

# WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – DAVID G. ARGALL, CHAIRMAN

## Monday, June 4, 2018

Senate Bill 771 (McGarrigle) would amend Title 8 (Boroughs and Incorporated Towns) and Title 11 (Cities) of the Pennsylvania Consolidated Statutes to provide for the publication of certain financial information of boroughs and third class cities in a newspaper of general circulation. The measure would also require that the publication include reference to a place within the municipality where complete copies of the annual financial reporting information could be examined. If the full financial statement and accompanying audit report are not published, copies of these documents would have to be supplied to the publishing newspaper when the request for publication is submitted. **Passed: 50-0.**

Senate Bill 772 (McGarrigle) would amend the First Class Township Code to provide for the publication of certain financial information of first class townships in a newspaper of general circulation. The measure would also require that the publication include reference to a place within the municipality where complete copies of the annual financial reporting information could be examined. If the full financial statement and accompanying audit report are not published, copies of these documents would have to be supplied to the publishing newspaper when the request for publication is submitted. **Passed: 50-0.**

Senate Bill 773 (McGarrigle) would amend Act 253 of 1929 to provide for the publication of certain financial information of incorporated towns in a newspaper of general circulation. The measure would also require that the publication include reference to a place within the municipality where complete copies of the annual financial reporting information could be examined. If the full financial statement and accompanying audit report are not published, copies of these documents would have to be supplied to the publishing newspaper when the request for publication is submitted. **Passed: 50-0.**

Senate Bill 1005 (Eichelberger) would update the County Code and incorporate the Second Class County Code into the County Code as it pertains to second class A counties. The changes to the combined codes would reflect case law and current practices, as well as update outdated or archaic language and make provisions of the codes consistent where practicable. **Passed: 50-0.**

Senate Resolution 377 (Yaw) designates the week of June 3 through 9, 2018 as “Chesapeake Bay Awareness Week” in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 378 (Fontana) recognizes the month of June 2018 as “Homeownership Month” in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 379 (Baker) designates the week of June 1 through 7, 2018 as “Cardiopulmonary Resuscitation and Automated External Defibrillator Awareness Week” in Pennsylvania. **Adopted by Voice Vote.**

House Bill 1793 (Charlton) would establish the Pennsylvania Commission for the United States Semiquincentennial to plan for the 250<sup>th</sup> anniversary of the founding of the United States and Pennsylvania's role in that event. The Commission would be composed of four legislators, 20 private citizens (four each appointed by the Governor and the four legislative caucuses), and various cabinet secretaries. One of the private citizens would be designated as the chairperson of the Commission by the Governor. No later than one year after the effective date of the act, the Commission would be required to submit a report to the Governor and the General Assembly with specific recommendations for the commemoration of the founding of the United States and related events with a detailed timeline of the plan of works through 2027. The report would have to be posted on the Commission's website. Once each year during the period beginning on the effective date of the act through December 31, 2027, the Commission would be required to submit a report to the Governor and the General Assembly of its activities. Commission members would not receive compensation for their service but would receive reimbursement for reasonable travel expenses. The Commission could employ an executive director and other personnel as necessary. An individual appointed or employed under the act would not be eligible to participate in the State Employees' Retirement System solely due to their appointment or employment by the Commission. The Commission would terminate on December 31, 2027.  
**Passed: 38-12.**

### **Tuesday, June 5, 2018**

Senate Bill 922 (Langerholc) would amend Title 35 (Health and Safety), Title 42 (Judiciary and Judicial Procedure) and Title 61 (Pardons and Parole) of the Pennsylvania Consolidated Statutes to establish the Nonnarcotic Medication Substance Use Disorder Treatment Program. A new Chapter 52B of Title 35 would establish the program within the Department of Health to increase opportunities for single county authorities to provide clinically appropriate substance use disorder treatment to offenders through the use of grant money. The treatment would be available to any offender who has received a court sentence of confinement, intermediate punishment, an alternative sentence, probation, Accelerated Rehabilitative Disposition or a fine.

In order to be eligible for grant funding, a single county authority would have to apply on a form and in a manner determined by the Department, enter into a contract with one or more eligible providers and meet any other requirements established by the Department. Eligible providers would have to: 1) assess each offender to determine if he or she is a candidate to be administered medication that prevents relapse to substance use dependence; 2) create an individualized program for each offender candidate; 3) provide access to and administer nonnarcotic medication assisted substance use disorder treatment when clinically appropriate; 4) assist single county authorities to determine appropriate treatment for offenders who are not candidates; 5) provide clinically appropriate inpatient or outpatient services determined necessary to support each offender's treatment plan; and 6) establish a plan and timetable to collect and disseminate information to the Department relating to relapses and overall effectiveness of the program.

The Department would be required to: 1) create a form and criteria for single county authorities to apply for grant funding under the program; 2) create a form to confirm that an

offender is eligible for and enrolled in the program; 3) promulgate rules and regulations and 4) issue an annual report to the General Assembly relating to the effectiveness of the program. Grant awards would be at the discretion of the Department and limited to available funds. The Department could appoint a statewide substance use disorder treatment assessment coordinator and an advisory committee to advise and assist the coordinator.

Title 42 would be amended by adding a section relating to court assessments for substance abuse disorder treatment. A court of common pleas, a problem-solving court and the Municipal Court of Philadelphia could order an offender charged with a drug-related offense to be assessed to determine whether nonnarcotic medication-assisted treatment would be clinically appropriate. If a treatment is determined clinically appropriate, an offender's failure to participate could be considered a probation or parole violation. Titles 42 and 61 would be amended by adding subsections providing for supervisory relationship to offenders. A probation or parole officer would be permitted to recommend that an offender under their supervision be assessed by an eligible provider to determine whether the use of the program would be clinically appropriate. **Passed: 49-0.**

Senate Bill 947 (Hutchinson) would amend Title 8 (Boroughs and Incorporated Towns) and Title 11 (Cities) of the Pennsylvania Consolidated Statutes to increase, from \$1,000 to \$2,000, the value threshold of property below which a borough or third class city does not have to advertise for bids when selling its personal property. **Passed: 49-0.**

Senate Bill 948 (Hutchinson) would amend the First Class Township Code to increase, from \$1,000 to \$2,000, the value threshold of property below which a first class township does not have to advertise for bids when selling its personal property. **Passed: 49-0.**

Senate Bill 949 (Hutchinson) would amend Act 34 of 1953 to to increase, from \$1,000 to \$2,000, the value threshold of property below which an incorporated town does not have to advertise for bids when selling its personal property. **Passed: 49-0.**

Senate Bill 1037 (Folmer) would Title 71 (State Government) of the Pennsylvania Consolidated Statutes by adding a new Part II (Civil Service Reform) to the law to transfer duties from the Civil Service Commission to the Office of Administration. The duties transferred would include: merit-based hiring; civil service applications; certifications; examinations; and promotions. The measure would require the Office of Administration to appoint a veteran as the special advisor for veterans' programs to ensure compliance with veterans' preference and to promote and implement policies that support hiring veterans. The bill would also provide the Office of Administration with the authority to promulgate regulations necessary to carry out the new part and adopt temporary regulations to effectuate implementation of the part. The Civil Service Commission would retain its current organizational structure and continue to hear appeals from employment decisions. The Commission would also have the authority and responsibility to conduct hearings and render determinations, exempt positions from civil service and audit the Commonwealth's compliance with the Civil Service Act and veterans' preference. The legislation would not affect veterans' preference or merit-based hiring. **Passed: 49-0.**

Senate Resolution 380 (Vulakovich) designates the week of June 10 through 16, 2018 as “State Veterans’ Homes Week” in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 381 (Aument) designates June 6, 2018 as “Computer Science Education Day” in Pennsylvania. **Adopted by Voice Vote.**

House Bill 564 (Boback) would amend the Public School Code of 1949 to require, beginning with the 2020-2021 school year, each school entity to administer at least once to students during grades seven through twelve an assessment of United States history, government and civics. A school entity could use the United States Citizenship and Immigration Services Test to satisfy the requirement. A school would be required to issue a certificate of recognition developed by the Pennsylvania Department of Education to students who achieve a perfect score on the assessment. The Department of Education would be required to post testing resources on its website and to gather data on the testing as prescribed in the legislation. A student with an individualized education program would not be required to take the assessment if the provisions of the student’s program indicate otherwise. **Passed: 49-0.**

#### *Executive Session*

Nominations to Various Boards and Commissions. **Confirmed: 49-0.**

#### **Wednesday, June 6, 2018**

Senate Bill 1003 (White) would amend the Insurance Company Law of 1921 to require managed care plans to pay all reasonably necessary costs associated with emergency services provided by an emergency health care provider or an emergency medical services agency during the period of emergency subject to all copayments, coinsurances or deductibles. The managed care plan would also be required to pay for services rendered by licensed emergency medical services agencies that have the ability to transport patients or are providing and billing for services under an agreement with an agency that has that ability. The plan could not deny a claim for payment of costs solely because the managed care plan enrollee is not transported or refuses to be transported by the emergency medical services agency. The provisions relating to emergency services provided to an enrollee by an emergency medical services agency would apply to all group and individual major medical health insurance policies. The provisions relating to an emergency medical services agency would apply to the same services provided to recipients of medical assistance. Payment for the services would be in accordance with the current Medicaid fee schedule or current managed care contracted rates. The legislation directs that sufficient funds be appropriated each fiscal year for the payment of the services provided to recipients of medical assistance. **Passed: 49-0.**

Senate Bill 1127 (Aument) would amend Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes to create a new penalty for individuals who traffic in Supplemental Nutrition Assistance Program (SNAP) benefits in an amount greater than \$2,500. A person who violates the new provision would be guilty of a second degree felony. In addition to any other penalties and restitution prescribed, a defendant would also be ordered to pay the agency that issued the SNAP benefits not less than two times, but not more than three times the amount of

restitution ordered. If the defendant is commercially licensed by the Commonwealth or one of its political subdivisions, the Office of State Inspector General could refer a violation to the licensing entity for action by that entity as provided under law. The bill would also amend Title 62 (Procurement) to make a violation of fraudulent traffic in SNAP benefits provisions a cause for debarment or suspension of consideration for state contracts. **Passed: 49-0.**

Senate Bill 1142 (Browne) would establish the Safe2Say Program in the Office of Attorney General. Beginning January 14, 2019, the program would be responsible for ensuring anonymous reporting concerning unsafe, potentially harmful, dangerous, violent or criminal activities in a school entity or the threat of the activities in a school entity. Each school entity would be required to develop procedures for assessing and responding to reports received from the program. A record created or obtained through the implementation or operation of the program would be confidential and would only be disclosed for the reasons listed in the bill. An individual who discloses a record in violation of the section would commit a third degree misdemeanor. An individual who knowingly or intentionally makes a false report to the program would commit a third degree misdemeanor. No later than August 1 of each year, the Office of Attorney General would be required to submit a report on the program to the legislature with the information outlined in the bill. **Passed: 49-0.**

House Bill 352 (Schlegel Culver) would amend Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes to allow for the adverse possession to a title of real property after 10 years (rather than the current 21 years) of actual, continuous, exclusive, visible, notorious, distinct and hostile possession of the property when certain criteria is met. In order to acquire a title, a person would have to file an action to quiet title and provide notice to the owner or owners of record. The owner or owners of record would have the opportunity to respond to the action of ejectment. If there is no response within one year, the court could enter judgement granting the title by adverse possession. The legislation would outline the general rules for owners or owners of record to seek any “mesne profits” and provide guidelines for reimbursements for the defendant in any ejectment action. The provisions of the bill would not apply to real property that is part of a common interest ownership community or government owned property. **Passed: 49-0.**

House Bill 653 (Masser) would amend Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes to add a new Chapter 23 (Real Estate Foreclosure) to provide for an expedited process of certifying vacant and abandoned mortgaged property in order to list it for a sheriff’s sale. The legislation would establish that after a creditor gives notice to an obligor of a delinquent or other defaulted obligation, a mortgaged property for which the notice is given or proceedings are initiated would be considered as vacant and abandoned if:

- A creditor or purchaser has been designated as a conservator of the mortgaged property under the provisions of the Abandoned and Blighted Property Conservatorship Act;
- The mortgaged property is certified vacant and abandoned by the municipality in which it is located; or

- The mortgaged property is certified vacant and abandoned as a result of judicial certification.

The measure would also establish requirements to certify mortgaged property as vacant and abandoned by a municipal code enforcement officer. Among other provisions, the measure would further provide for the following after certification of vacancy and abandonment: foreclosure actions, scheduling of the sheriff's sale; possession of the mortgaged property pending foreclosure and property maintenance.

Additional provisions would:

- Provide for certain post-sheriff's sale possessory actions;
- Stipulate that nothing in this act could be construed to limit or restrict in any manner remedies available at law or in equity to a creditor or purchaser in a proceeding;
- Set limitations on a Sheriff's commission and creditor's attorney fees; and
- Repeal certain parts of acts to the extent of any inconsistency with the newly created Chapter 23. **Passed: 47-2.**

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