

WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – DAVID G. ARGALL, CHAIRMAN

Wednesday, June 22, 2016

[Senate Bill 876](#) (Gordner) would amend the Workers' Compensation Act to address underfunding of the Uninsured Employers Guarantee Fund (UEGF). Among other provisions, the legislation would:

- Allow the Department of Labor and Industry (L&I) to verify with another state that an out-of-state employer is either insured or self-insured in that state with respect to the payment of a workers' compensation claim;
- Clarify that, if verified, such out-of-state employers would not be considered uninsured employers for the purposes of the UEGF;
- Require an employee who was injured while employed by an out-of-state employer and who has not received payment of compensation, to submit to the UEGF proof that the employee is not entitled to compensation in the other state before payment can be made by the UEGF;
- Clarify the charges to be included in the operating and administrative expenses for the direct administration of the Workers' Compensation Act and the Pennsylvania Occupational Disease Act;
- Require L&I to submit to the General Assembly for approval, on a fiscal year basis, a proposed budget sufficient to cover the Workers' Compensation Administration Fund;
- Provide that, if on January 31 there exists an amount in excess of 120 percent (currently 133 percent) of the approved budget in the fund, the following fiscal year's assessment would be reduced by a dollar amount equal to that excess amount;
- Add certain administrative penalties as a source of funding for the UEGF;
- Require an injured employee to notify the UEGF within 45 days after the employee has been advised by the employer or another source that the employer is uninsured. No payment would be made unless such timely notification has occurred and other determinations are made by L&I;
- Provide that a claim petition must be filed between 21 days and 180 days after notice of the claim is made to the UEGF;
- Allow the UEGF to establish lists of at least six designated health care providers that are accessible in each county in specialties relevant to the treatment of work injuries. If such

lists are established, the UEGF, during a 90 day period from the date of the employee's notification to UEGF, would only be responsible to reimburse expenses for services rendered by designated providers;

- Provide that if a judge accepts testimony of the claimant and finds it to be credible as the sole source for determining wage loss benefits, without supporting evidence, the wage loss benefit would be 66.67 percent of the average weekly wage for the claimant's occupation. A judge would be allowed to reduce the benefit upon submission of certain evidence;
- Provide that the UEGF is entitled to restitution from an uninsured employer for all payments made by the UEGF as a result of an employee's injury, including any voluntary payments or awards, and reimbursements of the UEGF's costs and attorney fees;
- Stipulate that the UEGF annual assessment could not exceed 0.25 percent (increased from 0.10 percent) of the total compensation paid by all insurers or self-insureds during the previous calendar year;
- Require L&I to determine the expenses of the UEGF for the prior fiscal year and, if the total amount assessed for the prior year exceeds 130 percent of expenses for that year, reduce the current fiscal year assessment by a dollar amount equal to the excess;
- Reclassify the \$4 million loan made from the Workers' Compensation Administration Fund to the UEGF in March 2016 as a transfer and clarify that it does not have to be repaid;
- Allow L&I to require an employer to certify that it has workers' compensation insurance or insurance is not needed and, if certification is not returned within stipulated time frames, to assess fines or issue a stop-work order;
- Allow L&I to initiate court action to enforce a stop-work order; and
- Require L&I to submit an annual report to the General Assembly on the Department's efforts to identify and prosecute uninsured employers and other specified information.
Passed: 48-0.

[Senate Bill 1166](#) (Stefano) would amend Title 34 (Game) of the Pennsylvania Consolidated Statutes to allow the Pennsylvania Game Commission to establish fees for hunting and furtaking licenses. Before the Game Commission could increase any fees, the Legislative Budget and Finance Committee would be required to conduct a financial analysis of all sources of revenue received by the Commission and all expenditures made by the Commission. The report would have to be completed within 90 days of the effective date and submitted to the President Pro Tempore of the Senate and the Speaker of the House of Representatives. The report would be public information. In order to establish fees, the Commission would have to publish a notice of proposed rulemaking in accordance with the Commonwealth Documents Law, give at least 30

days for the submission of written comments, and hold at least one public hearing on the proposed change. The Commission would be required to review and consider any public comments. After adoption of a final-form regulation, the Commission would be required to submit the regulation, copies of all public comments and the transcript of the public hearing to the Senate and House Game and Fisheries Committees.

Either committee could report a concurrent resolution recommending disapproval of the fee change within 30 days of its submission. If neither committee reports a concurrent resolution recommending disapproval, the fee change would be deemed approved. If a concurrent resolution is reported from committee, the General Assembly would have 30 days to adopt it, or the fee change would be deemed approved. If the concurrent resolution is adopted by the General Assembly, it would be presented to the Governor. If the Governor does not veto the resolution within 10 days, the regulation would be deemed disapproved. If the Governor does veto the resolution, the General Assembly would have 30 days to override the veto. If the General Assembly does not override the veto, the regulation would be deemed approved. If approved, the Commission would submit the regulation to the Office of Attorney General for approval as to legality, publish an order adopting the final-form regulation and deposit the text of the order with the Legislative Reference Bureau in accordance with the Commonwealth Documents Law. The authorization for the Commission to establish fees would expire on July 15, 2019.

Passed: 46-2.

[Senate Bill 1168](#) (Eichelberger) would amend Title 30 (Fish) of the Pennsylvania Consolidated Statutes to allow the Pennsylvania Fish and Boat Commission to establish the fees outlined in the legislation beginning on July 1, 2016. In order to establish fees, the Commission would have to publish a notice of proposed rulemaking in accordance with the Commonwealth Documents Law, give at least 30 days for the submission of written comments, and hold at least one public hearing on the proposed change. The Commission would be required to review and consider any public comments. After adoption of a final-form regulation, the Commission would be required to submit the regulation, copies of all public comments and the transcript of the public hearing to the Senate and House Game and Fisheries Committees.

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July 15, 2019. The Commission would be required to provide notice of any change of a fee, publish the change in the *Pennsylvania Bulletin* and post it on its website. **Passed: 46-2.**

Senate Resolution 395 (Bartolotta) designates the week of July 4 through 10, 2016 as “Whiskey Rebellion Heritage Week” in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 396 (Aument) designates June 27, 2016 as “Post-Traumatic Stress Injury Awareness Day” and the month of June 2016 as “Post-Traumatic Stress Injury Awareness Month” in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 397 (Aument) designates July 14, 2016 as “Summer Learning Day” in Pennsylvania. **Adopted by Voice Vote.**

House Bill 602 (Barrar) would amend Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes to increase the minimum state active duty pay for Pennsylvania National Guard personnel from \$75 per day to \$100 per day. **Passed: 48-0.**

Thursday, June 23, 2016

Senate Bill 1071 (Browne), as amended in the House, would establish a stacked hybrid pension plan, containing defined benefit (DB) and defined contribution (DC) components, mandatory for most future state and all school employees beginning service January 1, 2018 and July 1, 2018, respectively. Future state police officers would be exempt from membership in the new hybrid plan and would remain in the existing DB plan.

Features of the DB component would include:

- Contributions and benefit accruals on the first \$50,000 of income (indexed annually);
- Vesting at 10 years;
- Employer contributions determined actuarially;
- Employee contributions of six percent of compensation up to the compensation limit for the first 25 years;
- Employee shared risk;
- Full retirement age of 65 or combination of age and years of service equaling 92, as long as the employee has 35 years of service; and
- A benefit formula of two percent x years of service (25 maximum) x final average salary (average of five highest years, up to DB compensation limit).

Features of the DC component include:

- Employee contributions of 1.5 percent up to the DB compensation limit for the first 25 years of service and 7.5 percent above the DB limit for any service over 25 years;
- Additional voluntary employee contributions allowed via roll-overs;
- Employer contributions at 0.5 percent of employee compensation up to the DB limit for the first 25 years and four percent on pay above the DB limit or any service over 25 years;
- Immediate vesting for employee contributions and vesting after three years for employer contributions; and
- A disability benefit of payment of the employee's account balance. [**Motion to Non-concur in House Amendments: 31-19.**](#)

[Senate Bill 1233](#) (Aument) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to expand the definition of “emergency service responder” to include a police officer who is also a member of a county or regional municipal Special Emergency Response Team which is authorized to respond to emergencies under 42 Pa.C.S. §8953. The legislation would also expand the definition of “emergency vehicle” to include a privately-owned vehicle used in answering an emergency call when used by a police officer who is a member of a Special Emergency Response Team. [**Passed: 50-0.**](#)

[Senate Resolution 399](#) (Schwank) recognizes the 100th anniversary of the establishment of the Farm Credit System and commends the farmer-owners and the employees of the Farm Credit System, including AgChoice Farm Credit and MidAtlantic Farm Credit, for their continuing service in meeting the credit, financial services and educational programming needs of rural communities and agriculture in the Commonwealth. [**Adopted by Voice Vote.**](#)

[Senate Resolution 400](#) (Dinniman) recognizes the month of July 2016 as “Uterine Fibroid Awareness Month” in Pennsylvania. [**Adopted by Voice Vote.**](#)

[House Bill 342](#) (Gabler) would amend Section 912.1 of the Pennsylvania Election Code to require school director candidates to present a nominating petition with ten valid signatures of registered and enrolled members of the proper party. As amended by the Senate, the legislation would also amend Section 951 of the Election Code regarding nominations by political bodies. Candidates for certain offices would have to present a nomination paper containing at least as many valid signatures of qualified electors of the state or the electoral district as outlined in the amendment. In addition, Section 953 would require that no nomination paper be circulated prior to the first Wednesday subsequent to the primary and that all nomination papers be filed on or before the seventh Wednesday subsequent to the primary. Section 977.1 was added by the Senate which would detail the allocation of costs in objection proceedings regarding nomination petitions and papers. [**Passed: 50-0.**](#)

[House Bill 2003](#) (Cutler) would authorize:

- The Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission, to convey the historic Robert Fulton Birthplace in Fulton Township, Lancaster County to the Southern Lancaster County Historical Society for \$1. No portion of the conveyance could be used for a licensed gaming facility or it would revert to the Commonwealth. The conveyance would be made with the restrictive covenants outlined in the legislation for the historic preservation and integrity of the property. The restrictive covenants would be binding in perpetuity on the grantee and its successors. Costs and fees incidental to the conveyance would be borne by the grantee. If the conveyance is not effectuated within one year, the authority for the transfer would expire; and
- The Department of General Services, with the approval of the Governor, to convey 0.030 acres and any improvements thereon in Lower Oxford Township, Chester County to Willow Creek, LLC for \$1,500. No portion of the conveyance could be used for a licensed gaming facility or it would revert to the Commonwealth. The deed of conveyance would be by special warranty deed executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania. The proceeds from the sale would be placed in the General Fund. [Passed: 50-0.](#)

Executive Session

David P. Schuyler – Pennsylvania Historical and Museum Commission. [Confirmed: 50-0.](#)

(2016-083)