill would have set up a Rural Health Redesign Center to oversee and assist in these improvements.

The bill died in the House Health Committee.

### **Judiciary**

\*\*\* **Child Abuse Criteria for PFAs** -- The Senate unanimously approved **House Bill 44**, which amends the "Protection from Abuse" law to provide the court with information regarding whether the defendant has been involved in a child abuse investigation.

The bill was signed into law as **Act 92 of 2018**.

\*\*\* **Recording Devices at Prisons** -- The Senate unanimously approved **House Bill 149**, which prohibits the use of a device to capture, record, transmit or broadcast a photograph, video, motion picture or audio of a proceeding or person within or near a judicial facility without the approval of a judge or presiding officer.

The bill became **Act 94 of 2018**.

\*\*\* **Jurisdiction of Juvenile Cases** -- The Senate unanimously approved **House Bill 159**, which clarifies that a minor's failure to comply with a summary offense sentence constitutes a "delinquent act." This clarification ensures that the juvenile courts retain jurisdiction over enforcement of such cases.

The legislation was prompted by a change in the court of common pleas computer system. The system, called the Common Pleas Case Management System (CPCMS), was modified in 2017 to include a "delinquency module," putting juvenile courts on the same system as the courts of common pleas.

Under the new computer system, the failure of a juvenile to comply with a sentence arising from a summary conviction – typically, failing to pay a fine – could not be listed as a "chargeable offense." Due to some statutory ambiguities, some judges and administrators claim they lacked the authority to simply create the necessary "chargeable offense" within the system. Specifically, it was not sufficiently clear that failure to pay the fine was a separate offense, a contempt; nor was it sufficiently clear that this contempt was within the ambit of a "delinquent act" -- which triggers the jurisdiction of the juvenile court. This bill addresses the issue by clarifying both points.

The bill was signed into law as **Act 49 of 2018**.

\*\*\* **Stolen Valor** -- The Senate unanimously passed **House Bill 168**, which makes it illegal for someone to misrepresent a person's military service or honors to benefit themselves.

This bill makes it a third-degree misdemeanor to falsely present oneself as a member of the military, veteran or recipient of any military-related award to obtain money, property or other benefits.

The bill was enacted as **Act 9 of 2017**.

\*\*\* **Paycheck for Decedents** -- The Senate unanimously approved **House Bill 203**, which increases the maximum amount of an individual's final paycheck that can be left to a decedent.

The previous law allowed for an employer to leave up to \$5,000 in wages and benefits to a deceased employee's decedents, spouse, sibling or parent. This measure increases the allowable amount to \$10,000.

The bill was enacted as **Act 41 of 2017**.

\*\*\* **Endangering Children** -- The Senate unanimously passed **House Bill 217** which makes it a first-degree misdemeanor to endanger children.

Tougher penalties apply if the conduct:

- is part of a pattern of harassment (third-degree felony);
- creates a substantial risk of death or serious bodily injury to the child (third-degree felony); and
- is both part of a pattern of harassment and creates a substantial risk of death or serious bodily injury (second-degree felony).

The offense increases one grade if the child is under six-years-old. This legislation also deems that courts should consider ordering counseling for persons convicted of offenses under this section.

The bill was enacted as **Act 12 of 2017**.

\*\*\* **Stealing Metal** --The Senate voted 45 to 4 for **House Bill 267**, which adds a section on the “theft of secondary metal” to the state crimes code.

The measure makes it a crime to steal secondary metals such as wire, pipe used in utilities, railroads and other transit agencies as well as copper, aluminum and other metals used for recycling or reuse as raw material.

It defines the grading of the offense based on the value of the metal:

- When the value of metal is less than \$50, the offense is a third-degree misdemeanor;
- When the value of the metal is between \$50 – \$200, it is a second-degree misdemeanor;
- When the value of the metal is between \$200 – 1,000, is a first-degree misdemeanor;
- When the value of the metal is \$1,000 or more, it is a third-degree felony; and
- When the offense is a third or subsequent offense, it is a third-degree felony regardless of the value of the metal.

This bill was signed into law as **Act 8 of 2017**.

\*\* **Parole Reforms** -- The Senate voted 48-1 for **House Bill 285**, which would have amended the Judicial Code on the collection of restitution, fees, costs and fines by a correctional facility.

The bill would have renamed the State Intermediate Punishment program as the “State Drug Treatment Program.” Under certain conditions, it would have given the Department of Corrections or a judge the discretion to place an eligible offender in the program.

The bill also would have established new authority to grant short sentence parole. Short sentence parole allows the Pennsylvania Board of Probation and Parole to automatically approve parole without an interview on the eligible person’s minimum sentence date. Short sentence parole would not have applied to those found guilty of a major disciplinary infraction while in jail or someone facing a pending felony charge or outstanding felony arrest warrant.

The bill would have empowered the board to imprison a technical parole violator for seven days or less under certain conditions. Parole hearings, under the bill, could have been carried out via videoconferencing or similar technology.

The bill would also have enabled the Pennsylvania Commission on Sentencing to adjust current sentencing guidelines to include risk-related considerations such as incapacitation of serious violent offenders, modification to criminal history to reflect risk to reoffend and risk to public safety as a factor to adjust the length of confinement for a more serious criminal history, and recommendations related to intermediate punishment programs as a condition of probation.

Many of the bill components were also contained in Senate Bill 1071. House Bill 285 died in the House.

\*\*\* **Adverse Possessions** -- The Senate unanimously approved **House Bill 352**, which reduces the number of years of possession (from 21 to 10 years) required for adverse possession actions for property that is less than a half-acre and contains a single-family dwelling.

An individual must begin a quiet title action and provide notice to the respondent. The owner of the property has one year to respond by beginning an action against the possessor.

The bill became **Act 34 of 2018**.

\*\*\* **Sexual Exploitation** -- The Senate unanimously approved **House Bill 561**, which eliminates the sunset provision of administrative subpoenas in investigations involving child sexual exploitation or abuse circumstances. The provision was previously set to expire at the end of 2017.

The bill was enacted as **Act 67 of 2017**.

\*\*\* **ARD for Sexual Offenses** -- The Senate unanimously approved **House Bill 594**, which prohibits a prosecutor from agreeing to Accelerated Rehabilitative Disposition (ARD) for defendants charged with certain sex offenses against children.

These offenses include rape, involuntary deviate sexual intercourse and aggravated indecent assault

The bill became **Act 50 of 2018**.

\*\*\* **Sex Offender Registration** -- The Senate unanimously approved **House Bill 631**, which makes changes to registration, reporting and counseling requirements for sex offenders. The legislation also requires courts to impose a three-year probation period to any offenders convicted of a Tier 3 sex offense.

In 2017 the state Supreme Court ruled the Sexual Offender Registration and Notification Act (SORNA) unconstitutional because it violates protections against ex post facto laws. House Bill 631 eliminates gaps in reporting requirements for sexual offenders whose prior requirements were invalidated. The legislation also responds to the court ruling by making some provisions less punitive, including:

- Allowing for an offender to petition for exemption from registration requirements after 25 years; and
- Permitting an offender who has not, within a three-year period, been convicted of an offense punishable by imprisonment of more than one year, to register annually by telephone.

The measure applies to offenders who committed their offense on or after April 22, 1996, but before December 20, 2012, and whose registration period has not expired. This is in direct response to the court's decision and will only include offenders whose registration period has not yet begun due to incarceration or because the offender absconded. Other changes to the invalidated law will:

- remove a conviction for interference with custody of children as a specified offense if the offender is a parent, guardian or lawful custodian; and
- limit the number of residents in a group-based home who are subject to sexual offender registration to no more than five individuals

This bill was signed into law as **Act 10 of 2018**.

\*\*\* **Alimony** -- The Senate approved **House Bill 983** by a vote of 46-3. The bill amends the Domestic Relations Code (Title 23) to prohibit alimony pendente lite in certain cases.

Pendente lite is a temporary financial support arrangement, from one spouse to another, which occurs throughout divorce proceedings. The bill disallows alimony for pendente lite or spousal support in situations where it benefits a party who has been convicted of a personal injury crime against the other party.

The bill became **Act 102 of 2018**.



\*\*\* **Neglect and Abuse of Care-dependent People** -- The Senate unanimously approved **House Bill 1124**, which expands the offense of neglect of a care-dependent person to include endangering the welfare of a care-dependent person for whom the defendant is responsible for.

The legislation also creates the new crime of abuse of a care-dependent person. This applies to caretakers who commit physical abuse, emotional abuse and/or stalking against a care-dependent person.

The bill was signed into law as **Act 53 of 2018**.

\*\*\* **Abandoned Babies** -- The Senate unanimously approved **House Bill 1139**, which amends the Newborn Protection Act to allow a parent to leave a newborn child in the custody of an emergency services provider.

Previously, parents were only authorized to leave a newborn with a police officer at a police station or in the care of a hospital. The law provides additional alternatives for mothers who plan on abandoning their newborn child.

The measure also allows a parent to also leave their newborn in the custody of an emergency services provider facility. An emergency services provider would be responsible for ensuring the newborn is taken to a hospital or placed in the care of a health care provider.

The bill adds provisions for a newborn to be left in an incubator. This incubator would need to be able to be accessed by the police or emergency personnel within 30 seconds of a parent leaving their child there.

The bill was enacted as **Act 68 of 2017**.

\*\*\* **Rescuing Animals** -- The Senate unanimously approved **House Bill 1216**, which provides conditional civil immunity to law enforcement officers, animal control officers, humane society police officers, and emergency responders for any property damage resulting from entering a motor vehicle to rescue a cat or dog.

It also expands the offense of "neglect of animal" by providing that a person commits the offense when the person fails to provide for the "basic needs" of the animal.

The bill became **Act 104 of 2018**.

\*\*\* **Animal Cruelty** -- The Senate unanimously passed **House Bill 1238**, which revamps provisions on animal cruelty concerning neglect, cruelty and aggravated cruelty.

This bill creates additional outlines for tethering an unattended dog. Dogs should not be tethered outdoors for nine hours or more within a 24-hour period. Tethered dogs must have access to water and shade and cannot be tethered longer than 30 minutes in temperatures above 90 degrees.

This legislation also protects from civil liability veterinarians who report suspected animal cruelty.

This bill was enacted as **Act 10 of 2017**.

\*\*\* **Misuse of Drones** -- The Senate unanimously approved **House Bill 1346**, which regulates the use of drones. It will now be a crime to use a drone to spy on another person or fly it in a way that endangers someone.

The bill creates exceptions for certain government employees, law enforcement officials, first responders and utility company employees who use drones while doing their job. The bill also creates a state preemption over local ordinances on drone use.

The bill was signed into law as **Act 78 of 2018**.

\*\*\* **Clean Slate** -- The Senate unanimously approved **House Bill 1419**, which allows individuals who were convicted of an offense punishable by one or more years in prison and have completed all court-ordered obligations to petition the courts to restrict the dissemination of that history to limited circumstances.

The bipartisan “clean slate” measure gives low-level, non-violent offenders a way have their records sealed from public view, thus lessening barriers that can block successful re-entry into society.

This applies to records of the following offenses:

- misdemeanor of the second degree;
- misdemeanor of the third degree;
- misdemeanor offense that is punishable by imprisonment of two years or less;
- summary offenses; and
- records pertaining to charges that resulted in final disposition other than conviction.

To qualify, one must be free for 10 years from any offense punishable by imprisonment and paid their required fines and restitution.

Court and law enforcement records concerning children shall not be disclosed unless the child was 14 years or older when adjudicated delinquent on specific serious offenses.

The bill became **Act 56 of 2018**. A Senate version (Senate Bill 529) of the bill died in committee.

\*\*\* **Grandparent Guardianship** -- The Senate unanimously approved **House Bill 1539**, which allows a grandparent of a child, or other family member related to the child, to petition a court of common pleas for temporary guardianship when a parent of that child has entered a rehabilitation facility for addiction treatment or received emergency medical intervention due to abuse of drugs or alcohol.

The bill became **Act 88 of 2018**.

\*\*\* **Arbitration Agreements** -- The Senate approved **House Bill 1644** which establishes collaborative law participation agreements that outline the process by which affected parties resolve matters. These agreements are written and signed by all parties.

The legislation also provides for the Revised Statutory Arbitration Act, which allows for judicial relief motions that allow a court’s refusal to compel or stay arbitration based on the signed agreement.

The bill became **Act 55 of 2018**.

\*\*\* **Police Jurisdiction** -- The Senate unanimously approved **House Bill 1738**, which gives non-municipal police officers the authority of a municipal police officer while outside of their territorial boundaries under certain circumstances.

This includes responding to an act that presents an immediate, clear and present danger to persons or property and to assist local, state and federal law enforcement officials.

The bill became **Act 57 of 2018**.

\*\*\* **Wills and Estates** -- The Senate unanimously approved **House Bill 1885**, which grants a register of wills the authority, after examining the inventory of an estate or an inheritance tax return, to require a personal representative to post additional security.

Such additional security will not be required, however, if the personal representative obtains a waiver from all parties in interest to the estate. In that case, the register will be released from any liability that would otherwise arise from requiring insufficient security. If the register orders a personal representative to post additional security and the representative fails to do so without obtaining all necessary waivers, the register shall refer the matter to the court for enforcement.

The bill was amended in the Senate to provide that a waiver of any party in interest to the estate must be on a form setting forth information about the estate and signed under penalty of unsworn falsification. The Senate amendatory language also states that nothing in that section of the law may be construed as creating any liability on the part of a register for failing to require additional security.

The bill became **Act 113 of 2018**.

\*\*\* **Guardian Reports** -- The Senate unanimously approved **House Bill 1886**, which provides for notification to courts when guardians fail to file required reports.

The bill also requires the clerk of the orphans' court to transmit to the court a list of guardians who are delinquent at least 30 days in filing required reports. This will enable the court to take appropriate enforcement action against such guardians.

Additionally, the bill requires the court to develop a procedure to examine the annual reports to ensure that the guardians are acting in the best interests of incapacitated persons.

The bill became **Act 114 of 2018**.

\*\*\* **"Skimmers"** -- The Senate unanimously approved **House Bill 1918**, which establishes the crime of possession and use of unlawful devices.

Any intent to defraud someone by knowingly possessing, selling or delivering a device that is designed to read and store payment card information other than for processing the information for a financial transaction is a violation. This includes devices that encode information from a payment card to a different card.

A first offense is graded as a third-degree felony. A second or subsequent offense is a second-degree felony.

The bill was signed into law as **Act 60 of 2018**.

\*\*\* **Fiscal Code** -- The Senate voted 44-5 in favor of **House Bill 1929**, the state's 2018-19 Fiscal Code.

The fiscal code is used to implement the state's 2018-19 budget. The measure also implements the \$100 Keystone Scholars Grant Program; tightens unclaimed property notification requirements; increases the General Fund surplus transfer to the state's "Rainy Day Fund" from 25 to 50 percent; and provides authorization for numerous grant and loan funding programs.

The measure was enacted as **Act 42 of 2018**.

\*\*\* **Restricting Sale of DXM** -- The Senate unanimously approved **House Bill 1951**, which amends Title 18 (Crimes Code) by prohibiting the sale of dextromethorphan (DXM) to minors.

DXM is an ingredient in more than 125 nonprescription cough and cold medications, including forms of Robitussin, Coricidin and Vicks. Cough and cold medications containing DXM are popular among teenagers and young adults looking for a high.

The bill became **Act 116 of 2018**.

\*\*\* **Registering Sex Offenders** -- The Senate unanimously approved **House Bill 1952**, which creates a new law for the registration of sexual offenders.

The measure eliminates gaps in reporting requirements for persons whose prior requirements may have been invalidated when the state Supreme Court ruled that the Sexual Registration and Notification Act (SORNA) violated constitutional protections against ex post facto laws.

The new law expands the group of former offenders who are criminally liable if they fail to register, receive counseling and report. It also allows a person who files a petition for exemption from filing requirements to file successive petitions seeking exemption every five years thereafter. Sexually violent predators must undergo more frequent verification, and individuals with temporary housing must provide verification and register every 30 days.

House Bill 631 (Act 10 of 2018) also addressed many of the court's issues.

House Bill 1952 became **Act 29 of 2018**.

\*\*\* **Instruments Under Seal** -- The Senate unanimously approved **House Bill 1979**, which eliminates a sunset provision on the requirement that an action upon an instrument in writing under seal must be commenced within 20 years.

This action applies to instruments under seal that expire in 2018, thus allowing them to remain under seal. This bill pertains to civil actions and is a useful tool in business and commercial financial transactions.

The bill became **Act 46 of 2018**.

\*\*\* **Firearm Limits** -- The Senate Approved **House Bill 2060** by a vote of 43-5. The legislation places more stringent rules on certain offenders who aren't allowed to possess a firearm.

This bill requires a person to relinquish their firearms if they are convicted of domestic violence or are issued of a protection from abuse order within 24 hours of their conviction. They are to turn over their guns to law enforcement or face further penalties. Previously, the law allowed family members and neighbors to take possession of such prohibited firearms.

The bill was signed into law as **Act 79 of 2018**.

\*\*\* **Guns at Prisons** -- The Senate unanimously approved **House Bill 2476**, which allows state employees to carry and store a lawfully-owned handgun and ammunition in a vehicle at a state correctional institution.

The bill became **Act 123 of 2018**.

\*\*V **Dismemberment Abortion** -- The Senate voted 32-18 in favor of **Senate Bill 3**, which would have amended the Abortion Control Act to provide for the definition of "dismemberment abortion."

The bill would have reduced the gestational limit for abortions from 24 weeks to 20 weeks and prohibited dilation and evacuation methods from being used to terminate a pregnancy. This method of pregnancy termination could have still been used in limited circumstances.

The 20-week limitation would not have been applicable if a doctor determined that the life of the pregnant woman was at risk or major bodily function harm could occur. In addition, a dismemberment abortion could not have occurred under 20 weeks if the physician performing the abortion determined that the procedure was necessary to prevent the death of the pregnant woman or prevent the loss of her major bodily functions.

Violators could have been charged with a third-degree felony. One would not have been liable for attempting to perform a dismemberment abortion if they were: the female patient having the procedure; or a nurse, technician, secretary or receptionist acting under the direction of a physician; or a pharmacist providing materials for the procedure under direction from the physician.

In vetoing the bill, the governor stated, "This legislation is a disingenuous and bald-faced attempt to create the most extreme anti-choice legislation in the country. This legislation is an attempt to criminalize the decisions that women make about their own health care, and this legislation destroys health care options for victims of the horrors of rape and incest. For these reasons, I am vetoing this bill today."

\*\*\* **Forfeiture of Property Used for Terrorism** -- The Senate voted 39-10 in favor of **Senate Bill 8**, which amends property forfeiture law to add in provisions for forfeiture procedures on the confiscation of items associated with terrorism.

The bill amends Title 18 concerning acts of foreign and domestic terrorism. Property used by an entity to plan or perpetrate an act of terrorism is subject to forfeiture. If the property is in violation of the Controlled Substance Act and related to a terroristic act, the property may be immediately seized by law enforcement and is no longer subject to property rights. The measure provides an increased burden of proof on the state to legally take the property. The bill also specifies circumstances where property is to be returned to its original owner.

The bill was enacted as **Act 13 of 2017**.

\* **Abusing Horses** -- The Senate unanimously approved **Senate Bill 69**, which would have amended a portion of the Crimes Code to establish "Cordelia's Law."

The measure would make abusing horses a first-degree misdemeanor under the animal cruelty laws. It's currently a first-degree misdemeanor for the killing, torturing or maiming of cats and dogs. This bill would add horses to that list.

The bill died in the House Judiciary Committee. However, the legislation was amended into House Bill 1238 and enacted as Act 10 of 2017.

\* **Protecting Free Speech** -- The Senate voted 43-7 in favor of **Senate Bill 95**, which would have provided immunity for constitutionally protected communications.

The bill sought 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 they stemmed from constitutionally protected communications. If the individual or organization

defending the civil case prevailed and the case were dismissed, the defendant would have been entitled to repayment for all damages and costs associated with the case.

In the previous session, similar legislation was passed by the Senate. Supporters claimed there had been an increase in court cases regarding companies and individuals giving their opinions to support a public interest or regulation. In several instances, businesses filed suit against these people to “to deter or silence critics” from expressing their view. For example, a person providing an on-line opinion about a business, service or product was often subject to these kinds of suits.

The bill died in the House Judiciary Committee.

**\*\* Anatomical Gifts** -- The Senate unanimously approved **Senate Bill 108**, which would have updated the law on the circumstance for executing anatomical gifts.

The legislation was designed to prevent discrimination against individuals with disabilities. It would have prevented an individual from being considered ineligible because of a physical or mental disability — except for circumstances where their disability was found to be “medically significant to the provision of the anatomical gift.” The individual would also have needed to have the “necessary support system” to be eligible for an anatomical gift.

Following House amendments, the bill died when it returned to the Senate.

**\* Visiting the Incapacitated** -- The Senate unanimously approved **Senate Bill 113**, which would have addressed the rights of incapacitated person, specifically relating to visitation.

Called “Peter Falk’s Law,” the bill would have prevented a guardian from restricting the visitation and communication rights of an incapacitated person. The measure would have presumed that if the incapacitated person could not express consent, the consent would defer to the incapacitated person’s previous interaction and relationship history with the visitor.

Late in life, actor Peter Falk developed Alzheimer’s disease. He was allegedly isolated from his family and friends by his second wife who was his court-appointed conservator (guardian). In that role, she allegedly prevented Falk’s daughter and friends from visiting him, did not notify them of changes in his health and failed to notify them of his death in 2011.

The bill would also have allowed a guardian to petition the court to restrict the visitation of certain visitors and added circumstances for supervised visitation with certain individuals.

The bill died in the House Judiciary Committee.

**\*\*\* Organ Donation** -- Lawmakers unanimously passed **Senate Bill 180**, the “Donate Life PA Act,” which provides more access to organ donation, including tissue donation, as well as public education about the donation process and the importance of organ donation.

According to advocates, Pennsylvania was a leader in denying the use of organs, with denials often involving people who were on life support and had registered as organ donors. Bill advocates claim the denials often happened because a county coroner insisted that a body or organ was needed for a criminal investigation.

The bill marks the first major update to Pennsylvania’s organ transplant law in 25 years and puts Pennsylvania among 48 states which adhere to the Uniform Anatomical Gift Act, which standardizes practices so all available organs end up reaching people in need.

While more than 7,500 Pennsylvanians are on a transplant waiting list, only about 50 percent of state residents are signed up as organ donors.

The bill was enacted as **Act 90 of 2018**.

\* **Crime Victims at Trials** -- The Senate unanimously approved **Senate Bill 189**, which would grant crime victims the right to attend criminal trials unless the court determines that the victim's testimony would be altered if he or she heard other testimony in the proceeding.

The legislation requires the court to allow the victim the fullest attendance possible and to state on the record the reason for any exclusion.

The bill died in the House Judiciary committee.

\* **Monitoring PFA Defendants** -- The Senate unanimously approved **Senate Bill 196**, which would allow a judge to require a defendant to wear an electronic monitoring device if he or she is a risk for violating a protection from abuse (PFA) order.

The bill would allow a judge to also place location restrictions and distance restrictions on those who are required to wear the monitoring device.

The bill died in the House Judiciary Committee.

\*\*\* **More Judges** -- The Senate unanimously approved **Senate Bill 222**, which increases the number of judges in some judicial districts and reinstates the senior judge operational support grant program that sunset in 2017.

The bill adds one new judge to common pleas courts in: Bucks, Cumberland, Delaware, Washington and Wayne counties. Montgomery County gets two additional judges.

The new judges will be elected in 2019 and take their place on the court by January 2, 2020. The new judgeship in the Ninth Judicial District takes effect on January 6, 2020 and the new judgeship for the 22nd Judicial District is January 3, 2022.

The bill was enacted as **Act 49 of 2017**.

\*\*\* **Victims Services Advisory Committee** -- The Senate unanimously approved **Senate Bill 260**, which adds members to the Victim Services' Advisory Committee (VSAC).

The VSAC is overseen by the state Commission on Crime and Delinquency. It advises the commission and assists the commission's Office of Victim Services to develop a plan relating to victims' services and compensation. The committee meets at least four times each year.

Under the measure, the following members will be added to the VSAC:

- A male and female crime victim;
- an official from an area agency on aging;
- a representative from the PA Coalition Against Domestic Violence;
- a representative from the PA Coalition Against Rape;
- a representative from the PA Chapter of Children's Advocacy Centers and Multidisciplinary Teams;
- someone from the court-appointed Special Advocates Association;
- a representative from a county children and youth agency;
- a representative from a prosecution-based victim witness program;
- someone from a victims' service advocacy organization;
- a disabilities advocate;
- mental health treatment advocate;

- a member of the courts and county government; and
- A representative from a children's advocacy center or victims' services agency working directly with the victims of human trafficking.

The VSAC was previously comprised with the secretaries of Aging, Corrections, and Human Services, and State Police commissioner.

The bill was signed into law as **Act 51 of 2018**.

**\*\* Child Sex Abuse Statute of Limitations** -- The Senate unanimously approved **Senate Bill 261**, which would have amended the Judicial Code to make changes to the criminal and civil laws of limitations for child sexual abuse.

The bill would have allowed an individual to bring civil charges from childhood sexual abuse if he or she was under 18 at the time of the abuse. Currently, a person has 12 years after they turn 18 to pursue civil charges. This bill would have changed the statute to 32 years after the age of 18. A civil charge would not have needed to be associated with a criminal charge against the perpetrator.

The legislation also added circumstances for which no statute of limitations would have applied. These would have included: 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 also would have added criminal punishments for those who knew of the sexual abuse, conspired with the perpetrator or committed negligence.

The bill was identical House Bill 1947 from the previous session. After the House amended Senate Bill 261, it died when it returned to the Senate.

**\* Shared Phone Services for Abuse Victims** -- The Senate unanimously approved **Senate Bill 313** which would have enabled domestic abuse victims with protection from abuse (PFA) orders to quickly get out of shared cell-phone contracts.

Bill supporters claimed that access to a reliable, and secure cellular phone is critical to domestic violence victims. They said abusers will often arbitrarily terminate their victim's phone service, or worse yet, use the joint plan to track down their victim. Senate Bill 313 would have empowered wireless companies to protect a victim's phone service while quickly cutting the contractual tie.

In the case of the wireless account belonging to the defendant, a separate order would have been sent to the wireless provider. The plaintiff would have assumed financial responsibility once their number was transferred to their own account.

The bill died in the House Judiciary committee.

**\* Adverse Property Possession** -- The Senate unanimously approved **Senate Bill 434**, which would have changed the regulations for claiming title to real property by adverse possession.

The legislation would have allowed for adverse possession after 10 years of actual, continuous, exclusive, visible, notorious, distinct and hostile possession of real property. The bill would not have applied to common interest and government-owned properties. It also would not have superseded municipal codes and zoning ordinances.

Adverse possession claims could also have included contiguous lots that have been used regularly as part of the real property for at least 10 years if the total area does not exceed a half-acre combined with the real property.



To make an adverse possession claim, an individual would have needed to complete a quiet title action. This provides notice to the record owners, their heirs, successors, and assigns on a form approved by the rule of the Pennsylvania Supreme Court. If the court ruled in favor of the owner, it would have disposed of the quiet title action.

If no ejectment action is filed and served within a year, the adverse possession claim could have been granted. The adverse possession acquisition would not have nullified any easements, profits, covenants, mortgages, liens, judgements and leases that run with title to the property.

The bill died in the House Judiciary Committee.

\*\*\* **Risk Assessment Tools** -- The Senate unanimously approved **Senate Bill 449**, which allows for the use of a risk assessment tool during domestic violence arraignments.

The tool can be used to evaluate the risk of a defendant assaulting the victim while on bail. The Sentencing Commission must develop a risk assessment tool that is free from racial or economic bias. It must also publish a report with validation criteria before the tool can be used.

The bill was enacted as **Act 14 of 2018**.

\* **DNA Evidence Testing** -- The Senate unanimously approved **Senate Bill 461**, which would have modernized the use of DNA collection and testing as evidence in criminal investigations.

The bill would have made changes to the statewide DNA database maintained by the State Police for storing forensic DNA profiles and records. The State Police oversee regulations and guidelines surrounding the collection and submission of collected DNA samples.

The bill would have added homicide, sexual offense, felonies, and certain violent crimes to the list of criminal offenses that mandate the collection of DNA data. One's DNA could have been removed from the database by court order, or if it was included by mistake.

The bill died in the House Judiciary Committee.

\* **Crime and Gambling Disorders** -- The Senate unanimously approved **Senate Bill 496**, which would have allowed the courts to evaluate a person convicted of criminal trespass to determine if the offender has a gambling disorder and needs counseling or treatment as part of sentencing.

This would have applied to cases in which the person's name is included on a casino's self-exclusion list and the offense was committed at that facility. The person could also have been evaluated if they were admitted to a ARD (Accelerated Rehabilitative Disposition) or other pre-trial diversion program.

The evaluation would have been conducted by the county's drug and alcohol authority.

Senate Bill 496 died in the House Judiciary Committee.

\*\*\* **Prison Board of Inspectors Meetings** -- The Senate unanimously approved **Senate Bill 499**, which reduces the mandated number of meetings that the board of inspectors for county prisons in rural eighth class counties (Cameron, Forest, Fulton, Montour, Potter and Sullivan) is required to hold.

The board in an eighth class will be required to meet quarterly, rather than monthly.

The bill was signed into law as **Act 63 of 2018**.

\* **Protecting Crime Victims** -- The Senate unanimously approved **Senate Bill 500**, which would have made police available to protect victims before, during and after protection orders are served.

The bill died in the House.

\* **Securing Firearms from Defendants** -- The Senate unanimously approved **Senate Bill 501**, which would have reformed the process for third-party safekeeping for domestic violence defendants who are ordered by the court to relinquish their firearms.

The bill would have: required defendants to relinquish all firearms, other weapons and ammunition if they are under a PFA order; eliminated the third party safe-keeping provision for firearms in Pennsylvania's PFA Act; and required that a defendant convicted of a misdemeanor- domestic violence crime turn in their firearms to law enforcement within 24 hours of the conviction.

The legislation would have re-graded the crime of failing to relinquish a firearm (under PFA orders) from a first-degree misdemeanor to second degree. This bill also would have expanded the time period to relinquish firearms from 24 to 48 hours.

The bill would have allowed an immediate family member of an individual who has relinquished firearms to petition a court to transfer the guns to that family member.

The bill died in the House Judiciary committee.

\* **Extending PFAs** -- The Senate unanimously approved **Senate Bill 502**, which would have allowed courts to extend Protection from Abuse (PFA) orders for up to 90 days after the abuser is released from prison.

This bill died in the House Judiciary Committee.

\* **Threatening Officers** -- The Senate unanimously approved **Senate Bill 510**, which would have provided new penalties for threatening a law enforcement officer or sheriff.

The bill would have made it a third-degree felony to threaten to kill or seriously injure an officer or sheriff. Repeated offenders would have faced a second-degree felony. To be convicted, the offender must have known that their target is a law enforcement officer.

The bill died in the House Judiciary Committee.

\* **Combining Agencies** -- The Senate voted 38-12 in favor of **Senate Bill 522**, which would have combined the Department of Corrections and the Board of Probation and Parole to become one agency entitled the Department of Corrections and Rehabilitation.

The bill would have renamed the Board of Probation within the new department to be called the Pennsylvania Parole Board. The board would have no longer set the statewide standards for parolee supervision, investigations and reports. The board would also no longer oversee collecting statistics on probation and parole. The board would have established conditional parole conditions and been allowed to set regulations for general conditions of supervision.

The new department would have taken on the mentioned tasks that the board previously performed. The department would have overseen 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 would have also been authorized to create a parole violator center to assist re-entering parolees.

The bill died in the House Judiciary Committee.

\* **Clean Slate for Offenders** -- The Senate unanimously approved **Senate Bill 529**, which would have required that nonviolent misdemeanor convictions be sealed after an individual is crime-free for 10 years.

This legislation would have given individuals a “clean slate” by expunging their records after they served their sentence. Provided for in the bill were a list of crimes that would not be expunged, such as assault, sexual offenses and offenses relating to firearms. Details of crimes sealed under the bill would not have needed to be disclosed for the exception of conflicts with federal law.

In cases where someone is charged, but not convicted, the record would have been sealed after 60 days.

Criminal justice agencies would have been required to restrict access to eligible criminal records within 30 days of their eligibility. The Administrative Office of Pennsylvania Courts would have been required to update agencies of eligible expungement cases. An expungement reversal could only have occurred if an individual were convicted of a subsequent misdemeanor or felony.

The bill died in the House Judiciary Committee. However, the House version of the legislation (House Bill 1419) was enacted.

\*\*\* **Safe Harbor for Sexually Exploited Children** – The Senate unanimously voted for **Senate Bill 554**, which requires the Department of Human Services to establish a set of statewide protocols to provide specialized services for sexually exploited children.

Such children are the victims of sexual servitude or sex trafficking by use of force, fraud or coercion.

DHS must work with county agencies to develop programs that address the needs of exploited children, including housing, education, employment and life skills, case management, health care substance abuse treatment, clothing and other needs. The bill requires the Municipal Police Education and Training Commission (MPOETC) to train police officers to identify, interview and assist child victims.

The bill establishes a safe harbor fund that will use \$5,000 fines against those who engage in human trafficking, sexual slavery, patronizing sex abuse victims or those who promote prostitution of minors.

Minors who have been sexually exploited themselves are immune from prosecution concerning prostitution and other related offenses.

The bill was signed into law as **Act 130 of 2018**.

\*\*\* **Recording Law Enforcement Officers** -- The Senate voted 49-1 in favor of **Senate Bill 560**, which expands audio and video recording laws regarding law enforcement officers and public records.

The bill amends the Wiretapping and Electronic Surveillance Act by clarifying that communications in the presence of a law enforcement officer are not private and may be recorded. This legislation concerns recordings obtained while an officer is operating within their role and the legal capacity.

Specifically, it allows for the use of oral communications recorded within a residence’s home or within a prison. Inmates must be notified if their communications are being recorded. Officers would be banned from intercepting communication between an attorney and client. Each police department utilizing recording devices must implement guidelines for their use.

The bill does not subject Law Enforcement Recordings to the Right-to-Know Law, but instead to a separate public access request procedure. The bill was amended in the House to require body camera training policies established by municipalities to be made publicly available.

The bill was enacted as **Act 22 of 2017**.

\* **Trespassing at Critical Facilities** -- The Senate approved **Senate Bill 652** by a vote of 28-20. The bill would have made it a specific crime to trespass at critical infrastructure facilities.

Grading for such an offense would have been in the range of third-degree misdemeanor to a second-degree felony, depending on whether the offender was a minor and whether there was intent to cause damage.

The bill exempted those who enter a critical infrastructure facility to prevent a serious threat to public health or safety, and for law enforcement officers in pursuit of a suspect.

The bill died in the House Environmental Resources and Energy committee.

\* **Drug Dealers** -- The Senate unanimously approved **Senate Bill 662**, which would have made it a third-degree felony to distribute an illicit drug that leads to a user's "serious bodily injury."

The offense would have been defined as "intentionally administering, dispensing, delivering, giving, prescribing, selling or distributing any controlled substance or counterfeit controlled substance and another person suffers serious bodily injury resulting from using the substance."

The bill died in the House Judiciary Committee.

\*\* **Senior Judge Grants** -- The Senate unanimously passed **Senate Bill 741**, which would have amended sunset dates and court fees for Senior Judge Operational support grants.

This legislation would have extended the sunset date from June 30, 2017 to June 30, 2022 for Senior Judge Operational support grants. The bill extended the sunset provision from December 31, 2017 to December 31, 2022 for the Judicial Computer System Augmentation Account.

The bill would have eliminated the sunset provision (currently November 1, 2017) for the Access to Justice funding. The bill would also have added \$2 dollars (\$10 to \$12) for surcharges imposed on court filings and \$2 to the fee deposited into the Access to Justice Account (\$2 to \$4).

Senate Bill 741 was amended in the House and subsequently died in the Senate Rules Committee.

\* **Forensic Exams for Sex Assault Victims** -- The Senate unanimously approved **Senate Bill 742**, which would have given sexual assault victims the right to a forensic examination and information on the results of the examination.

This legislation would also have required the Attorney General to consult with the state's Victim Advocate, state police and the Coalition Against Rape.

The bill died in the House Judiciary committee.

\* **Digital Assets** -- The Senate unanimously approved **Senate Bill 827**, which would have empowered a person to use an online tool to allow or prohibit disclosure of their digital assets (including electronic communications) to a fiduciary in the event of their death.

If the tool were to allow modifications at any time, disclosure directions given in this tool would have overridden any contrary direction by the user in a will, trust, power of attorney or other record.

Users without an online tool could have used a will, trust, power of attorney or other record to allow or prohibit disclosure of their digital assets.

A user's direction would have overridden a contrary provision in a terms of service agreement, which does not require the user to act affirmatively and distinctly from the user's assent to the terms of service.

This bill also would have outlined the procedure for custodians disclosing digital assets to the fiduciary.

The bill died in the House Judiciary Committee.

\*\*\* **Child Custody** -- The Senate unanimously approved **Senate Bill 844**, which allows a person to file for custody of a child that is not in parental custody, provided they can demonstrate a sustained, substantial and sincere interest in the child's welfare and a willingness to assume responsibility for the child.

The measure also allows grandparents to file for partial or supervised custody of a child when the parents have started a proceeding for custody and disagree as to whether the grandparents should have custody.

The bill became **Act 21 of 2018**.

\*\*\* **Restitution** -- The Senate unanimously approved **Senate Bill 897**, which clarifies that when restitution is owed to crime victims, the court must prioritize payment to the individual first, followed by any affected government agency.

Under the bill, any nonprofit corporation, nonprofit unincorporated association or nonprofit organization is the sixth priority, and "any for-profit corporation" is the seventh priority. It maintains restitution to individual victims as the priority.

The bill was signed into law as **Act 145 of 2018**.

\*\*\* **Victim Outreach** -- The Senate unanimously approved **Senate Bill 915**, which enable criminal defense counsel to contact a victim, witness or relative of a victim or witness through a victim liaison, victim outreach specialist, social worker, investigator, or any other individual designated by the criminal defendant or the defendant's counsel.

The outreach must be conducted honestly without deception and the individual engaging in outreach must provide their identity, employer and name of the defendant in the case.

The legislation also allows a person who has completed a jail term, probation, or parole to seek post-conviction relief if they are seeking it based on DNA evidence.

The bill was enacted as **Act 146 of 2018**.

\*\*\* **DNA Testing** -- The Senate unanimously approved **Senate Bill 916**, which allows a person convicted of a crime to ask the court for a DNA test after their release from prison. This motion may be made to prove a person's innocence if newer, more accurate technology becomes available -- especially if it was not available at the time of conviction.

The bill also requires that a DNA sample be provided by any person convicted of a felony offense requiring registration as a sexual offender or for certain other felony sex-related offenses.

The bill was signed into law as **Act 147 of 2018**.

\* **Substance Abuse** -- The Senate unanimously approved **Senate Bill 922**, which would have established the “Nonnarcotic Medication Substance Use Disorder Treatment Program.”

Under the bill, the program would have provided long-acting non-narcotic medication combined with comprehensive substance abuse treatment to criminal defendants in clinically appropriate cases.

The bill died in the House Judiciary Committee.

\*\* **Crime Victim Rights** -- The Senate unanimously approved **Senate Bill 1011**, a joint resolution that would amend the state constitution to formally establish rights for crime victims.

The bill was amended to clarify the rights of victims and give juvenile court judges discretion when handling restitution issues.

The joint resolution was filed in the Office of the Secretary of the Commonwealth as **Pamphlet Laws Resolution No. 1**.

\* **Probation and Parole Grants** -- The Senate unanimously approved **Senate Bill 1070**, which would have established a committee to develop a funding plan for county adult and parole departments by reviewing and awarding grant applications.

The committee would also have analyzed data and made recommendations for probation and parole personnel.

The bill died in the House Judiciary Committee.

\* **Sentencing Guidelines** -- The Senate unanimously approved **Senate Bill 1071**, which would have amended sentencing guidelines by adding some criminal offenses to the list of sentences that do not qualify for short-sentence parole.

The bill would also have allowed the Pennsylvania Board of Pardon and Parole to jail a technical parole violator for up to seven days for some violations; and allowed for a violator to be detained on a 48-hour warrant.

The bill would have renamed the State Intermediate program as the “State Drug Treatment Program” and given the Department of Corrections and judges the discretion to place eligible offenders in the program.

The bill would also have directed the Pennsylvania Commission on Sentencing to adjust sentencing guidelines to include risk-related considerations and make recommendations related to intermediate punishment programs as a condition of probation.

The bill died in the House Judiciary committee.

\* **Victim’s Address** -- The Senate unanimously approved **Senate Bill 1072**, which would have amended the Crime Victims Bill of Rights by mandating that the Office of Victim Advocate notify eligible victims of the address confidentiality program that exempts victims from providing an address and phone number.

The legislation would have required law enforcement officers to provide basic information on the rights and services available to victims. Prosecutors would have had to provide victim advocates with injury information so the advocate could submit such input on release decisions.

The bill also would have amended the Right-to-Know Law to exempt the home addresses of advocates and their employees concerning records relating to victims.

The bill died in the House Judiciary Committee.

\*\*\* **College Hazing** -- The Senate unanimously approved **Senate Bill 1090**, which creates the "Timothy J. Piazza Anti-Hazing Law."

The bill creates the offenses of hazing, aggravated hazing, institutional hazing and organizational hazing. Piazza was a Penn State student who died during a fraternity hazing incident.

The bill became **Act 80 of 2018**.

\*\*\* **Crimes Committed in front of Children** -- The Senate unanimously passed **Senate Bill 1092**, which will toughen sentencing guidelines for domestic violence crimes committed in the presence of a child.

The measure authorizes the Pennsylvania Sentencing Commission to develop a sentencing enhancement for the offenses of assault or aggravated assault when committed against another family member in front of a child.

The bill was enacted as **Act 157 of 2018**.

\* **Impoverished Defendants** -- The Senate unanimously passed **Senate Bill 1126**, which would have required that every magisterial judge in the state be trained to determine if defendants before them are unable to pay their accrued court fines and fees.

The bill was aimed at preventing people with no way to pay for their court fees from sitting in jail indefinitely. The U.S. Supreme Court ruled that it is unconstitutional to jail defendants who are too poor to pay their court fees. The training would have enabled district justices to more easily differentiate between those who are unwilling, and those who are unable to pay their court costs.

The bill died in the House Judiciary Committee.

\*\*\* **Wiretapping and Fraudulent Use of SNAP Benefits** -- The Senate unanimously approved **Senate Bill 1127**, which allows the state Attorney General to apply for an order with the Superior Court to authorize law enforcement officers to intercept communications to compile criminal evidence.

The measure also establishes fraud offenses and restitution procedures for fraud cases involving the unlawful use of SNAP (Supplemental Nutrition Assistance Program) benefits.

The bill was signed into law as **Act 160 of 2018**.

\* **Terminating Parental Rights** -- The Senate unanimously approved **Senate Bill 1129**, which would have created a protocol for providing notice of termination of parental rights if the whereabouts of a parent or putative father are unknown.

The legislation would have allowed a parent who has consented to adoption to waive their right of notice to all legal proceedings concerning the child. The bill would also have required a court to notify a parent whose rights have been terminated about their right to redact their name from the child's birth certificate.

Finally, the bill would have expanded the list of felonies that could result in an individual losing their parental rights.

The bill died in the House Children and Youth Committee.

\* **Alternative Dispute Resolution** -- The Senate voted 43-3 in favor of **Senate Bill 1132**. The bill would have established a statewide Alternative Dispute Resolution (ADR) Commission.

The bill was offered in response to the findings of the bipartisan Joint State Government Commission and its review of best practices for alternative dispute resolution services. The committee found that ADR was a cost-effective alternative to litigation in a variety of disputes.

The bill died in the House Judiciary Committee.

\* **“Sextortion”** -- The Senate unanimously approved **Senate Bill 1134**, which would have criminalized the coercive sexual conduct.

Often referred to as “sextortion,” the bill was aimed at deterring people who try to extort sex or sexual images from a victim (instead of money). The penalty for sextortion would have been a first-degree misdemeanor or a third-degree felony depending on several factors, including age.

The bill died in the House Judiciary Committee.

\*\*\* **Rape Kits** -- The Senate unanimously approved **Senate Bill 1209**, which will help reduce the backlog of untested rape kits.

The bill establishes a commission of local and state officials to look at funding needs and improve communication. It also creates a hotline for hospitals to call if a rape kit is not picked up by authorities within a certain amount of time.

The bill was signed into law as **Act 164 of 2018**.

## **Labor and Industry**

\*\*\* **Roadside Farm Stands** -- The Senate unanimously approved **House Bill 176**, which amends the Pennsylvania Construction Code Act to exempt roadside farm stand structures, maple sugar houses and structures used to load, unload or sort livestock at auction facilities from the Uniform Construction Code (UCC).

The bill exempts certain structures from the UCC, if the structure is used for the sale of seasonal agriculture products. Certain restrictions remain on these structures such as size, length of time the structure is erected and that it must be operated by an agriculture producer.

The bill was enacted as **Act 35 of 2017**.

\*\*\* **Uniform Construction Code** -- The Senate unanimously passed **House Bill 409**, which provides changes to the Uniform Construction Code Review and Advisory Council under the Department of Labor and Industry.

The Review and Advisory Council provides recommendations to the governor, General Assembly and the department regarding changes to the Pennsylvania Construction Code.

The bill adds two additional seats to the council and increases the number of appointees from 19 to 21. The term length of members will increase from two years to three years and the terms will be staggered. The two added seats will be filled by an individual to represent and provide expertise in commercial building ownership and an individual to represent and provide expertise in the construction trades.

The bill also moves the appointment privilege for three council seats from the governor to leadership in the General Assembly.



The bill also allows for the creation of a subcommittee to assist with the review of changes and recommendations to construction codes. The bill calls for the subcommittee to begin the accelerated re-review of the 2015 construction codes. For subcommittee recommendations, the bill calls for at least three public hearings and for the code adoption process to include a 120-day public comment period. Public comments will be shared on the Department of Labor and Industry's website. To generate additional funds for expenses related to these changes, the bill increases the building permit fee by 50 cents.

The bill was enacted as **Act 36 of 2017**.

\*\*\* **Non-Payment** -- The Senate approved **House Bill 566** by a vote of 43-5. The measure allows a contractor or subcontractor to suspend work on a construction project, without penalty, if they have not received payment per the terms of their contract.

Contractors may stop work after 30 days without payment if they have provided written notice within 10 days of their intent to suspend work.

The legislation also changes the conditions under which owners can legally withhold payment for deficient items and mandates that the owner provide the contractor with a good faith reason to withhold payment within 14 days of receipt of the invoice.

The bill became **Act 27 of 2018**.

\*\* **Construction Code** -- The Senate voted 45-4 for **House Bill 1469**, which would have amended the Construction Code Act to increase the number of third-party code enforcement agencies a municipality would be required to contract with to perform inspections- or other construction code requirements – for permitting purposes.

Beginning July 1, 2019, municipalities would have been required to use at least two third-party agencies unless they are unable to obtain multiple offers. An adopted Democratic amendment would have required a permit applicant from the municipality to choose from third party agencies approved and contracted by the municipality.

Following Senate amendments, the bill died in the House.

\*\*\* **Employing Disabled People** -- The Senate unanimously approved **House Bill 1641**, which creates the "Employment First" law to support employing people with disabilities.

Under the bill, state agencies must try to employ disabled people in at least 7 percent of the overall state workforce. Financial incentives will be granted to providers who support the placement and continued employment of disabled people.

The legislation also creates the Governor's Cabinet for People with Disabilities, a 16-member group tasked with making recommendations and reviewing regulations, policies and services on employing individuals with disabilities. The bill also creates the Employment First Oversight Commission, an independent commission charged with establishing measurable goals and objectives governing implementation of this law and tracking the progress of public agencies.

The bill was signed into law as **Act 36 of 2018**.

\*\*\* **Impairment Rating Evaluations** -- The Senate approved **House Bill 1840** by a vote 34-15. The bill amends the Workers' Compensation Act to re-enact Impairment Rating Evaluations of disabled workers and reduces the threshold that determines when an employee is eligible for total disability.

It also increases the maximum burial benefit.

The bill became **Act 111 of 2018**.

**\*\*\* UC System Upgrades** -- The Senate voted 43-5 in favor of **House Bill 1915**, which provides an additional \$115.2 million to the Service and Infrastructure Improvement Fund.

This legislation earmarks \$30.2 million of these funds for technological upgrades to the Unemployment Compensation (UC) delivery system. These funds will be dispersed between 2017 and 2021. The bill places additional requirements on the Department of Labor and Industry and requires it to create an annual report detailing the UC upgrade progress.

The legislation also creates the Benefit Modernization Advisory Committee, which is designed to monitor and advise the Department of Labor and Industry on the UC delivery system upgrades.

The bill was enacted as **Act 60 of 2017**.

**\* Promoting the Hiring of Disabled People** -- The Senate unanimously approved **Senate Bill 21**, which would have created the "Employment First Act" to promote employment of Pennsylvanians with disabilities through publicly funded education, training and employment services.

The legislation would have also established an "Employment First Oversight Commission" as well as the "Governor's Cabinet for People with Disabilities" to review state agency policies and regulations.

The bill died in the House Labor and Industry committee. However, components of the legislation were part of House Bill 1641 (Act 36 of 2018).

**\* Equal Pay Law** -- The Senate voted 36-14 in favor of **Senate Bill 241**, which would have amended the Equal Pay Law to allow for pay variations among employees of similar positions based on the employee's education, training or experience.

Currently, the Equal Pay Law provides for a few exceptions in which an employer may pay a similar positioned employee a different wage. This bill would have added education, training and experience to the list of qualifying exceptions for varying pay rates.

The bill also would have prevented an employer from discriminating against an employee who has made a charge or filed a complaint in relation to an employee's wage under the Equal Pay Law. The bill also would have prevented an employer from denying an employee the right to disclose their wage as a condition of their employment.

The bill was amended to include a preemption clause, which would have allowed for this amendment to supersede local ordinances.

The bill died in the House Labor and Industry Committee.

**\*\*\* Fund Transfers** -- The Senate voted 41-8 in favor of **Senate Bill 250**, which amends the Unemployment Compensation Law to allow for money transfers and requires the Department of Labor and Industry to submit several reports to the General Assembly.

The measure allows for the transfer of up to \$15 million between the Unemployment Compensation Fund to the Service and Infrastructure Improvement Fund. The bill was amended in the House to specify how the \$15 million may be used.

The measure was prompted after the Department of Labor & Industry shut down call centers in November of 2016 and furloughed staff after the Republican majority in the Senate refused to vote on a

bill that would have allowed for \$57.5 million in funding to administer unemployment benefits to out-of-work residents.

This legislation also requires the department to submit annual reports detailing funds used from 2019 to 2020 and a report detailing the closing of an unemployment compensation call center. The department must also provide a report detailing a plan to eliminate reliance on money transfers.

In addition, this bill was amended to require the department to maintain a separate accounting firm to manage the Service and Infrastructure Fund. Monthly reports detailing the fund must be submitted by the Secretary of the Department to the Senate and House Labor and Industry Committees.

The bill was enacted as **Act 1 of 2017**.

\* **Revising Construction Codes** -- The Senate voted 40-10 in favor of **Senate Bill 269**, which would have added two additional seats to the Uniform Construction Code Review and Advisory Council. It also would have revised the process for reviewing and approving changes to construction codes and hiked the building permit fee by 50 cents.

The bill would have implemented new criteria that the Uniform Construction Code Review and Advisory Council must consider in evaluating and adopting building code updates. The bill would have created special subcommittees to make recommendations to the council.

The bill would also have modified the council to alter term lengths, change the appointment process, provide for alternative attendance and voting options and allow the council to compensate experts who provide input. The legislation would have added two more members to the council, which currently stands at 19.

This legislation would have increased the building permit fee by 50 cents to \$4.50. In addition, a new account entitled the Review and Advisory Council Administration Account would have been used to collect and appropriate funds.

The bill died in the House Labor and Industry Committee.

\* **Third Party Code Officials** -- The Senate voted 40-9 in favor of **Senate Bill 663**, which would have amended the Pennsylvania Construction Code Act to increase the number of third party code officials a municipality would need to contract with.

The bill also would have increased the number of required contracts with third party code officials from one to three.

The bill died in the House Labor and Industry Committee.

\*\*\* **Uninsured Employers Guaranty Fund** -- The Senate unanimously approved **Senate Bill 676**, which amends the Workers' Compensation Act to address underfunding of the Uninsured Employers Guaranty Fund (UEGF).

The UEGF was established to provide for injured workers in cases where their employer failed to provide the required workers compensation insurance. The measure:

- amends the procedures by which employees may file a claim with the UEGF to receive compensation;
- increases the Workmen's Compensation Administration Fund to provide for the UEGF. The UEGF assessment would be increased from 0.1 percent to 0.25 percent of the previous year's insurance payout in compensation. To compensate for the increase amount being

distributed to the UEGF, the carryover balance for the Administration Fund would be capped at 120 percent rather than 133 percent;

- authorizes the Department of Labor and Industry to verify with employers located in other states that an employer has met the required insurance guidelines of that state — and when an employee who resides in Pennsylvania would be entitled to the workers' compensation from that state;
- provides for the situation where an employee is injured and not compensated by an out-of-state employer. The injured worker would be required to submit a petition to the UEGF and to any judge to affirm that he or she is not entitled to any benefits from the other state;
- adds provisions to the Uninsured Employers Guaranty Fund. The process by which claims are made to this fund would be altered and new penalties would be established. In addition, the bill provides a list of healthcare providers for individuals receiving compensation and benefits from this fund; and
- provides for claim petitions in situations where the individual filing is not voluntarily accepted as payable from the UEGF.

The bill was signed into law as **Act 132 of 2018**.

\*\*\* **Elevator Safety Board** -- The Senate unanimously passed **Senate Bill 934**, which establishes the Elevator Safety Board.

The nine-member volunteer advisory panel is charged with recommending regulations to the Secretary of Labor on the construction, maintenance and operation of elevators.

Senate Bill 934 became **Act 68 of 2018**.

\*\*V **Evidence-based Prescription Formulary** – In a party-line vote, the Senate voted 34-16 for **Senate Bill 936**, which would have created for the state a detailed list of medications that could be prescribed to injured workers --known as a formulary.

Under the bill, the state Department of Labor and Industry would have been tasked with selecting a "nationally recognized, evidence-based prescription drug formulary," a fixed guide used to decide treatment for work-related injuries, including, but not limited to, the type, dosage and duration of prescriptions.

Republicans claimed the measure would have helped combat the state's opioid addiction epidemic. They also argued that it would have lowered costs and provided better care for patients by removing the profit incentive from prescribing practices.

In vetoing (**Veto #1 of 2018**) the bill, Governor Tom Wolf said, "Make no mistake, Senate Bill 936 is not a bill designed to fight the opioid crisis. It threatens health care for millions of workers who could be injured on the job, including police, corrections officers and firefighters, who put their lives on the line every day, and whose injuries can be unique, debilitating and severe. It is wrong to sacrifice health care for our first responders to protect the bottom-line for insurance companies and corporations."

## **Law and Justice**

\*\*\* **Municipal Police Officers' Education and Training Commission** -- The Senate unanimously approved **Senate Bill 403**, which changes the membership of the Municipal Police Officers' Education and Training Commission.

The measure eliminates the seat occupied by a FBI Special Agent in Charge, replacing it with a member of the Pennsylvania Lodge of the Fraternal Order of Police. The U.S. Department of Justice advised against keeping an FBI position on the board due to concerns over a supervisory role the bureau has with local police departments.

The bill became **Act 129 of 2018**.

### **Local Government**

\*\*\* **Local Tax Collectors Deposits** -- The Senate unanimously approved **House Bill 16**, which amends the Local Tax Collection Law to require that checks made payable to local tax collectors be deposited into an independent bank account.

This account may only be used for tax collection purposes and must include the name of an office, title or position. The account cannot bear the name of an individual.

The bill was enacted as **Act 38 of 2017**.

\*\*\* **Exempting Competitive Bidding During Emergencies** -- The Senate unanimously approved **House Bill 99**, which allows boroughs to waive the competitive bidding process during emergencies.

A qualifying emergency is defined as a "real or potential emergency involving a clear and present danger to the health, safety and welfare of the residents of the borough. For those contracts or purchases made in cases of emergencies, the actual emergency and the nature of the procurement must be stated in a resolution by council and adopted at the next public meeting.

The bill became **Act 99 of 2018**.

\*\* **Municipal Authority Transparency** -- The Senate unanimously approved **House Bill 104**, which would have required municipal authorities to hold a public discussion on the acquisition, sale, or lease of facilities prior to the transaction.

The bill also would have required that annual financial reports be posted on the Internet; and for the Auditor General to audit third class county water treatment and distribution authorities.

Following House amendments, the bill died when it returned to the Senate.

\*\*\* **Board Vacancies in First-Class Townships** -- The Senate unanimously passed **House Bill 422**, which outlined procedures for filling board vacancies in first-class townships.

Under the measure, only a registered elector of a township is eligible for elective office in the township. Residency must be established via signed affidavit before the officer can be sworn in.

The measure also specifies that vacancies by resignation occur when the board of commissioners accepts a resignation. This must be done within 45 days after it has been received in writing. If no action has been taken in 45 days, the resignation is considered accepted and the board has 30 days to fill the position.

The bill also removes the provision that prohibits a person with a felony conviction from filling a vacancy.

This bill was enacted as **Act 23 of 2017**.

\*\*\* **Second-Class Township Vacancies** -- The Senate unanimously approved **House Bill 423**, which amends the process by which second class townships handle vacancies in office. These positions include supervisor, tax collector, auditor and any other elected position.

Under this legislation, an individual's resignation does not create a vacancy until accepted by a majority vote of the board of supervisors. The board must accept the resignation no later than 45 days after the resignation. If 45 days pass, it will be deemed accepted. If the board of supervisors is unable to fill the vacancy within 30 days, it will be filled within 15 additional days by the vacancy board.

The vacancy board will consist of the board of supervisors and one registered elector. If two or more vacancies occur on a three-member board, or three or more vacancies occur on a five-member board, the county court of common pleas will fill the vacancies.

The bill became **Act 16 of 2017**.

\*\*\* **Extended Construction Timeframes** -- The Senate unanimously passed **House Bill 1269**, which grants municipal authorities extra time for certain construction projects.

Municipal authorities that serve as least five or more municipalities will be granted an additional five years (up to 20 from 15) to impose tapping fees to fund construction projects. If the project is not completed after 20 years, the fees are refunded, plus interest.

House Bill 1269 became **Act 19 of 2017**.

\*\*\* **Eminent Domain Powers Condemning Land** -- The Senate approved **House Bill 2468** by a vote of 37-12. The bill prevents any government entity from using eminent domain to condemn land subject to a conservation easement, unless receiving approval from the county's Orphans' Court.

The request may only be approved if the court determines there is no reasonable alternative. The condemnation approval is not required for any public utility facility or project subject to approval by a federal agency; and the bill provides for an exception for underground public utility facilities that will not permanently impact the open space benefits protected by the easement.

The bill does not apply to emergency projects that are immediately necessary to protect life or property.

The bill became **Act 45 of 2018**.

\*\*\* **Harrisburg Exits Act 47 Oversight** -- The Senate voted 46-3 for **House Bill 2557**, which establishes an Intergovernmental Cooperation Authority to assist Harrisburg with its exit from the Municipalities Financial Recovery Act (Act 47) by allowing the city to maintain specific parts of its taxing authority for a five-year period.

The bill became **Act 124 of 2018**.

\* **Firearms and Ammunition** – In a largely party-line vote, the Senate voted 34-16 in favor of **Senate Bill 5**, which would have prevented local ordinances from superseding state law on firearms and ammunition.

Under the bill, an individual would have been authorized to file a lawsuit against a municipality that enacted firearm ordinances that are more restrictive than state law. Act 192 of 2014 contained similar preemption measures, however, the law was declared unconstitutional due to the “single subject” rule placed on legislation and eventually repealed in court.

Proponents of Senate Bill 5 argued that local ordinances on firearms and ammunitions conflict with the state’s municipalities section (Title 53). They claimed municipalities should not be able to place their own ordinances on firearms and ammunition.

Opponents proposed several failed amendments. One amendment would have allowed municipalities to create regulations that apply to municipal property. Another amendment would have restricted who could file suit against a municipality. Residents would have been required to live in the municipality for at least a year to be considered as a “person adversely affected.” This would have prevented out of state residents from coming into Pennsylvania and filing suits against the municipalities.

The bill died in the House Judiciary Committee.

\* **Funding for “Sanctuary Cities”** -- The Senate voted 37-12 in favor of **Senate Bill 10**, which would have drastically restricted state funding to so-called “sanctuary cities” such as Philadelphia.

Known as the Municipal Sanctuary and Federal Enforcement Act, or SAFE, the bill would have banned municipalities from adopting sanctuary policies that do not comply with federal detention orders issued by the Immigrations and Custom Enforcement.

Under the bill, government could have stripped grant and loan funding to sanctuary cities and allowed for legal actions against cities with sanctuary policies. It was estimated that Philadelphia alone could have lost over \$630 million in state funding if the bill had been enacted.

Bill opponents argued that the measure would have deterred undocumented immigrants from coming forward and cooperating with law enforcement on crimes.

The bill would not have applied to municipalities that had attempted to work with federal agencies to comply with immigration orders but were unable to do so within the 48-hour federal timeframe.

The bill died in the House.

\* **Municipal Sewer Authority Termination of Service** -- The Senate unanimously approved **Senate Bill 114**, which would have allowed municipal sewer authorities to terminate service to commercial customers who had not paid their bill for at least six months.

This bill died in the House Local Government Committee.

\*\*\* **Encouraging Development in Pittsburgh** -- The Senate unanimously passed **Senate Bill 252**, which amends the Pittsburgh Parking Authority’s enabling act to support private development.

By allowing mixed-use projects, Pittsburgh can assist private developers in continued growth and development of the city. The Pittsburgh Parking Authority will be allowed to engage with private projects that preserve the public interest and are mutually beneficial to the city.

The bill became **Act 76 of 2017**.

\*\*\* **Second-Class Township Public Bid Threshold** -- The Senate unanimously passed **Senate Bill 365**, which updates bidding requirements in the Second-Class Township Code.

The bill increases the threshold limit by which townships can sell township property without requesting bids. It increases the threshold from \$1,000 (limit set in 1996) to \$2,000. Anything above the \$2,000 level must go through the bidding process.

The bill became **Act 21 of 2017**.

**\*\*\* Second-Class Township Code Clarifications** -- The Senate unanimously passed **Senate Bill 399**, which specifies that township supervisors cannot hold any other elected township office or appointed position.

This bill stipulates that township supervisors may hold appointed positions not specifically prohibited in the Second-Class Township Code. It also allows township supervisors to serve on township planning commissions.

The bill became **Act 28 of 2017**.

**\*\* Consolidation of Local Tax Collection** -- The Senate voted 39-10 in favor of **Senate Bill 653**, which would have amended the Local Tax Enabling Act to allow county tax collectors to collect and distribute all local taxes, with the following exceptions:

- Real estate taxes;
- Property taxes;
- Business privilege / Mercantile taxes (if municipality adopts a resolution); and
- Payroll preparation taxes.

An amended version of the bill passed the House. However, the bill died when it returned to the Senate.

**\* Public Fund Use for Private Water Lines** -- The Senate unanimously passed **Senate Bill 656**, which would have allowed municipalities to use public funds to maintain private water laterals and sewer laterals if such maintenance would have benefitted public health.

Municipalities that utilized this provision would not have been considered owners of the private lines. They also would have had no further responsibility or liability for the lines unless they agreed to accept those responsibilities.

Municipalities would have also been authorized to use funds for maintenance of water or sanitary sewer pump stations, public water distribution systems, public sewer systems and construction services.

The bill was prompted by efforts to step up the replacement of aging lead water lines in the Pittsburgh region.

Senate Bill 656 died in the House Consumer Affairs Committee.

**\*\*\* Apportionment for Municipalities Without a Mayor** -- The Senate unanimously passed **Senate Bill 690**, which provides a mechanism for the initial apportionment of any home rule charter for a municipality without a mayor.

The apportionment will be dividing into wards either partially or totally or changing the number of members of the governing body. The initial apportionment may be made by members of the governing body consistent with the Municipal Reapportionment Act.

Municipalities with a mayor can also use this procedure. The legislation also allows for subsequent apportionment under the Municipal Reapportionment Act.



Senate Bill 690 was enacted as **Act 53 of 2017**.

\*\*\* **Establishing Residency During Military Service** -- The Senate unanimously passed **Senate Bill 691**, which grants residency for a person during military service.

The bill states that a person's active military status will not disqualify them from fulfilling residency requirements. Also, a person residing in a municipality for at least one year before absence due to active military duty will be considered an ongoing resident. This is the case unless and until the person demonstrates an intent to establish a new dwelling outside the municipality.

Senate Bill 691 became **Act 54 of 2017**.

\*\*\* **Third-Class City Parking Authority Enforcement** -- The Senate unanimously passed **Senate Bill 736**, which enables Scranton and third-class cities to enact and enforce parking-related laws through their parking authorities.

The bill allows agreements between Scranton and third-class cities to authorize their parking authorities to transfer portions of fines and penalties. Certain infractions include stopping, standing and parking.

Previously, Pittsburgh was the only city authorized to issue ordinances and resolutions through its parking authority for these infractions.

Senate Bill 736 became **Act 80 of 2017**.

\*\*\* **Financial Reporting Information** -- The Senate unanimously passed **Senate Bill 771**, which requires boroughs and third-class cities to publish in local newspapers annual financial information approved by their auditor.

The bill became **Act 135 of 2018**.

\*\*\* **Annual Financial Reporting for Philadelphia** -- The Senate unanimously passed **Senate Bill 772**, which requires newspaper publication of annual financial information approved by the auditor for the City of Philadelphia.

The bill became **Act 136 of 2018**.

\*\*\* **Incorporated Town Financial Reporting** -- The Senate unanimously passed **Senate Bill 773**, which requires incorporated towns to publish annual financial information in their local newspaper.

The bill became **Act 137 of 2018**.

\*\*\* **Property Purchase Without Bid** -- The Senate unanimously passed **Senate Bill 801**, which amends the third-class city code to allow for the purchase of used personal property from volunteer emergency service organizations without competitive bidding.

The bill became **Act 140 of 2018**.

\*\*\* **Philadelphia Property Bidding** -- The Senate unanimously passed **Senate Bill 802** which amends the first-class city code to allow Philadelphia to purchase used personal property from volunteer emergency service providers without seeking bids.

The bill became **Act 141 of 2018**.

\*\*\* **Pittsburgh Property Bidding** -- The Senate unanimously approved **Senate Bill 803** which amends the second-class township code (relates to Pittsburgh only) to allow for the purchase of used personal property from volunteer emergency service organizations without competitive bidding.

The bill became **Act 142 of 2018**.

\*\*\* **Incorporated Towns Property Bidding** -- The Senate unanimously approved **Senate Bill 804**, which allows incorporated towns to purchase of used personal property from volunteer emergency service organizations without competitive bidding.

The bill became **Act 143 of 2018**.

\*\*\* **Third-Class City Public Bid Threshold** -- The Senate unanimously approved **Senate Bill 947**, which increases the dollar value threshold above which the public advertisement of bids is required for the sale of personal property.

Under the legislation, the threshold will increase from \$1,000 to \$2,000 in boroughs and third-class cities.

The bill became **Act 150 of 2018**.

\*\*\* **Philadelphia Public Bid Threshold** -- The Senate unanimously approved **Senate Bill 948**, which increases the dollar value threshold above which the public advertisement of bids is required for the sale of personal property from \$1,000 to \$2,000 in Philadelphia (first-class cities).

The bill became **Act 151 of 2018**.

\*\*\* **Incorporated Towns Public Bid Threshold** -- The Senate unanimously approved **Senate Bill 949**, which increases the dollar value threshold above which the public advertisement of bids is required for the sale of personal property from \$1,000 to \$2,000 in incorporated towns.

The bill became **Act 152 of 2018**.

\*\*\* **Second-Class A Counties Consolidation** -- The Senate unanimously approved **Senate Bill 1005**, which updates and consolidates the County Code and amends second class A counties into the County Code.

The bill became **Act 154 of 2018**.

\* **County Building Permit Requirements** -- The Senate unanimously approved **Senate Bill 1006**, which would have amended the Consolidated County Assessment Law to further ensure that building permit requirements are met. The bill also would have required reporting on substantial improvements to property.

The bill died in the House.

\*\*\* **Property Improvements Assessment Appeals** -- The Senate unanimously approved **Senate Bill 1007**, which will improve the property assessment appeals process.

Members of local boards that hear such appeals will have to undergo training and qualify for their position on an appeal board. Counties will foot the bill for the training. These appeal boards must inform homeowners of their rights during the process. The measure will also provide homeowners with more taxing information from their county government.

The bill was signed into law as **Act 155 of 2018**.

\* **Dissolution of a Municipal Corporation** -- The Senate unanimously approved **Senate Bill 1069**, which would have amended the Second-Class County Code to provide for voluntary municipal dissolution in Allegheny County.

The bill would have laid out a process for the dissolution of a municipal corporation. A municipal corporation's governing body would have needed to adopt a non-binding resolution of preliminary interest. The county would then have begun discussions on an essential services transition plan within 10 business days of receiving the resolution of preliminary interest. The proposed essential services transition plan would have been in place within 180 days of beginning the discussion.

Following public notification, a hearing and posting on the municipal corporation's website, the dissolution would have been placed on the ballot as a referendum question. If the voters rejected the question, a dissolution question could not have been initiated again for five years. Under the bill, members of an unincorporated district could have filed a petition to provide for a consolidation or merger.

The bill died in the House.

\* **Repeat Ballot Ordinance Questions** -- The Senate unanimously approved **Senate Bill 1176**, which would have made changes regarding the creation of home rule and optional plan governments.

The bill would have prohibited certain local ordinances or petitions from being filed for four years if a related proposal was placed on a ballot and defeated. The bill would have also limited a Home Rule question to appear only on a November General Election ballot, and not on a primary ballot.

The bill died in the House Local Government Committee.

### **Rules and Executive Nominations**

\* **Action on Regulations** -- The Senate voted 29 to 20 in favor of **Senate Bill 561**, which would have amended the Regulatory Review Act by adding a section requiring the General Assembly to approve a resolution for any economically significant regulation before it can take effect.

The Senate and House of Representatives would have had 30 calendar days or 10 legislative days (whichever is longer) to adopt the resolution or it could not take effect. Estimates of costs would have been verified by the Independent Fiscal Office prior to submission. This bill would not have applied to emergency-certified regulations.

Opponents argued that Pennsylvania already has one of the most thorough and robust processes of any state in the nation for developing, reviewing and finalizing regulatory proposals -- with several opportunities for the legislature to review and act on a proposal.

The bill died in the House State Government Committee.

\* **Regulatory Oversight** -- The Senate approved **Senate Bill 977** by a vote of 29-21. The bill would have amended the Regulatory Review Act, providing additional legislative oversight of the regulatory review process.

The legislation would have required a legislative committee chairperson to provide a copy of information they receive to each committee member within five business days. Committee members would have submitted comments on proposed regulations to the committee chair.

This legislation would have provided more time for committees to act on the approval of new regulations. Committees would also have had the power to have the Independent Regulatory Review Commission remove regulations from its agenda that the committee disapproves of or needs additional time to review.

Gov. Tom Wolf vetoed a similar bill (SB 562) from the previous legislative session over concerns that it would cause uncertainty in the regulatory process and diminish transparency in state government.

The bill died in the House State Government Committee.

### **State Government**

**\*\* Reducing the size of the State House** -- The Senate approved **House Bill 153** by a vote of 42-7. The bill was a joint resolution that would have amended the state Constitution to reduce the size of the House of Representatives from 203 to 151 districts.

The proposal would have needed approval in two consecutive sessions and by the voters via referendum before it could have been enacted after the 2020 reapportionment.

The bill died after it returned to the House.

**\*\*\* Project 70 Restrictions** – The Senate unanimously approved **House Bill 1009**, which authorizes the release of Project 70 restrictions for land development projects in Westmoreland and Chester counties.

The measure addresses land owned by the West Newton Borough in Westmoreland County, which is developing property known as the historic John C. Plumer House. The bill also authorizes the release of Project 70 restrictions for land owned by Upper Uwchlan Township in Chester County. The Pennsylvania Turnpike Commission is providing money to the township to purchase and install the equipment toward creating a multi-use trail.

The bill became **Act 63 of 2017**.

**\*\*\* Lobbyist Reports** – The Senate unanimously approved **House Bill 1175**, which requires lobbyists to electronically file reports with the state.

Previously, lobbyists could submit reports by mail. However, this method often delayed the posting of the information to the public. The measure mandates that the reports be electronically filed and placed online; and requires the Department of General Services to post these reports under a certain timeframe.

Lobbyists failing to meet the requirements of the Lobbyist Disclosure Law face increased penalties and fines.

The bill was signed into law as **Act 2 of 2018**.

\*\*\* **Delaware County Land Conveyance** – The Senate unanimously approved **House Bill 1287**, which authorizes the state Historical and Museum Commission to grant and convey to the Warrior Run-Fort Freeland Heritage Society property located in Delaware Township, Northumberland County.

The bill was signed into law as **Act 47 of 2017**.

\*\*\* **Charitable Contributions** -- The Senate unanimously approved **House Bill 1420**, which amends the Solicitation of Funds for Charitable Purposes Act to alter audit requirements for annual contributions to charitable organizations.

Annual thresholds are adjusted to require charities that receive \$750,000 or more, rather than the previous \$300,000, to be audited by an independent certified public accountant. Charities receiving any amount between \$250,000 and \$750,000 must have their audit or their financial statements reviewed by an independent certified public accountant. Any charity receiving donations between \$100,000 and \$250,000 must have a compilation, audit or their financial statements reviewed by an independent certified public accountant. Lastly, a charity receiving less than \$100,000 annually is not required to prepare a compilation, audit or review.

The bill was enacted as **Act 71 of 2017**.

\*\*\* **Charitable Organization Registration** -- The Senate unanimously approved **House Bill 1421**, which amends the Solicitation of Funds for Charitable Purposes Act to make changes to statutory timeframes for submission and review of registration statements.

The measure gives additional time to the Department of State when reviewing charitable organizations, professional fundraising counsels and professional solicitor's registration statements.

The bill clarifies that charitable organizations must annually have their fiscal statements filed and postmarked by May 15. The Department of State has 15 days to notify an organization if their registration statement is not satisfactory. Organizations will then have 15 days to request a review hearing.

The bill was enacted as **Act 72 of 2017**.

\*\*\* **Semiquincentennial** -- The Senate approved **House Bill 1793** by a vote of 38-12. The bill creates the Pennsylvania Commission for the United States Semiquincentennial.

The commission will plan, coordinate and implement a program commemorating the 250th anniversary of the founding of the country, which will take place in 2026.

The bill was signed into law as **Act 28 of 2018**.

\*\*\* **Medical Marijuana Research** -- The Senate voted 32-17 for **House Bill 2477**, which amends the Medical Marijuana Act to clarify legislative intent concerning academic clinical research of medical cannabis.

The bill gives medical schools the freedom to select partners in medical cannabis research programs, providing those partners meet grower/processor and dispensary licensing requirements. Medical schools must also be approved and certified by the Department of Health.

The Department may register up to eight clinical registrants to conduct medical cannabis research.

The bill became **Act 43 of 2018**.

**\*\* Topton Land Development** -- The Senate unanimously approved **House Bill 2489**, which would have authorized the release of Project 70 restrictions on land owned by the Borough of Topton, Berks County, in return for Project 70 restrictions on another parcel of land.

Following Senate amendments that tacked on additional land conveyance projects around the state, the bill died when it returned to the House.

**\* Redistricting Reform** -- The Senate voted 35-14 in favor of **Senate Bill 22**, a bipartisan proposal that would have amended the state constitution to create an 11-member independent commission to redraw the state's legislative and congressional district maps.

Under the bill, the governor would have recommended three candidates for the commission. The majority and minority leaders in the Senate and House would have recommend two members each.

A Republican amendment inserted into the bill would have also have tasked the redistricting commission with creating judicial districts for the election of state Supreme court justices as well as Superior court and Commonwealth court judges. Several Democrats criticized Republicans for using the amendment as a vindictive stab at the state Supreme Court for its ruling that declared the Congressional district map unconstitutionally gerrymandered. The court ultimately provided and implemented its own revised congressional district map for the 2018 election.

The bill died in the House.

**\*\*\* Political Contributions by Unions** -- The Senate voted 28-22 in favor of **Senate Bill 166**, which would have created the so-called "Protection of Public Employee Wages Act" to end payroll deductions of political contributions from government employees.

Proponents of the "paycheck protection" legislation claimed the bill would shield union members from contributing money to political candidates or causes they don't support."

The legislation would have still allowed public-sector unions to collect membership dues from union members and deduct a "fair-share" amount from non-members – used strictly for collective-bargaining purposes, grievances and arbitration cases.

Unions could have continued to spend political money, but contributions could not have been collected from employee paychecks by the government.

Opponents of the bill noted that collective bargaining agreements and union dues were already prohibited from being used for political purposes. They also claimed the bill was an attempt to target and weaken a union's ability to negotiate for their members and participate in the political process.

Similar legislation (Senate Bill 501) was introduced the previous session. The Senate voted 26-23 in favor of the bill. The House never acted on the legislation.

The House voted 102-90 against Senate Bill 166, effectively killing it.

**\* Lobbyist Disclosure** -- The Senate unanimously approved **Senate Bill 169**, which would have required lobbyists and lobbying firms to register electronically through the Department of State's website.

Lobbyists were required to register and file reports with the department using paper forms.

The bill would have also added the term "affiliated entity" and provided for the receipt or award of grants, credit, loans, capital funding or contracts to affiliated entities to prevent individuals from engaging in lobbying for money provided by state agencies.

Senate Bill 169 died in the House State Government Committee. However, House Bill 1175, which also contains the electronic filing mandate, was enacted (Act 2 of 2018).

\* **PHMC Property Sales and Loans** -- The Senate unanimously approved **Senate Bill 178**, which would have revised the rules under which the Pennsylvania Historical and Museum Commission (PHMC) could sell or dispose of property on loan.

Under the bill, the following guidelines would have applied:

- If the property is on loan for at least 21 years and no one has made a claim, the property would have been considered abandoned if the commission made efforts to locate the lender.
- If no claim was made to the property within 60 days after the date of the last notice provided by the commission, the PHMC could have authorized sale by the Department of General Services.

The PHMC would have been required to maintain and preserve commonwealth records, local government records, and ensure access to older public records.

Sale or transfer of state archival material would have been prohibited unless authorized by law. Violations would have been subject to a penalty of up to \$2,500. The PHMC could have demanded or appealed to the courts for the return of any record removed without authorization.

Items that have been in the State Archives for more than 75 years would no longer have been exempt from public disclosure.

Senate Bill 178 died in the House State Government Committee.

\* **Disabled Voters** -- The Senate unanimously approved **Senate Bill 263**, which would have amended the Pennsylvania election code by removing a requirement that permanently disabled voters must submit a written statement every four years to assert their continuing disability.

Under law, the written statement must be completed for disabled people to vote absentee.

The bill died in the House State Government Committee.

\*\*\* **Electing District Justices** -- The Senate unanimously passed **Senate Bill 299**, which allows incumbents seeking re-election for district justice to get on the ballot by filing a certificate instead of collecting signatures.

If the sitting judge chooses this option, he or she may not challenge the nominating petitions of any other candidate for magisterial district judge.

The bill was signed into law as **Act 127 of 2018**.

\* **Land Conveyance for Topton** – The Senate unanimously approved **Senate Bill 303**, which would have released Project 70 restrictions on property owned by the Borough of Topton, Berks County. The bill died in the House.

\*\*\* **Land Conveyances** – The Senate unanimously approved **Senate Bill 353**, which conveys land in East Vincent Township, Chester County, to the Pennhurst Memorial Preservation Alliance. The 3.83 acres was once part of Pennhurst Hospital.

The legislation was amended to include land conveyances in Harrisburg, Dauphin County, Collegeville, Montgomery County; Chambersburg, Franklin County; Washington City in Washington County; and Whitmarsh, Montgomery County.

The bill was enacted as **Act 128 of 2018**.

\*\*\* **State Inspector General** -- The Senate voted 47-2 in favor of **Senate Bill 527**, which amends the Administrative Code to officially create the office of the State Inspector General.

This office will conduct investigations, inspections and other reviews to prevent waste, fraud, abuse and corruption in the state government.

The governor may appoint and remove a State Inspector General. The bill was amended in the House to allow the governor to remove the State Inspector General for reasons other than "cause."

The bill was enacted as **Act 29 of 2017**.

\* **Electronic Notarization** -- The Senate unanimously approved **Senate Bill 595**, which would have provided for the electronic notarization of documents.

The legislation would have outlined the regulations under which this practice is permitted. The notary public would have needed to have personal knowledge of the identity of the individual or be able reasonably identify the individual through at least two types of proofing processes or services and be able to identify the record as being the same as the one signed by the individual.

The bill also would have established the process for notarizing documents electronically for an individual located outside of the country.

The bill died in the House State Government Committee.

\* **POW/MIA Flag** --The Senate unanimously approved **Senate Bill 625**, which would have required that the POW/MIA flag be displayed at all roadside rest stops and welcome centers.

The flag would have been specifically displayed at rest stops and welcomes centers where the U.S. flag is also displayed. The flag could have been flown from an existing flag pole and temporarily removed if another flag was designated to be flown at half-staff.

The bill died in the House State Government Committee.

\* **Eastern Hellbender** -- The Senate voted 47-2 in favor of **Senate Bill 658**, which would have designated the Eastern hellbender as the official amphibian of Pennsylvania.

The hellbender is a large, stout-bodied, fully-aquatic salamander. Its color is usually brown with darker (or lighter) markings on the back, but can range from gray, to yellowish brown to almost black.

The bill died in the House State Government Committee.

\* **Harrisburg Land Conveyance** -- The Senate unanimously approved **Senate Bill 701**, which would have conveyed land on Market Street in Harrisburg.

While Senate Bill 701 died in the House, the conveyance was included in Senate Bill 353, which became Act 128 of 2018.

\*\*\* **Closing Police or Prison Facilities** -- The Senate unanimously approved **Senate Bill 748**, which creates the Public Safety Facilities Act.



The measure requires advanced notice and a hearing prior to the closure of any state police station or a state prison. The bill was prompted by an arbitrary 2017 decision by the Department of Corrections to close prisons.

Some legislators criticized corrections officials for not providing greater consideration toward the financial impact on prison employees and small communities where some of the prisons are located.

The bill became **Act 133 of 2018**.

\* **Electing the Lieutenant Governor** -- The Senate unanimously approved **Senate Bill 761**, which would amend the Pennsylvania Constitution to allow each party's candidate for Governor to choose a running mate for Lieutenant Governor.

This bill died in the House State Government Committee.

\* **SURE System** -- The Senate unanimously approved **Senate Bill 762**, which would have required the state Auditor General to audit the Statewide Uniform Registry of Electors (SURE) system. SURE gives county election officials direct access to a centralized statewide registration database.

The bill was partially prompted by an unsubstantiated lawsuit claiming that 100,000 non-citizens registered to vote in Pennsylvania. In response, a State Department official told a state House committee that Pennsylvania election officials found only 544 ballots cast by illegal immigrants out of more than 93 million ballots over the previous 18 years.

Under the bill, the Auditor General would have submitted his findings to the governor and specified legislative leaders. The report would have been an assessment on accuracy and security of the system and would have included suggestions for improvements. The audit would have been due at the end of 2018.

The bill died in the House State Government Committee.

\* **Museum Grants** -- The Senate unanimously approved **Senate Bill 775**, which would have enabled the Pennsylvania Historical Museum Commission to establish a grant program for eligible museums that include botanic gardens, children's, historical and scientific museums.

Eligible museums with an operating budget of more than \$100,000 could have applied for grants — equal to 15 percent of their operating budget. Museums with AAM (American Alliance of Museums) accreditation could have received an additional grant of up to 1 percent of its operating budget. Grants could not have exceeded \$500,000. The legislation would have established the Pennsylvania Museum Preservation Fund.

The bill died in the House State Government Committee.

\*\*\* **Leases and Conveyances** -- The Senate unanimously approved **Senate Bill 817**, which granted various land conveyances throughout Pennsylvania.

It authorizes the extension of a lease for a portion of the Southeastern Pennsylvania Veterans' Center in Chester County; conveys land to the Delaware State Park from Nockamixon Township, Bucks County; leases lands located within the bed of the Delaware River to Pier 35 ½; and leases K4 Philadelphia, LLC, land within the bed of the Delaware River to the City of Philadelphia.

The bill was enacted as **Act 66 of 2018**.

\* **POW/MIA Flag** -- The Senate unanimously approved **Senate Bill 822**, which would have required that the POW/MIA flag be displayed on any ground owned by the commonwealth where the United States flag is displayed.

The bill died in the House State Government Committee.

\* **Land Conveyance** -- The Senate unanimously voted for **Senate Bill 826**, which would have conveyed land in Stroud Township, Monroe County, to the Monroe County Municipal Waste Management Authority

The bill died in the House State Government Committee.

\* **Land Conveyance** -- The Senate unanimously approved **Senate Bill 900**, which would have transferred title for certain Project 70 lands owned by Lehigh County to Whitehall Township, Lehigh County.

The bill died in the House.

\*\*\* **Land Conveyances** -- The Senate unanimously approved **Senate Bill 921**, which conveys land in Allentown and Bethlehem, Lehigh County; and lands in the Borough of Kane, McKean County.

The bill was signed into law as **Act 82 of 2017**.

\* **Congressional Redistricting** -- The Senate unanimously approved **Senate Bill 1034**, which would have repealed the Congressional Redistricting Act of 2011 as a result of the Pennsylvania Supreme Court's order to invalidate the current congressional districts

The bill died in the House State Government Committee.

\*\*\* **Civil Service Duties** -- The Senate unanimously approved **Senate Bill 1037**, which repeals the Civil Service Act and transfers many of the duties previously performed by the Civil Service Commission to the Office of Administration.

This transfer includes overseeing all merit system employment and maintaining eligible employment lists, assuring compliance with Civil Service rules, and performing investigations.

Senate Bill 1037 was enacted as **Act 71 of 2018**.

\* **Campaign Funds** -- The Senate unanimously approved **Senate Bill 1038**, which would have allowed residual funds from candidates or suspended political campaigns to be donated to nonprofit organizations.

The bill died in the House State Government Committee.

\* **Executive Sessions** -- The Senate unanimously approved **Senate Bill 1078**, which would have allowed state and local agencies (governments, school districts and colleges) to hold private executive sessions to discuss, plan and review security measures for emergency preparedness, protection of public safety and security of property.

Specifically, executive session could have been held to discuss, plan or review matters and records that are deemed necessary for emergency preparedness, protection of public safety and security of property that, if disclosed, could jeopardize or threaten public safety.

The bill was enacted as Act 156 of 2018.

### Transportation

\*\*\* **Special Organization Plates for Motorcycles** -- The Senate approved **House Bill 26** by a vote of 48-1. The measure authorizes PennDOT to issue special organization registration plates for motorcycles.

The bill was enacted as **Act 91 of 2018**.

\*\*\* **Removal of Driver's License Suspensions** -- The Senate unanimously approved **House Bill 163**, which removes the federally-mandated driver's license suspensions for drug/controlled substance convictions as well as state-imposed suspensions for five other crimes.

When an individual is convicted of a crime related to the possession, sale, delivery, offering for sale, holding for sale or giving away of any controlled substance, license suspensions are part of the conviction. As a result, there are an alarming number of individuals who are at a disadvantage after paying their debt to society by not being able to drive and re-enter the work force.

The measure added a suspension for terroristic threats made against any school property.

The bill became **Act 95 of 2018**.

\*\*\* **Manufactured Homes** -- The Senate unanimously approved **House Bill 783**, which deals with titling certain manufactured homes.

The legislation exempts manufactured homes that have not been previously titled in Pennsylvania from tax certification requirements. The change was proposed because laws in Pennsylvania were not the same as in other states and it was often difficult to acquire tax certifications from neighboring states.

The bill was signed into law as **Act 81 of 2018**.

\*\*\* **Optometrists Authorized to Issue Handicapped Placard/Plate** -- The Senate unanimously approved **House Bill 1288**, which allows optometrists to issue a handicapped plate or placard to a disabled person.

Optometrists will be added to the list of medical professionals authorized to issue statements verifying that a person is disabled under Pennsylvania law. This authorization applies to verification for individuals who apply for a handicapped plate or placard.

The bill was enacted as **Act 37 of 2017**.

\*\*\* **Allowing Purple Heart License Plates on Motorcycles** -- The Senate unanimously approved **House Bill 1294**, which allows motorcyclists to use certain specialty license plates.

The bill enables individuals who have been awarded the Purple Heart to display a special Purple Heart license plate on their motorcycle. The same applies to recipients of the Legion of Merit.

In addition, the measure allows companies such as Uber and Lyft to display an illuminated sign provided by the company inside the driver's vehicle.

The bill was signed into law as **Act 108 of 2018**.

\*\*\* **Flashing/Revolving Lights** -- The Senate unanimously approved **House Bill 1414**, which allows a variety of different vehicles to use flashing or revolving lights while on the road.

Specifically, the measure allows for yellow and white lights on tow trucks, red lights for vehicles used by probation officers in Philadelphia, internal blue lights for privately-owned vehicles used in answering emergency calls, yellow strobe lights for solid waste collection vehicles, and internally mounted lights in certain fire police vehicles.

The bill was signed into law as **Act 83 of 2018**.

\*\*\* **Weight Limits and Hauling Permissions** -- The Senate approved **House Bill 1426** by a vote of 39-10. The bill alters conditions of permits and security for damages related to vehicles.

House Bill 1426 changes the weight limit (from 107,000 to 135,000 pounds) for a permitted vehicle, combination or load. The measure also establishes a limit of 10 feet in width or any height or length limit to be driven, hauled or towed and allows for towing 24 hours a day, seven days a week, except during inclement weather.

The bill also amends the sections on moving construction equipment and containerized cargo to also allow hauling on holidays.

This bill was enacted as **Act No. 24 of 2017**.

\*\*\* **Age Restrictions for ATVs** -- The Senate unanimously approved **House Bill 1936**, which mandates in the Snowmobile and All-Terrain Vehicle (ATV) Law that ATVs are not to be operated in violation of the vehicle's age recommendation label that conforms to ANSI/SVIA 1-2010.

The measure was designed to ensure that it will still apply if the standards are updated in the future.

The bill became **Act 115 of 2018**.

\*\*\* **Restrictions on "Platooning" and Autonomous Vehicles** -- The Senate unanimously approved **House Bill 1958**, which amends the vehicle code and clarifies technical definitions and restrictions on "platooning" and autonomous vehicles.

Platooning is known as a group of motor vehicles, buses, military vehicles or motor carrier vehicles operated by a human and traveling in a unified manner at electronically coordinated speeds at following distances that are closer than would be reasonable and prudent without such coordination. It does not include a school bus or school vehicle.

Autonomous vehicles are highly automated work zone vehicles. PennDOT or the Turnpike Commission authorizes the locations to permit the deployment of such vehicles. These vehicles do not require a human operator while operating in an active work zone.

The bill became **Act 117 of 2018**.

\* **Military Installation Remediation Fund** -- The Senate approved **House Bill 2638** by a vote 39-10. The measure would have amended the "Transit Revitalization Investment District Act," to address the Military Installation Remediation Fund.

The bill would have redirected state tax revenue resulting from the ultimate development of the former military installation and nearby parcels to the newly-created Military Installation Remediation Authority (MIRA).

The MIRA would have utilized these funds to eliminate the local surcharge ratepayers are paying to remove contaminants from their water in Horsham and to fund projects to eliminate the contaminants from drinking water in neighboring municipalities. Any remaining funds would have been used to invest in infrastructure related to environmental remediation or economic development for the former military installation.

The bill died in the House.

\* **Reforming the Delaware River Port Authority**-- The Senate voted 38-11 in favor of **Senate Bill 170**, 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 in 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 on 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 banned 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.

Media accounts of board members misusing their free bridge toll perk and other abuses prompted the reform bill.

The bill died in the House.

\* **Turnpike Commissioners and CEO** -- The Senate voted 37-10 in favor of **Senate Bill 171**, which would have amended the Administrative Code to empower the state senate to confirm the Pennsylvania Turnpike chief executive officer (CEO).

Currently, the commissioners of the Pennsylvania Turnpike nominate and elect the CEO. Both Gov. Tom Wolf and Turnpike Commission members have expressed opposition to the bill, claiming Senate approval is unnecessary oversight because the commissioners who choose the CEO are already approved by the senate.

The bill died in the House Transportation Committee.

\*\*\* **Work Zones Speed Enforcement** -- The Senate voted 45-3 in favor of **Senate Bill 172**, which provides a three-year pilot program for automated speed enforcement systems in active work zones.

The devices detect 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 will only be used within active work zones. Two warning signs will be required to indicate that a speed enforcement device is in use.

The device would record motorists who are speeding by at least 11 miles-per-hour over the speed limit in active work zones. All fines would be \$100, with 45 percent of revenue going to the State Police to recruit, train and equip state police cadets and bolster state trooper patrols in work zones.

Fifteen percent would be given to PennDOT or the Turnpike Commission to enhance work zone safety and public awareness. The remaining 40 percent of fines will be deposited into the Motor License Fund.

PennDOT and the Turnpike Commission must submit an annual report that includes the number of vehicular accidents, injuries and deaths in work zones. The report will also include speed data, the amount of notices, violations, fines and the number of police hours provided in work zones.

The bill became **Act 86 of 2018**.

\* **Local Police Radar Use for Speed Enforcement** -- The Senate voted 46-3 in favor of **Senate Bill 251**, which would have allowed local police to use radar for speed enforcement.

Individuals caught speeding by a local officer on an electronic timing device could not have been convicted upon evidence obtained through the device if the speed limit is less than 10 miles-per-hour over the speed limit.

The bill would also have required that officers be trained to use the devices and that all devices be tested for accuracy within a year of any alleged violation.

The municipal share of revenue generated from radar speed enforcement that exceeded 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 use radar in Pennsylvania.

The bill died after being tabled in the House.

\*\*\* **Toughening Penalties for Steer Clear Offenses** -- The Senate unanimously approved **Senate Bill 288**, which amends the Vehicle Code to toughen penalties for "Steer Clear" offenses.

The measure amends the penalties for repeated offenders of the Steer Clear portion of the Vehicle Code. The Steer Clear Law was enacted in 2006 to create safer circumstances for roadside emergencies, specifically requiring motorists to use caution, switch lanes and reduce speed.

The fine is \$250 for the first offense. This measure increases the fine for subsequent offenses. A second offense will now be \$500, and third will be \$1,000. If someone is seriously harmed or killed and it is the driver's third offense, the perpetrator will also have their license suspended for 90 days.

The bill requires PennDOT to annually report violations of the Steer Clear Law and its plans to educate drivers about the law.

The bill was enacted as **Act 20 of 2017**.

\*\*\* **Littering** -- The Senate unanimously approved **Senate Bill 431**, which increases fines for littering; doubles fines for littering on highway enforcement corridors and triples fines when the litter originates from a commercial business.

Official traffic control devices will be placed to warn motorists of the increased penalties for violations along so-called "litter enforcement corridors."

The bill became **Act 62 of 2018**.

\* **Removal of Snow from Vehicles** -- The Senate unanimously passed **Senate Bill 435**, which would have required all motorists clear snow and ice from their vehicles within 24 hours after snowfall.

Known as “Christine’s Law,” the legislation would have exempted truck drivers who were on their way to a de-icing facility to remove snow and ice. It would have also exempted them if it were too dangerous to try and remove snow or ice in inclement conditions.

Violators would have been subject to a fine of \$25 to \$75. If snow or ice fell from a vehicle and struck another vehicle or pedestrian, causing death or serious bodily injury, the driver could have faced a fine of \$200 to \$1,500.

The bill died in the House Transportation Committee.

\*\*\* **Driver’s License Suspensions** -- The Senate unanimously passed **Senate Bill 553**, which makes changes to drivers’ license suspensions within the Vehicle Code.

The measure allows an individual enrolled in the Accelerated Rehabilitation Disposition (ARD) to serve their license suspension with an ignition interlock license. An individual is not eligible for an ignition interlock license if they violated their ARD agreement

The legislation also mandates that licenses surrendered to PennDOT may be destroyed. Once the person has driving privileges again, he or she may apply for a replacement license. Any police officer, or designated state employee can confiscate a suspended license. The license must be returned to PennDOT, unless it is needed as evidence of an offense.

A person whose driving privileges have been suspended must pay a \$500 restoration fee, unless PennDOT previously suspended their license on two or more occasions. In that case, the restoration fee is \$2,000.

The bill was enacted as **Act 30 of 2017**.

\*\*\* **Protective Fencing on Bridges** -- The Senate unanimously approved **Senate Bill 564**, which urges PennDOT to use protective fencing around bridges that have had instances of suicide or attempted suicide.

Under the bill, PennDOT will consider installing such fencing as part of its bridge construction preliminary design work.

The bill became **Act 65 of 2018**.

\*\*\* **Maximum Weight for Natural Gas Vehicles** -- The Senate unanimously approved **Senate Bill 589**, which increases the maximum weight allowed for Natural Gas Vehicles (NGVs) from 80,000 pounds to 82,000 pounds.

The additional 2,000 pounds is allowed because NGVs have a heavier tank and fueling system than other vehicles. The change is in accordance with the 2015 federal FAST Act that raised NGV weight limits to 82,000 pounds and allowed states to raise weight limits on interstates.

Senate Bill 589 applies to all state and interstate highways in Pennsylvania. Emergency vehicles are exempt from the bill and must instead comply with standards within the FAST Act. Automobile transporter vehicles, including “stinger-steered automobile transporters,” are exempt from length restrictions if the vehicle complies with weight limitations. In addition, tow-away trailer transporter combinations may not exceed 26,000 pounds.

The bill was enacted as **Act 31 of 2017**.

\*\*\* **Golf Carts at Highway Crossings** -- The Senate unanimously approved **Senate Bill 785**, which regulates the operation of golf-carts at public highway crossings and allows for emergency all-terrain vehicles on highway.

The measure makes it illegal to operate a golf cart on any public highway unless the driver of the cart yields the right-of-way to oncoming traffic, the cart is brought to a complete stop before crossing, and the cart is crossing at a place where there is no obstruction that might hinder a safe and quick passage.

The jurisdictional road department may designate a golf-cart crossing with official traffic signals and signage to alert individuals of the upcoming crossing area.

The legislation also imposes age restrictions for individuals operating a golf-cart at a highway crossing. Persons 12 to 16 years of age cannot drive a cart across any highway unless they are under the direct supervision of an adult (18 and older). In addition, all-terrain vehicles may not travel more than two miles on a public highway.

The bill was enacted as **Act 57 of 2018**.

\*\*\* **Eliminating CDL License Fees** -- The Senate approved **Senate Bill 796**, which amends the vehicle code to eliminate the fee associated with a change of address on a commercial driver's license (CDL) if the current address has been changed by a government entity.

The measure also eliminates duplicate registration fees for applicants who print their own copies; provides for registration of recreational trailers/cargo trailers; and extends the exemption for logging/forestry-bonded roads.

The bill became **Act 138 of 2018**.

\*\*\* **Wide Trailers** -- The Senate unanimously approved **Senate Bill 880**, which allows for 102-inch wide trailers on Pennsylvania highways. The bill also empowers PennDOT and municipalities to restrict such vehicles, when necessary.

The bill became **Act 31 of 2018**.

\*\*\* **Disabled Parking Spaces** -- The Senate unanimously approved **Senate Bill 888**, which improves access to disabled parking spaces in Pennsylvania with a focus on prohibiting the obstruction of access aisles and toughening enforcement measures.

The bill became **Act 144 of 2018**.

\* **Maintenance Vehicles** -- The Senate unanimously approved **Senate Bill 898**, which would have exempted vehicles used for local maintenance or construction from restrictions on size, weight and load while working on highways and bridges.

People operating exempted vehicles would have been required to carry official documentation that identifies the vehicle as exempt.

The bill died in the House Transportation Committee.

\*\*\* **Veterans Fund Contributions** -- The Senate unanimously passed **Senate Bill 945**, which amends the vehicle code to allow applicants to make a \$6 contribution to the Veterans' Trust Fund when applying for a two-year vehicle registration through PennDOT's website.

The bill became **Act 149 of 2018**.



\*\*\* **Vehicle Homicide Involving Drunk Driving** -- The Senate voted 45 to 4 in favor of **Senate Bill 961**, which increases mandatory minimum sentencing for homicide by vehicle when an offender is Driving Under the Influence (DUI) and has prior DUI offenses.

The measure also imposes additional measures for multiple DUI offenses, homicide by vehicle, aggravated assault by vehicle and aggravated assault with DUI.

The bill became **Act 153 of 2018**.

\* **Emergency Lights for an Officer's Personal Vehicle** -- The Senate unanimously approved of **Senate Bill 1015**, which would have allowed for police officers who are members of local special emergency response teams to have their personal vehicles equipped with revolving or flashing red lights and an audible warning system when responding to emergency situations.

The bill died in the House Transportation Committee.

\*\*\* **License Check-off for Pediatric Cancer Research** -- The Senate unanimously approved **Senate Bill 1091**, which establishes the Pediatric Cancer Research Fund and enables someone renewing a driver's license or vehicle registration through PennDOT's website to contribute \$5 to the fund.

The contribution is in addition to the regular fee and will be used exclusively for pediatric cancer research.

The bill was **Act 73 of 2018**.

\* **Highly-Automated Work Zone Vehicles** -- The Senate unanimously approved **Senate Bill 1096**, which would have authorized the use of highly-automated work zone vehicles by PennDOT and the state Turnpike Commission.

These vehicles typically have automated driving systems or are connected wirelessly to another vehicle. The automated work zone vehicles are aimed at protecting workers in construction zones.

The bill died in the House Transportation Committee.

\*\*\* **School Bus Safety** -- The Senate unanimously approved **Senate Bill 1098**, which creates a side stop signal arm speed enforcement system (SASES) to help law enforcement apprehend those who fail to stop for a school bus with flashing red lights.

The bill also creates a \$35 surcharge for illegally passing a school bus. The money will be fund a new School Bus Safety Grant Program administered by PennDOT that can be used to award competitive grants to promote and increase school bus safety education and training.

The bill was enacted as **Act 159 of 2018**.

\*\*\* **Obtaining a Title for a Stolen Vehicles** -- The Senate unanimously passed **Senate Bill 1101**, which will reduce barriers for those who want to obtain a title for a recovered stolen vehicle.

Under the bill, if the cost of repairs to the recovered vehicle is more than 50 percent of the vehicle's replacement value, and the owner elects to retain a title to the vehicle, the owner may apply for a certificate of title branded "recovered-theft vehicle."

If the insurer is a self-insurer, the assessment of damage must be completed by a licensed physical damage appraiser who is not affiliated with or employed by the self-insurer.

The measure was enacted as **Act 74 of 2018**.

## Urban Affairs and Housing

\*\*\* **Assistance from the Bureau of Consumer Protection** -- The Senate unanimously approved **House Bill 595**, which allows a condominium and cooperative lessee the right to assistance from the Bureau of Consumer Protection in the Attorneys General office if the case is a violation regarding a meeting, quorums, voting, proxies, and association record occurring within the community.

If a resolution procedure is available under the association's rules, a complaint may not be filed until the lessee has exhausted the procedure or at least 100 days have passed since the lessee commenced the procedure without resolution.

If a violation is found, any person or classes or persons adversely affected have a claim for appropriate relief.

The bill became **Act 17 of 2018**.

\*\*\* **Foreclosure Process for Abandoned Property** -- The Senate voted 47-2 for **House Bill 653**, which accelerates the foreclosure process for vacant and abandoned property.

The legislation establishes a process to have a property certified as vacant and abandoned before an expedited foreclosure can begin. It reduces delays while maintaining due process rights of property owners.

The bill became **Act 32 of 2018**.

\*\*\* **Updates to Title 68** -- The Senate unanimously approved **House Bill 1499**, which is aimed at cleaning up definitions and provisions of Title 68 relating to planned communities, condominiums and cooperatives.

The bill makes several minor changes designed to enhance the overall administration and governance of community associations throughout Pennsylvania.

The bill became **Act 84 of 2018**.

\*\*\* **Assistance and Service Animal Integrity Act** -- The Senate voted 48-1 for **House Bill 2049**, which creates the "Assistance and Service Animal Integrity Act" to address documentation requirements for service animals in housing, and to establish penalties for misrepresentation.

The bill became **Act 118 of 2018**.

\*\*\* **Licensure of Drug and Alcohol Programs** -- The Senate unanimously approved **Senate Bill 446**, which amends the Administrative Code regulating licensure of Drug and Alcohol programs.

The bill requires the Department of Drug and Alcohol Programs (DDAP) to license drug and alcohol recovery houses. Only licensed recovery houses are eligible to receive federal or state funding.

DDAP will be authorized to promote regulations to ensure that Drug and Alcohol recovery houses provide a safe environment for residents. A drug or alcohol recovery house can be considered licensed if documentation proving compliance is provided within 180 days.

DDAP may collect a fee from houses to carry out its legal responsibilities. Houses must obtain a two-year license. Failure to maintain licensure is subject to a fine of \$1,000 per violation.

The bill became **Act 59 of 2017**.

\*\*\* **Land Bank Designations for Redevelopment Authorities** -- The Senate unanimously approved **Senate Bill 667**, which allows redevelopment authorities in second class A through eighth class counties to be designated as a land bank and exercise all powers accorded such entities under statute.

This act does not apply to land bank jurisdictions in Philadelphia and Allegheny counties.

The bill became **Act 33 of 2018**.

\* **County Demolition and Rehabilitation Fund** -- The Senate unanimously approved **Senate Bill 735**, which would have amended the Real Estate Tax Sale Law by establishing an optional "County Demolition and Rehabilitation Fund" in certain counties where a fee assessed for each property sold for delinquent taxes could be used towards the demolition/rehabilitation of dilapidated buildings.

The bill died in the House Urban Affairs Committee.

\*\*\* **Ownership Responsibility of Delinquent Property** -- The Senate unanimously approved **Senate Bill 851**, which clarifies that ownership responsibility of a delinquent property remains with the owner of record until the property is sold and the deed is transferred to the new owner.

If a property remains unsold after an upset sale and on the docket of a bureau, the bureau may accept full payment for the property from or on behalf of the owner. This includes all delinquent taxes as well as any penalties and interest due.

The bill became **Act 38 of 2018**.

\*\*\* **Relocation of Domestic or Sexual Violence Victims** -- The Senate unanimously approved **Senate Bill 919**, which amends the Housing Authorities Law to enable a victim of domestic or sexual violence to request an emergency transfer to relocate.

The housing authority must make a good faith effort to relocate the tenant to a safe and suitable dwelling under its control elsewhere.

The bill became **Act 148 of 2018**.

\* **Assistance for First-Time Home Buyers** -- The Senate unanimously approved **Senate Bill 1066**, which would have created a new program to assist first-time home buyers.

The bill would have allowed Pennsylvanians to open first-time homebuyers' savings accounts at financial institutions. Participants could have deposited money into a special savings account. The big benefit to prospective buyers through the program was that money deposited into the account could have been deducted from their state income taxes.

The funds could have only been used for purchasing a first home. The program would have been available beginning in 2019.

The bill died in the House Urban Affairs Committee.

### **Veterans Affairs and Emergency Preparedness**

\*\*\* **Military Awards** -- The Senate unanimously approved **House Bill 165**, which creates two new military decorations, the Pennsylvania Achievement Medal and the Pennsylvania Veterans Service Award.

The measure also permits the governor to present the Pennsylvania Distinguished Service Medal to veterans and civilians. Previously, only active members of the armed forces, National Guard and Reserves could present the award. In addition, the governor may now present the Pennsylvania Meritorious Service Medal to veterans, instead of only active members.

This legislation gives the Adjutant General the authority to set qualification standards for awarding various medals.

The bill was enacted as **Act 56 of 2017**.

\*\*\* **Youth Guard Challenge** -- The Senate unanimously approved **House Bill 824**, which establishes the National Guard Youth Challenge Program, a 22-week residential program for individuals aged 16-18 who have dropped out of school.

The program focuses on providing young people with life skills, employment potential, leadership development and help in obtaining their GED (General Equivalency Degree).

The bill became **Act 51 of 2018**. The Senate version of the proposal (Senate Bill 52) died in the House.

\*\*\* **Veterans Registry** -- The Senate unanimously approved **House Bill 1231**, which establishes a veterans' registry to provide information on veteran programs and outreach.

The registry program enables veterans to grant permission to have their names given to the local county director of Veterans Affairs to be added to the veterans' registry program. The Department of Military and Veterans Affairs is authorized to coordinate their efforts with other state agencies to help veterans join the registry. The department is required to report on the success of the program to the General Assembly.

The bill was enacted as **Act 69 of 2017**.

\* **Challenge Academy** -- The Senate unanimously passed **Senate Bill 52**, which would have established the Keystone State Challenge Academy (National Guard Youth program), a program for individuals 16-18 years old who dropped out of school.

The program would have focused on having participants get their GED (general equivalency diploma) and receive training on life skills, employment potential and leadership through military-based training.

The Department of Military & Veteran Affairs (DMVA) would have administered the program. Guidelines would have been posted on the websites of the DMVA and state Department of Education (DOE). DOE would have distributed guidelines to all school entities and the DMVA would have provided an annual report to the legislature.

The bill died in the House Veteran Affairs and Emergency Preparedness Committee. However, the House version of the legislation (House Bill 824) became law (Act 51 of 2018).

\* **Civil Air Patrol** -- The Senate unanimously approved **Senate Bill 137**, which would have required the Department of Military Affairs (DMA) to act as a liaison and provide administrative assistance to the Civil Air Patrol (CAP).

The bill aimed to increase the ability of both departments to work together and share resources. Civil Affairs Patrol would have helped in search and rescues, provided disaster relief support, assisted with homeland security, provided emergency transport services and offered communication support to DMA in case of a disaster.

DMA would have managed the spending of the state funds for use by CAP. In emergency situations or disasters, permission would have been needed for DMA to accept CAP assistance.

The bill died in the House Appropriations Committee.

\*\*\* **Veterans Monuments and Memorials** -- The Senate unanimously approved **Senate Bill 552**, which creates the Pennsylvania Veterans' Monuments and Memorial Trust Fund.

The bill does away with the Veterans' Memorial Trust Fund from the Veterans Trust Fund and establishes the "Pennsylvania Veterans' Monuments and Memorial Trust Fund." This fund will be used for monuments and memorials dedicated to Pennsylvania veterans and military units.

The legislation requires that the following monuments receive funding:

- The Pennsylvania Veterans' Memorial at Indiantown Gap National Cemetery;
- American battle monuments located overseas, but officially recognized or owned by the commonwealth;
- Pennsylvania unit monuments and markers at Gettysburg National Military Park; and
- Other Pennsylvania military memorials and monuments as designated or recognized by the state Department of Military Affairs.

The bill was signed into law as **Act 64 of 2018**.

\*\*\* **Military Community Enhancement Commission** -- The Senate unanimously approved **Senate Bill 798**, which amends the Pennsylvania Military Community Enhancement Commission's membership make-up.

The bill allows for commission members to include active-duty retired one or two-star officers to join in addition to three and four-star retired officers. The measure also requires members to be Pennsylvania residents.

The bill was enacted as **Act 139 of 2018**.

\* **Veteran-owned Businesses** -- The Senate unanimously approved **Senate Bill 1041**, which would have created both a veteran-owned and disabled-veteran-owned small business logotype.

These logos would have been created by the Department of Military and Veteran Affairs and Office of Administration and used to promote veteran-owned and disabled-veteran-owned businesses.

The bill died in the House Veteran Affairs and Emergency Preparedness Committee.

\* **Police Officer Benefits** -- The Senate unanimously approved **Senate Bill 1073**, which would have amended the "Heart and Lung Act" to extend benefits to several law enforcement entities who are not covered, including Park Rangers, University Police Officers, Fort Indiantown Gap Police Officers and others.

The Heart and Lung Act authorizes an injured enforcement officer to receive 100 percent of salary and benefits for the duration of a disability caused by a work-related injury.

The bill died in the House Labor and Industry Committee.

\* **Statewide Radio Network** -- The Senate unanimously approved **Senate Bill 1157**, which would have amended the Fiscal Code to authorize the state Auditor General to conduct an audit on the implementation of a statewide radio network for law enforcement and emergency responders.

The bill was prompted by incessant complaints that the statewide radio network has been costly and ineffective.

The bill died in the House.

\*\*V **Price Gouging During Emergencies** -- The Senate approved **Senate Bill 1172** by a vote of 42-7. The bill would have made clarifications to the price gouging law (Act 133 of 2006) that takes effect when the governor or municipal official issues an emergency declaration.

The bill would have authorized the governor to expressly state in a disaster emergency declaration that provisions of the Price Gouging Act are in effect (for up to 15 days). It also would have limited the price restrictions on goods and services that are directly related and fall within the geographic area of the declaration.

Under the bill, the governor could have restricted prices for three additional 15-day periods. It also would have authorized the court to determine what an “unconscionably excessive price” is when there is a gross disparity between the price immediately before and after a declaration.

The bill would have established that a price is not unconscionably excessive if it is 10 percent or less above the price or the normal mark-up price — consistent with normal market fluctuations or some contractual price. The bill would have set fines of up to \$25,000 per day against violators and restricted penalties to civil actions.

The bill was vetoed by Gov. Tom Wolf. In his **Veto Message #5** statement, Wolf argued that the legislation would have shifted the burden to consumers during a state of disaster emergency. He added that legislation also would have encouraged the prices of consumer goods and services to be increased prior to the declaration of a state of disaster emergency.