

WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – DAVID G. ARGALL, CHAIRMAN

Monday, July 11, 2016

[Senate Bill 514](#) (Vance) would amend the Generic Equivalent Drug Law to allow a pharmacist to substitute a biological product for a prescribed biological product only if:

- The biological product is an “interchangeable biological product” that has been determined by the United States Food and Drug Administration to be interchangeable with the prescribed product;
- The prescriber does not designate verbally or in writing on the prescription that substitution is prohibited; and
- The person presenting the prescription receives notification of the substitution.

Within 72 hours following the dispensing of an interchangeable biological product, the dispensing pharmacist would have to communicate to the prescriber the specific product provided to the patient, including the name of the product and the manufacturer. The communication would have to be conveyed by making an entry in the electronic health record of the patient or through an electronic prescribing technology, a pharmacy benefit management system or a pharmacy record that is electronically accessible to the prescriber. Otherwise, the pharmacist would have to communicate the product dispensed using facsimile, telephone, electronic transmission, or other prevailing means. These provisions would not apply to a biological product which could be dispensed without a prescription.

In addition to other definitions, the bill would define “interchangeable biological product” as a biological product licensed by the United States Food and Drug Administration and determined to meet the safety standards for interchangeability pursuant to the Public Health Service Act or a biological product approved under Section 505 of the Federal Food, Drug, and Cosmetic Act and determined by the United States Food and Drug Administration to be therapeutically equivalent to a prescribed biological product. [Concurrence in House Amendments: 48-0.](#)

[Senate Bill 533](#) (Eichelberger) would amend Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes to provide that contraband seized from a parolee or probationer would be considered abandoned and unclaimed if the following criteria have been met:

- The parolee or probationer is no longer under the jurisdiction of the court;
- Two years have elapsed from the date the parolee or probationer was no longer under the jurisdiction of the court;

- Notice that the item will be declared abandoned has been mailed to the last known address of the parolee or probationer at least 60 days prior to the date the item is declared abandoned;
- No other claimant of the item has notified the proper authorities of a claim, or is known to them; and
- The item has not been forfeited in accordance with any forfeiture statute.

The legislation would require a county adult probation and parole department to:

- Tag and secure contraband for such time as necessary to secure its use as evidence in a violation, revocation or criminal proceeding;
- Retain the contraband until all appeal periods are exhausted; and
- Provide notice to the offender that abandonment will be sought if the offender does not claim the contraband within two years after sentence completion.

If declared abandoned, the contraband would be transferred to the county department of probation and parole. The department would itemize the contraband and submit a report to the Treasury Department. Any abandoned contraband not accepted by the Treasury Department would become the property of the county department. The county department would be entitled to dispose of the contraband in stipulated ways. The bill would establish an appeal procedure of the abandonment determination through the court of common pleas. The county department and its employees would be immune from liability for good faith conduct.

The county treasurer would be required to establish a community correction forfeiture fund for the deposit of all money obtained through the disposition of the contraband. Disbursement of the money in the fund would be at the discretion of the president judge of the court of common pleas. All cash or proceeds generated by the disposition of the abandoned contraband would first be made available to satisfy any restitution owed by the offender to crime victims. The county department would be required annually to post a report specifying the abandoned property or proceeds of the abandoned property on the county's publicly accessible website and make the report available as a public document. The Pennsylvania Board of Probation and Parole could enact regulations to implement the legislation on a uniform basis throughout the Commonwealth. **[Concurrence in House Amendments: 48-0.](#)**

[Senate Bill 956](#) (Ward) would designate the bridge located on State Route 1017 in Ligonier Township, Westmoreland County over the Mill Creek as the Lieutenant Eric Eslary Memorial Bridge. The measure would also designate the section of State Route 981 in Mount Pleasant Township, Westmoreland County, from the intersection of State Route 981 and State Route 2021 to the intersection of State Route 981 and State Route 130, as the James Paul Takitch Honorary Highway. **[Concurrence in House Amendments: 48-0.](#)**

[Senate Bill 1227](#) (Blake) would repeal Chapter 41 (Independent Fiscal Office) of Title 71 (State Government) of the Pennsylvania Consolidated Statutes and the Public Employee Retirement Commission Act and re-establish the Independent Fiscal Office (IFO) in Article VI-B of the Administrative Code of 1929. The legislation would transfer some of the duties currently performed by the Public Employee Retirement Commission (PERC) to the IFO, with the remaining duties transferred to the Auditor General. In addition to its existing duties, the IFO would be responsible for having actuarial notes prepared estimating the impact of proposed changes to the pension systems and for analyzing bills relating to public employee retirement or pension policy and issuing a report on the bill in a timely fashion. The powers and duties of PERC under the Municipal Pension Plan Funding Standard and Recovery Act would be transferred to the Department of the Auditor General. The transferred duties would be independent of the Auditor General's existing audit functions and segregated in a separate departmental bureau. The employees of PERC would be transferred to the Department of Auditor General. **Concurrence in House Amendments: 48-0.**

[Senate Bill 1229](#) (Vogel) would amend the Administrative Code of 1929 to make a number of changes. Among other provisions, the legislation would:

- Require the production reports mandated under the Unconventional Well Report Act submitted on February 15 and August 15 of each year to include information on the amount and type of waste produced and the method of waste disposal or reuse for the past six months. The Department of Environmental Protection (DEP) could not require more frequent reporting. Waste information submitted under the section would be deemed to satisfy the residual waste biennial reporting requirements under 25 Pa. Code §287.25;
- Clarify that the restoration provisions of 58 Pa.C.S. §3216(c) would apply if multiple wells are drilled or permitted to be drilled on a single well site. The Department of Environmental Protection would be required to ensure that the restoration provisions are complied with within 24 months after completion of all wells drilled on the well site or within 24 months after the expiration of all existing well permits on the well site, whichever is later;
- Prohibit DEP from prescribing standards or requirements for the storage of surface water, fresh groundwater or water obtained from an approved public water purveyor for use in oil and gas development that are more stringent than those imposed for the storage of similar freshwater sources used for purposes other than oil and gas development;
- Require all solar photovoltaic technology registered in accordance with the Alternative Energy Portfolio Standards Act to directly deliver the electricity it generates to the distribution system operated by an electric distribution company operating within the Commonwealth and currently obligated to meet the compliance requirements contained in the Alternative Energy Portfolio Standards Act;
- Prohibit the Department of Corrections from closing a state correctional institution during the 2016-2017 Fiscal Year without first holding a public hearing. The Department would

be required to publish notice of the hearing in the *Pennsylvania Bulletin* and in at least two local newspapers; and

- Make technical changes clarifying the formula and qualifications for Pennsylvania-bred thoroughbred breeding awards and to provide for the adjustment of award percentages. **Concurrence in House Amendments, as Amended: 41-7.**

Senate Resolution 412 (Vogel) recognizes the week of July 11 through 15, 2016 as “National Disability Voter Registration Week” in Pennsylvania. **Adopted by Voice Vote.**

House Bill 568 (Evankovich) would amend the Pennsylvania Construction Code Act to update various sections. The composition of the Uniform Construction Code Review and Advisory Council (RAC) would be changed, with legislative appointees added. Other changes to RAC procedures would provide for: removal of members, member terms, compensation, participation in meetings and voting, and the addition of technical advisory committees. Technical advisory committees would be established for each of the codes included in the Uniform Construction Code. The code review process would be updated and accelerated. The RAC would be required to submit a report to the Secretary of Labor and Industry regarding the review of the 2015 ICC Codes on or before December 31, 2017. The bill also provides for a delay in future code adoption review processes of 21 months following any new addition to the ICC Codes. The RAC would have to submit a report to the Secretary within the 24 month period following the start of the review process, including sections of the codes that are specified for adoption or modification. Within nine months of the receipt of the report, the Department would be required to promulgate final-omitted regulations to adopt the RAC’s decisions contained in the report. The fees imposed on municipal building permits would be increased from \$4.00 to \$5.00. The fee would be divided between three accounts: the municipal code official training account (\$2.00), the construction contractor training account (\$2.00) and the newly-created RAC administrative account (\$1.00). **Passed: 45-3.**

Tuesday, July 12, 2016

Senate Bill 717 (Vance) would amend the Professional Nursing Law to provide for the licensure of certified nurse practitioners. Several new definitions would be added including the definition of “certified nurse practitioner” and “advanced practice registered nurse-certified nurse practitioner.” A certified nurse practitioner (CNP) would be permitted to practice as a licensed independent practitioner within the particular clinical specialty area in which they are licensed. A CNP would have to be recognized as a primary care provider under health care plans. The bill specifies that regulations or orders of the Departments of Health, Human Services or Insurance could not supersede the decision of a health care facility with regard to the eligibility of CNPs for medical staff membership or clinical privileges at the facility. A registered nurse who holds current board certification as a certified registered nurse practitioner in a certain clinical specialty on the effective date of the act would automatically be deemed to be licensed by the State Board of Nursing as a CNP. In order to qualify for an initial license as a certified nurse practitioner, a person would have to meet the following criteria:

- hold a current Pennsylvania license as a registered nurse;

- be a graduate of an accredited, board-approved master’s or post-master’s nurse practitioner program; and
- hold current certification as a certified nurse practitioner from a board-recognized national certification program which required passing a national certifying examination in the particular clinical specialty area in which the nurse is seeking licensure.

The board would be required to establish a procedure by which a license could be amended to add a clinical specialty area in certain situations. The bill states that the use of the terms “certified registered nurse practitioner,” “registered nurse practitioner,” “certified nurse practitioner,” and “nurse practitioner” in any other act would mean a person licensed as a CNP. The title “advanced practice registered nurse-certified nurse practitioner” could only be used by a registered nurse who is licensed as a CNP. A CNP could form a professional corporation with other registered nurses and/or other health care practitioners without receiving a referral or supervision from another health care practitioner. An exception from the collaboration requirement would be provided for a CNP who has engaged in the practice of professional nursing as a CNP or CRNP in collaboration with a physician for not less than three years and not less than 3,600 hours in accordance with a written agreement. A registered nurse who was licensed or certified in another state or country could qualify for the collaboration exemption under certain circumstances. [Passed: 41-9.](#)

[Senate Bill 1219](#) (Mensch) would designate:

- The portion of State Route 663 from the Bucks County line, through Pennsburg Borough to the end of Upper Hanover Township in Montgomery County as the Army Specialist Ray Ira Haas Memorial Highway;
- The portion of State Route 100 from Hereford Township at the Lehigh County line through Washington Township in Berks County as First Lieutenant William F. Gendebien Memorial Highway;
- The section of State Route 2026, also known as Blair Mill Road, in Montgomery County from Easton Road to Horsham Road as the Private First Class Paul T. Wright Memorial Highway;
- The bridge located on Sheep Bridge Road in Newberry Township, York County over I-83 as the Staff Sgt. Jason M. Faley Memorial Bridge;
- The bridge on State Route 879 over Trout Run in Goshen Township, Clearfield County as the Private David Kyle McCracken Memorial Bridge;
- The section of State Route 2034 in Montgomery County from Terwood Road to Moreland Road as the Cpl. Carl F. Hynek III Memorial Highway; and

- The section of State Route 2005, known as Lansdowne Avenue, Delaware County, from State Road to School Lane as the Officer Dennis McNamara Memorial Highway.
Passed: 50-0.

House Bill 325 (M. K. Keller) would amend the Auctioneer Licensing and Trading Assistant Registration Act to update the act. Among other provisions, the measure would:

- Clarify that an individual who engages in the auction business in the Commonwealth would have to obtain an auctioneer license and that a business entity other than a sole proprietorship that engages in the auction business would have to obtain an auction company license;
- Establish that a Pennsylvania license is required in order to conduct an online auction if the owner or property is located in the Commonwealth;
- Allow graduates of Group B auction schools (less than 20 credit hours of instruction) to become licensed after one year of experience as an apprentice auctioneer;
- Eliminate the requirement that an auction company's auctioneer-of-record have an ownership interest in the auction company, and clarify that the auctioneer-of-record does not need to be present at every auction conducted by the auction company;
- Repeal Section 9 to eliminate the separate auction house license. Existing auction house licenses would remain in effect until they expire at the end of the biennial licensing period;
- Repeal Section 10.1 and replace it with Section 5.1 to require trading assistant companies to register with the State Board of Auctioneer Examiners in the same manner as required for individual trading assistants;
- Make licensure reciprocity available to Pennsylvania residents licensed in another state; and
- Modify the qualifications required for licensee appointments to the State Board of Auctioneer Examiners. **Passed: 50-0.**

House Bill 806 (Causer) would amend the Pennsylvania Farmland and Forest Land Assessment Act of 1974 (Clean and Green Act) to further provide for use values. For forest reserve land, a county assessor could apply an average value of all forest classification types within the county, but would have to apply the use value for a specific forest classification type if the landowner provides a statement defining the predominant type on his land. For all three land use categories, a county assessor would be required to apply the use values in effect as of the effective date of the legislation, and apply those values until the next countywide reassessment. For the year in which a countywide reassessment becomes effective, a county would have to establish new use

values for all three land use categories, and apply those values until the next countywide reassessment. If the values provided annually by the Department of Agriculture are lower than these values for any given year, the county assessor would be required to apply the lower values. A county assessor could not otherwise change a use value unless the land use category changes. If the application of a use value results in an assessment that is higher than if the land had not been enrolled in Clean and Green, then the fair market value assessment would be applied. In all cases, the lowest possible value would have to be utilized. An additional provision would establish that land area that is burdened by a public or private road, right-of-way or easement would be included in determining whether the condition for minimum contiguous area under the act has been met. **Passed: 50-0.**

House Bill 835 (Bloom) would designate:

- The section of State Route 74 in Cumberland County from the eastern corporate limits of Carlisle Borough to the intersection of State Route 74 with Ashland Avenue as the Marine Lance Corporal Gary Lee Ream Memorial Highway;
- The bridge located on the portion of State Route 4010 over Sugar Creek, Sugarcreek Borough, Venango County, commonly known as the Sugarcreek Bridge or Twin Bridges, as the Lieutenant Andrew J. White Memorial Bridge;
- The section of State Route 220 from State Route 405 in Hughesville Borough, Lycoming County to State Route 42 in Laporte Township, Sullivan County as the Lieutenant Commander John J. Peterman Memorial Highway;
- The section of State Route 220 in Lycoming County from State Route 2081 in Wolf Township to State Route 42 in Hughesville Borough as the Thomas A. Paternostro Memorial Highway;
- The bridge located on State Route 74 in Spring Township, Perry County, over the Sherman's Creek as the PFC William Oscar Stambaugh Memorial Bridge;
- The portion of State Route 309 between Passer Road and State Route 378 in Upper Saucon Township, Lehigh County as the Officer M. David Petzold Memorial Highway;
- The pedestrian walkways of the bridge located on State Route 3016 connecting the Boroughs of West Conshohocken and Conshohocken, Montgomery County, over the Schuylkill River as the Clay-Doc Walk in memory of West Conshohocken Borough Police Chief Joseph G. Clayborne III and Conshohocken Borough Police Chief James H. Dougherty, Sr.; and
- The section of State Route 1030, known as Segment 10, in the Borough of Donora, Washington County as the Ken Griffey Sr. & Jr. Drive. **Passed: 50-0.**

Wednesday, July 13, 2016

[House Bill 1198](#) (Prime Sponsor Withdrew) would amend the Tax Reform Code of 1971 to make numerous changes. Among other provisions, the legislation would:

- Modify the Sales and Use Tax provisions to exclude “timbering” as defined in the act, add “digital downloads” to the definition of tangible personal property, clarify that certain corrugated boxes are included in the definition of “carton,” and exclude the setting up, tearing down or maintenance of property rented by an authority to exhibitors at a convention center or a public auditorium;
- Reduce the allowable vendor discount to the lesser of one percent of the amount of the Sales Tax collected or \$300;
- Add language to make automated sales suppression devices illegal and provide penalties for their possession and use;
- Remove the exemption from the Personal Income Tax for Pennsylvania lottery cash winnings;
- Add a tax check-off for taxpayers to contribute a portion of their refund to their Tuition Account Program account;
- Change the filing date for the Corporate Net Income Tax and provide for the filing of amended reports by corporate taxpayers;
- Increase the Bank Shares Tax from 0.89 percent to 0.95 percent for the calendar year beginning January 1, 2017 and thereafter;
- Repeal the Gross Receipts Tax on Managed Care Organizations;
- Exempt veterans’ organizations from the Realty Transfer Tax, as well as certain land transfers involving land for conservation, historic preservation or land bank purposes;
- Increase the Cigarette Tax by \$1.00 per pack (to \$2.60 per pack) and provide for the transfer of some of the revenue from the tax;
- Impose a 40 percent tax on the wholesale price of electronic cigarettes and a 55 cents per ounce tax on smokeless and roll-your-own tobacco;
- Extend the Research and Development Tax Credit;
- Increase the cap on the Film Tax Credit by \$5 million from \$60 million to \$65 million and update numerous definitions;

- Expand the Tax Credit for New Jobs to allow businesses to claim a tax credit when a new job is filled by a veteran;
- Provide for a Concert and Rehearsal Tour Tax Credit, a Video Game Production Tax Credit, a Coal Refuse Energy and Reclamation Tax Credit, a Waterfront Development Tax Credit, a Rural Jobs and Investment Tax Credit, a Manufacturing Tax Credit, and a Mixed-Use Development Tax Credit;
- Include a city of the second class A and home rule municipalities with a population of at least 20,000 in the definition of “city” for the purposes of the City Revitalization and Improvement Zones (CRIZ) program;
- Make various technical changes to the CRIZ program and add additional accountability provisions;
- Expand the Neighborhood Assistance Tax Credit to include contributions to a neighborhood organization that engages in activities of providing affordable housing and domestic violence or veterans’ housing assistance;
- Prohibit the assessment of real estate taxes on any property in a Neighborhood Improvement Zone (NIZ) owned by a contracting authority;
- Provide for revenue generated from local hotel taxes levied in a NIZ to be used first for new development and capital improvements of hotel properties in the NIZ before being distributed pursuant to existing law;
- Allow for the designation of up to 12 additional Keystone Opportunity Expansion Zones and make numerous changes to the Keystone Opportunity Zones, Keystone Opportunity Expansion Zones, and Keystone Opportunity Improvement Zones programs;
- Repeal the Keystone Innovation Zone Tax Credit Program in Title 12 (Commerce and Trade), re-establish it in the Tax Reform Code and lower the cap on the credits from \$25 million to \$15 million;
- Re-establish the Malt Beverage Tax Credit beginning July 1, 2017;
- Clarify the existing inheritance tax exemption for transfers of certain family-owned farms;
- Impose, until June 30, 2019, an additional two percent tax on the daily gross table games revenue for each slot machine licensee that has a table game operation certificate;
- Create a Computer Data Center Equipment Incentive Program; and
- Provide for a 60-day tax amnesty program to be established by the Governor during the 2016-2017 Fiscal Year. [Conference Committee Report Adopted: 28-22.](#)

[House Bill 1605](#) (James) would amend the Fiscal Code to provide implementation language for the General Appropriation Act of 2016. The legislation would:

General Provisions

Cigarette Licensing. Increase the presumptive minimum cost for cigarette retailers from six percent to seven percent and clarify and update other provisions related to the sale and taxation of cigarettes;

Cancer Control, Prevention and Research. Recodify the language of the Pennsylvania Cancer Control, and Prevention Act as an article in the Fiscal Code and extend the sunset date of the article to June 30, 2026;

Treasury – Unclaimed Property. Update and provide clarification for the unclaimed property law and require the holder to perform due diligence to find the owner of the property before delivery to the State Treasurer;

Capital Facilities. Allow certain redevelopment assistance capital projects that were originally enacted more than 10 years ago to remain eligible if an application was received during the 2015 application period;

Oil and Gas Conservation. Provide that the Oil and Gas Conservation Law does not apply or affect any well or wells which do not reach a depth of 3,800 feet or which do not intentionally penetrate the Onondaga formation and intentionally produce oil or gas from the formation;

Heritage Area Program. Add language requiring the Department of Conservation and Natural Resources to adopt program goals, guidelines and policies for the program;

Transportation Network Companies. Extend until September 30, 2016, the temporary certificate of public convenience granted by the Public Utility Commission to a transportation network company operating in Philadelphia; allow a parking authority in Philadelphia to regulate the service; provide for the levy, collection and distribution of an assessment; and, allow the PUC to establish temporary regulations relating to taxis and limousines;

State Workers' Insurance Board. Allow the State Workers' Insurance Board to invest in financial institutions that are designated as a minority depository institution or community development financial institution if the investment is consistent with authorized investments and prudent person standards applicable to the Board;

School District Intercepts. Add language to the existing school district intercept program to provide a mechanism for the State Treasurer to make debt service payments, during a budget impasse, on behalf of school districts pursuant to a signed intercept agreement;

Special Funds and Transfers

Oil and Gas Lease Fund. Set the transfer from the Oil and Gas Lease Fund to the Marcellus Legacy Fund for distribution to the Environmental Stewardship Fund at \$20 million for FY 2016-17 and at \$5 million for distribution to the Hazardous Sites Cleanup Fund;

Business in Our Sites Program. Require the Commonwealth Financing Authority to transfer \$75 million to the Business in Our Sites Program account: \$50 million from the First Industries Program revolving load account and \$25 million from the Building Pennsylvania Program trust account;

Budget Stabilization Reserve Fund (Rainy Day). Stipulate that no surplus in the General Fund for FY 2015-16 could be deposited into the Budget Stabilization Reserve Fund;

Tobacco Settlement Fund. Provide that the distribution from the Tobacco Settlement Fund for FY 2016-17 would utilize the same formula as that used in FY 2015-16 and require the Department of Human Services to issue a report on uncompensated care payments and reimbursements for extraordinary expenses made to eligible hospitals under the Tobacco Settlement Act;

PA Race Horse Development Fund. Provide that for FY 2016-17, the Fund would transfer to the Pennsylvania Race Horse Development Restricted Receipts Account \$19.659 million in 22 equal weekly installments for agriculture programs from which the Department would transfer \$8,555,255 to the State Racing Fund;

Drug and Alcohol Programs. Continue the existing annual transfer of \$2.5 million from the sale of liquor and alcohol to the Department of Drug and Alcohol Programs for FY 2016-17;

Natural Gas Infrastructure Development Fund. Establish the Fund within the Commonwealth Financing Authority and transfer \$12 million from available funding in the Alternative Energy Investment Act High Performance Buildings Program to the Fund to enable the Commonwealth Financing Authority to fund projects which expand access to natural gas infrastructure;

FY 2016-17 Budget Implementation

Fund Transfers. Require the following to be transferred to the General Fund:

- \$5 million from the Alternative Fuels Incentive Fund;
- \$2 million from the Local Law Enforcement Block Grants;
- \$9 million from the Recycling Fund;
- \$28.5 million from the Tobacco Settlement Fund;
- \$9 million from the Volunteer Companies Loan Fund; and
- \$12 million from the Building Pennsylvania Program account;

Fund Loans. Require \$200 million from the unappropriated surplus of the Pennsylvania Professional Liability Joint Underwriting Association to be loaned to the General Fund, with repayment over a five-year period beginning on July 1, 2018;

Treasury Department.

- Provide funding for a tuition assistance marketing program;

Department of Agriculture.

- Provide funding for agriculture research including funding for avian flu research and agricultural law programs;
- Provide that at least 80 percent of funds appropriated for hardwood research and promotion be equally distributed among hardwood utilization groups;
- Provide for the transfer of funds from general government operations to the Dog Law Restricted Account; and
- Allow the Department to use up to \$165,000 credited to the Agricultural Conservation Easement Purchase Fund to issue grants not to exceed \$3,000 each for succession planning;

Department of Community and Economic Development.

- Allocate funding appropriated for marketing to attract tourists;
- Allocate funds appropriated for Keystone Communities to be distributed to a multi-municipal revitalization organization and require funds allocated for the Main Street and Elm Street programs to be distributed in the same proportion as in FY 2012-13;
- Provide that funds appropriated for regional event security be used as grants or reimbursements for costs incurred for a national convention and conference; and
- Direct that funds appropriated for local municipal emergency relief be used for a state program to provide assistance to individuals and political subdivisions directly affected by natural and man-made disasters or public safety emergencies;

Department of Conservation and Natural Resources.

- Allocate funding for the operation and maintenance of the Washington Crossing Historical Park;

Department of Corrections.

- Direct that at least \$1.5 million be used for a non-narcotic medication assisted substance abuse treatment grant pilot program;

Department of Drug and Alcohol Programs.

- Provide funding for programs providing treatment for post-traumatic stress disorder for veterans;

Department of Education.

- Give the Office for Safe Schools, subject to the availability of funding, the power and duty to develop telephone hotlines and internet notification systems for the reporting of potential or actual violence or possession of weapons on school property;

- Provide for the distribution of funds from the mobile science and mathematics education programs;
- Direct funding from the adult and family literacy programs, summer reading programs and the adult high school diploma programs to be allocated for an after-school learning program for low-income students;
- Allocate funds appropriated for Pennsylvania Charter Schools for the Deaf and Blind to be used for public school employees' retirement payments;
- Distribute funding appropriated for community education councils;
- Direct the Department to provide an analysis of a proposed separation of a school district that was previously required to consolidate by the Commonwealth; and
- Maintain the directive that no Commonwealth payments be made to charter, regional charter, or cyber charter schools for school employee social security or retirement payments;

Department of General Services.

- Require the City of Harrisburg to use funds appropriated for Capitol fire protection to support fire services to the Capitol complex;

Department of Health.

- Provide for the continuation of coordinated donated dental services and funding for outreach for Charcot-Marie-Tooth Syndrome;
- Appropriate funds for a referral center for abnormal metabolic screenings;
- Require that funds for adult cystic fibrosis and other chronic respiratory illnesses include funds for research;
- Direct that funds for lupus research be distributed in the same proportion as in FY 2015-16; and
- Provide that funds appropriated for biotechnology research include allocations for certain types of research;

Department of Labor and Industry.

- Provide for certain allocations from the appropriations to the Vocational Rehabilitation Fund;
- Direct that a portion of the funds appropriated for industry partnerships be allocated for workforce development for veterans;

Department of Human Services.

- Authorize the transfer of TANFBG and CCDFBG Child Care Assistance funds to CCDFBG Child Care Services for additional low-income families if no deficit results;
- Allocate funds from the mental health services appropriation to be used for the continuation and maintenance of the existing network of web portals and for portal expansion to include resources and services for veterans and their families;
- Provide for Community Access payments to hospitals to be distributed using the same formula as used in FY 2014-15;

- Direct funds allocated from funds appropriated for fee-for-service for the Select Plan for Women's Preventive Health Services to be used for women's medical services, including non-invasive contraceptive supplies;
- Direct that separate MA payments be made for general hospital stays for healthy newborns and mothers' obstetrical delivery;
- Provide, from the MA fee-for-service care appropriation, distributions of funds for treatment of cleft palates and other craniofacial anomalies, for clinical ophthalmologic services, and for a \$5 per hour increase in pediatric shift nursing services provided in a home care setting effective July 1, 2016, among others;
- Provide that the MA Capitation appropriation includes funding for the prevention and treatment of depression in older Pennsylvanians; for an increase in the reimbursement rate for pediatric shift nursing services provided in a home care setting effective January 1, 2017; and for the treatment of heroin and opioid addiction;
- Direct that funds appropriated, but not used by level III trauma centers, be used to make payments to level I and level II trauma centers;
- Provide for the allocation of funds to qualifying academic medical centers and qualifying university-affiliated physician practice plans;
- Direct that funds for MA transportation only be utilized as payment of last resort for transportation of eligible medical assistance recipients;
- Permit funds for breast cancer screening to be used for women's medical services, including non-invasive contraception supplies;
- Allow nonprofit agencies whose primary function is to promote childbirth and provide alternatives to abortion, to expend funds to provide services to women until childbirth and up to 12 months thereafter;
- Direct that funds appropriated for community-based family centers could not be considered as part of the base for calculation of a county child welfare needs-based budget for a fiscal year;
- Permit the Department, with federal approval, to adjust premiums for Medical Assistance for Workers with Disabilities;
- Provide that federal law relating to aliens will apply to payments and providers; and
- Give a statewide organization administering domestic violence services on behalf of the Department until September 16, 2016 to file a required audit;

Department of Revenue.

- Continue the Enhanced Revenue Account through FY 2019-20;
- Appropriate from funds in the Enhanced Revenue Account, for each fiscal year 2016-17 through 2019-20, up to \$25 million to the department to fund the costs of increased collection enforcement and reduction in tax refund errors; and
- Require the Department to annually issue a report to designated officials outlining associated administrative costs and revenue collected;

Department of Transportation.

- Prohibit the Department from using direct mail inserts, as defined, in mailings sent from the Department;

Pennsylvania Emergency Management Agency.

- Provide that funds appropriated for search and rescue programs would be used to support programs related to training service dogs focusing on rescue and public safety;

Pennsylvania Infrastructure Investment Authority.

- Provide that up to \$10 million be used to fund grants for projects that install infrastructure to ensure clean drinking water;

Pennsylvania Liquor Control Board.

- Authorize the application process and permitting of a national political party conducting its national convention in the Commonwealth;

Other Provisions

State Lottery Fund. Prohibit funds appropriated for PENNCARE from being used for administrative costs by the Department of Aging;

Executive Offices. Require the Office of the Budget to begin discussions with the U.S. Department of Treasury within 90 days to establish a reciprocal Treasury Offset agreement previously authorized in law;

Pennsylvania Gaming Control Board. Require that for any slot machine license issued in FY 2016-17, the slot machine licensee fee must be paid in full no later than June 30, 2017;

Commonwealth Financing Authority Restricted Revenue Account. Establish, within the General Fund, a restricted account for the purpose of making principal and interest payments for outstanding indebtedness of the Commonwealth Financing Authority and direct the Secretary of the Treasury to transfer certain revenue from the general revenues;

Federal and Commonwealth Use of Forest Land. Increase the DCNR per acre payment in lieu of taxes from \$3.60 to \$6.00 effective July 1, 2017;

Motor License Fund. Provide that the appropriation from the Motor License Fund to the Pennsylvania State Police for FY 2017-18 will not exceed that appropriated in FY 2016-17 and starting in FY 2018-19 the appropriation will decrease by four percent annually. By FY 2027-28, the Motor License Fund appropriation to the State Police could not exceed the greater of \$500 million or 60 percent of the total amount appropriated in FY 2016-17;

Pennsylvania Liquor Control Board.

- Permit the Board to implement a procedure for processing special orders which do not come to rest at a store;
- Require the Board to set the dates, times and regulations for the auctioning of licenses;
- Clarify the definition of “best-selling items”; and

Department of Human Services. Remove language added in FY 2015-16 relating to pediatric shift nursing services provided in a home care setting, to conform to language added for FY 2016-17. **Passed: 45-5.**

House Bill 1606 (Christiana) would amend the Public School Code to make a number of changes. Among other provisions, the legislation would:

- Direct the Public School Building Construction and Reconstruction Advisory Committee to review and report on whether the Commonwealth should implement a comprehensive public school building safety program;
- Direct the State Board of Education, in consultation with the advisory committee established in the bill, to review state data collection requirements imposed on school entities and to identify those requirements that are redundant, overly burdensome and no longer necessary. The State Board would report its findings and recommendations to the House and Senate Education Committees and post the report on the Department of Education's public website. By the end of the school year following the issuance of the report, the Department would have to terminate all data collection requirements that were identified as redundant, overly burdensome and no longer necessary. Once a data collection requirement has been terminated, it could not be reinstated. The Department would be required to provide certain information to school entities and the legislature for all new public school entity data collection requirements;
- Require school boards to post on their public websites the rules, regulations and policies listed in the bill to the extent that they are required to be adopted under federal or state law;
- Authorize the Erie School District to levy a payroll tax to replace revenue from the mercantile or business privilege tax;
- Require the Secretary of Education to notify a school district that receives educational access program funding of \$2 million or more in any one fiscal year that the district has been identified for financial watch status. The Department would be required to provide technical assistance to the financial watch districts and the districts would have to develop a plan to improve their finances based on the assistance;
- Direct the Department of Education to post the financial information outlined in the legislation for each public school entity on its public website annually (SchoolWATCH);
- Add a grandchild to the list of relatives for whose funeral a professional or temporary professional employee of a school district could be absent with pay;
- Permit an individual who does not have a teaching certificate, but is currently enrolled in a teacher preparation program at an accredited college or university in the Commonwealth, to teach as a substitute in a school district, vocational-technical school or an intermediate unit provided they meet the requirements outlined in the bill. The

chief school administrator of a school entity could issue a Substitute Teaching Permit for Prospective Teachers to individuals meeting the requirements. An individual receiving a Substitute Teaching Permit for Prospective Teachers could serve as a substitute teacher for no more than 10 days per school year for a single professional or temporary employee and no more than 20 days per school year for multiple professional or temporary employees. The permit would be valid for one year and could be renewed for one additional year if the individual provides documentation of the completion of an additional 15 college credit hours and remains enrolled in a college or university in the Commonwealth. The Department would be required to report to the House and Senate Education Committees annually on the use of the permits. The authorization for the permits would expire on June 30, 2021;

- Permit the Department of Education to grant provisional education certificates to individuals who present satisfactory evidence of good moral character and the completion of work in vocational education as required by the standards of the State Board of Education. The certificate would entitle the individual to teach for eight annual school terms;
- Allow a professional educator to carry over excess continuing professional education credits or hours into the next compliance period;
- Establish criteria governing the assignment of students from Wilkinsburgh Borough to the Pittsburgh School District;
- Clarify the provisions governing the reporting of expenses relating to exceptional students and the distribution of funds to approved private schools;
- Provide for the instruction of school employees in diabetes care and treatment, for diabetes treatment in schools and for a student's possession and use of diabetes medication and equipment in schools;
- Create a Drug and Alcohol Recovery High School Pilot Program to provide instruction for students in grades 9 through 12 who are in recovery from drug or alcohol abuse or addiction. The program would be open to no more than 20 students residing in a school district of the first class. If fewer than 20 students residing in a school district of the first class enroll in the program, the remaining slots could be filled by students who reside in other school districts. The initial tuition rate of \$20,000 per student would be adjusted for inflation in successive fiscal years. The state would pay 60 percent of the tuition for each student and the school district of residence would pay 40 percent. The Departments of Education and Drug and Alcohol Programs would assess the program's success and make recommendations for possible extension and expansion by December 19, 2019. Unless the program is permanently established by action of the General Assembly, the Recovery High School could not enroll new students under the program after June 30, 2020;

- Provide for administrative partnerships between school entities so that two or more school entities could enter into an agreement to share personnel and administrative services. The Administrative Partnership Grant Pilot Program would be created to provide financial assistance to facilitate the sharing of administrative functions between school entities. Grants could be funded by appropriations made by the General Assembly, general government operations funds of the Department, or \$250,000 annually from undistributed funds from appropriations or grants made to the Department;
- Establish the E-chievement Program to award both planning and implementation grants on a competitive basis to eligible school entities to the extent that funds are appropriated for the program. The legislation outlines application and eligibility criteria for school entities to apply for grants to establish hybrid learning programs, defined as an instructional strategy that blends digital resources with traditional classroom teaching. The school entity would have to provide a cash or in-kind local match of at least 25 percent of the cost of the project. By November 30, 2017, and by November 30 of each year thereafter, the Department would be required to prepare and submit an electronic report to the Governor and General Assembly regarding the effectiveness and administration of the program. The Department would have to ensure that at least 15 percent of money appropriated for the grants is allocated to school entities that rank in the lowest five percent of school entities based on academic performance. The Department would also be directed to ensure, to the greatest extent possible, that all money for grants is distributed geographically throughout this Commonwealth;
- Allow students who successfully complete a course in computer science or information technology to use the credit to satisfy a math or science graduation requirement;
- Clarify provisions related to the aid ratio and market value/income aid ratio for charter schools and cyber charter schools and eliminate the Commonwealth's contributions to charter schools for employee retirement;
- Provide the distribution criteria for the Career and Technical Education Equipment Grants;
- Allow a community college located in a third class county with a population between 290,000 and 310,000 to appoint up to two trustees from a county where a campus is located for which no local sponsor exists;
- Re-establish the Rural Regional College for Underserved Counties;
- Provide for a community college funding formula for the 2016-2017 Fiscal Year;
- Establish annual application and renewal fees for alternative education providers;
- Consolidate the Educational Improvement Tax Credit and the Opportunity Scholarship Tax Credit provisions currently in the Tax Reform Code in the Public School Code and

update certain provisions. The amount of available credits would be increased by \$25 million to \$125 million;

- Distribute the 2016-2017 Fiscal Year funding for libraries in the same manner as in the 2015-2016 Fiscal Year;
- Provide the funding formula parameters for intermediate units, special education, and Ready-to-Learn Block Grants; and
- Require schools to report certain data to the Department of Education to receive reimbursement of costs associated with payments for school employee social security.
Passed: 47-3.

Executive Session

Numerous Magisterial District Judge Nominations and the Bucks County Controller.
Confirmed: 35-15.

(2016-096)