

## **LEG REG REVIEW**

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*LEG REG REVIEW is a periodic newsletter produced by Vince Phillips who retired from active lobbying after 31 years of advocacy in Harrisburg. It contains news on the legislative and regulatory scene in Pennsylvania that may be of interest to the Insurance and Business Communities. Annual subscriptions are \$100 and information may be obtained by contacting PHILLIPS ASSOCIATES at 717/728-1217 or e-mail to [xenobun@aol.com](mailto:xenobun@aol.com).*

#### **AND SO, IT BEGINS...**

The House of Representatives is in turmoil where you have both Democrats and Republicans claiming a majority. To recap – The November election ended with the Democrats having one more seat than the GOP and Democrats celebrated their victory and the upcoming Speaker being the first woman to have ever held that office. But...one of those seats was won by the late Tony DeLuca (D-Allegheny) who passed away in October. 2021-22 Speaker Rep. Bryan Cutler (R-Lancaster) said that because of the vacancy, Republicans had a legitimate claim for control. So, he acted as Speaker to set February 7 as the date where a special election could take place to fill DeLuca's vacant seat. Not so fast said Democratic Leader Rep. Joanna McClinton (D-Delaware/Phila.). She contended that Cutler's declaration re DeLuca's seat was invalid because the vacancy was effective December 1 and so Cutler's authority as Speaker had expired.

**Then, McClinton was sworn in December 7 as the Majority Leader and de facto acting Speaker. Her comment:**

*“Pennsylvanians cast their ballots in the free and fair 2022 General Election. The results of that election are not in dispute and in the majority of legislative districts - 102 out of 203 - the people of Pennsylvania voted to elect a Democrat to represent them in the House of Representatives. Pennsylvania's voters have spoken, and the will of the people is the ultimate authority in this Commonwealth,”*

**Not so fast said Republican Leader Cutler:**

*“Today's illegitimate power grab by Rep. McClinton, who was sworn-in without notice and in complete secret, is a paperwork insurrection typical of a Democratic Party that is constantly displaying that their last two years of rhetoric on respect for institutions has been nothing but crocodile tears. Rep. McClinton's actions are an affront to our democratic institutions and issuing a competing Writ of Election has created electoral chaos that ultimately shows they do not believe elections matter and every vote really does count.”*

In the meantime, two Democrats who were re-elected in November, resigned effective immediately on December 7 because they also won the higher offices that they sought. (**NOTE: PA law allows legislators to both run for re-election as a legislator and also for the additional office.**) Democrat Rep. Summer Lee (D-Allegheny) was elected to the U.S. Congress while Democratic Rep. Austin Davis (D-Allegheny) will be the state's new Lt. Governor. In her role as acting Speaker McClinton set February 7 as the date of special elections for Lee's, Davis's and DeLuca's vacant House seats. Not so fast said Rep. Cutler. He said that because McClinton recognized all three vacancies, the Republicans now had a clear majority.

In the last issue of LEG REG Review, Senate leadership teams were listed. Given the House dispute, it is fair to ask who is actually in control of the House.

**An item of follow-up is that on December 7, Rep. Dawn Keefer (R-York/Cumberland) started circulating a co-sponsorship memo for a House Resolution to remove House Chief Clerk Brooke Wheeler because it avers that the Chief Clerk helped orchestrate Rep. McClinton's swearing in.**

## SPONSORSHIP FLOOD BEGINS

December 1, 2022 marked the first day for legislators to begin seeking co-sponsors for legislation that they want to see considered by the General Assembly in the 2023-24 legislative session. As of December 8, there were 271 House sponsorship memos. The PA Senate had 524 co-sponsorship memos. Expect many more.

Although many dealt with issues like amending the Criminal Code, there were several with implications for insurers, insurance producers, and insurance consumers:

- **Association Health Care Plans:** Businesses banding together for the purpose of securing a large group premium rate would be authorized. (Gaydos-R-Allegheny)
- **Auto:** Use of hand-held devices while driving would be banned. (R. Brown-R-Monroe)
- **Bonds:** Decommissioning of large solar and wind alternative energy generation would mandate bonds. (Yaw-R-Lycoming)
- **Building Code Exemptions:** (*NOTE: UCC affects replacement value of th property.*)
  - Pre-manufactured campground cabins (Owlett-R-Tioga/Potter)
  - Variance from Code decisions on construction projects by Uniform Construction Code (UCC) Boards of Appeals must be honored by subsequent code administrators. (Owlett)
- **Credit Scores:** Any credit score derived from ESG (environmental, social, and governance) criteria that is essential to financing or receiving services would be prohibited. In addition to consumers, this also blocks state retirement investments made under ESG. (Stambaugh-R-Perry and Zimmerman-R-Lancaster)
- **Death Wish:** Those with terminal illnesses could request an end-of-life drug. (Boscola-D-Northampton)
- **Flood Insurance:** Flood Insurance task force would identify ways to save money and receive discounts. (Santasiero-D-Phila.)
- **Health Insurance:**
  - Longer-term prescription coverage for those with Lyme's disease would be mandated. (Brooks-R-Erie/Mercer/Crawford/Warren)
  - Health insurers would not be able to alter the terms of coverage and premiums for policyholders undergoing treatment for the same. (J. Ward-R-Blair)
  - Employee health benefits may not be withheld in case there is a strike. (D. Miller-D-Allegheny)
  - Full health insurance benefits must be provided to part-time police officers. (D. Miller)
  - Insured dependents could opt to receive confidential medical treatment, keeping details between the dependent and his or her health care provider. (Krajewski-D-Phila.)
  - Insures must cover abortion services without imposing deductibles, co-pays, coinsurance or any other cost-sharing requirement. (Fiedler-D-Phila.)
- **Landslide Insurance:** A state-run Landslide Insurance Program would be created to create an insurer of last (or first) resort. (Kinkead-D-Allegheny and Gaydos-R-Allegheny)
- **Telemedicine:** Sets forth a regulatory framework for remote medical care including health insurance coverage. (Vogel-R-Beaver)
- **Workers Compensation Insurance (WC):**
  - Additional penalties would be exacted on employers who mis-classify employees as independent contractors. (Harkin-D-Erie)
  - Criteria to be considered as an independent contractor would be more clearly spelled out, for example requiring a written contract specifying the specific project and specific time. (Galloway-D-Bucks)
  - Disability benefits under the Heart & Lung Act (full salary versus the normal WC rate) would be extended to campus police officers state colleges and universities. (Struzzi-R-Indiana)