

WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – DAVID G. ARGALL, CHAIRMAN

Monday, March 19, 2018

[Senate Bill 1002](#) (White) would designate:

- The bridge located on that portion of State Route 1041 over the Mahoning Creek in Grant Township and Canoe Township, Indiana County as the Army SPC Christine L. Mayes Memorial Bridge; and
- The bridge located on State Route 286 over the South Branch Cush Creek River, Montgomery Township, Indiana County as the Sgt. Edward John Parada Memorial Bridge. **Passed: 49-0.**

[Senate Resolution 280](#) (Martin) recognizes 2018 as the bicentennial anniversary of the birth of Frederick Douglass and honors the life and legacy of Frederick Douglass and his contributions to the United States of America. **Adopted by Voice Vote.**

[Senate Resolution 281](#) (Boscola) recognizes March 8, 2018 as “International Women’s Day” in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 282](#) (Vulakovich) designates the month of March 2018 as “American Red Cross Month” in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 283](#) (Hutchinson) designates the week of March 18 through 24, 2018 as “Maple Producers Week” in Pennsylvania. **Adopted by Voice Vote.**

[House Bill 1845](#) (Reed) would designate the bridge located on State Route 2026 over the North Branch Blacklick Creek, Buffington Township, Indiana County as the First Lieutenant Theodore P. Pytash Bridge. **Passed: 49-0.**

Tuesday, March 20, 2018

[Senate Bill 761](#) (Argall) would amend Article IV, Section 4 of the Pennsylvania Constitution to modify the provisions governing the election of the Lieutenant Governor. Under the proposed changes, each candidate for Governor, once winning his or her party nomination, would select a candidate for Lieutenant Governor at least 90 days prior to the general gubernatorial election, subject to the approval of the candidate’s political party. A person could not seek election to both offices simultaneously. As a constitutional amendment, identical legislation must pass during the next legislative session and be approved by the electorate before becoming effective. **Passed: 50-0.**

[Senate Bill 792](#) (Alloway) would amend Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes to repeal and replace the Fertilizer Law governing the production and use of certain

fertilizers in the Commonwealth. Among other provisions, the legislation would require each person engaged in the manufacture of fertilizer to be distributed in the Commonwealth to obtain a license for each manufacturing facility and pay the applicable fee. The legislation would also specify the components of fertilizer intended for turf and the information that must be included on the labeling. The Department of Agriculture could, by regulation, require additional information to be present on the label or labeling of fertilizers. Additional provisions included in the bill would provide for the licensing and certification of fertilizer applicators; outline application rates and restrictions for turf fertilizer; and provide for the enforcement of the provisions of the act, including corresponding penalties. The measure would also provide for a program of public outreach to educate the public on the proper use, application, handling and storage of fertilizers. The Department would establish the program through guidelines adopted after consultation with the Pennsylvania State University and representatives of the agricultural and turf grass industries. **Passed: 47-3.**

Senate Resolution 284 (Schwank) designates the month of March 2018 as “Brain Injury Awareness Month” in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 285 (Schwank) recognizes the month of March 2018 as “National Nutrition Month” in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 286 (Mensch) honors the life and accomplishments of physicist Stephen Hawking. **Adopted by Voice Vote.**

Senate Resolution 287 (Aument) honors the life and legacy of the late Reverend Billy Graham. **Adopted by Voice Vote.**

Executive Session

Nominations to Various Boards and Commissions, including Jennifer S. Smith as Secretary of Drug and Alcohol Programs and Jessica K. Altman as Insurance Commissioner of Pennsylvania. **Confirmed: 50-0.**

Teresa D. Miller – Secretary of Human Services. **Confirmed: 49-1.**

Rachel L. Levine – Secretary of Health. **Confirmed: 49-1.**

Wednesday, March 21, 2018

Senate Bill 313 (Boscola) would amend Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes to authorize a court reviewing a protection from abuse matter to issue a separate order to a wireless telephone service provider that transfers an existing wireless telephone number, including the wireless telephone numbers of minor children in the care of a plaintiff, to the plaintiff when the rights to the wireless telephone number belong to the defendant as the account holder. Wireless telephone service providers would be required to establish protocols to respond to these court orders and to notify the court within three business days of receipt of the order if it cannot carry out the order to transfer the wireless number to the plaintiff.

The plaintiff would assume all financial responsibility for the transferred wireless number. Nothing under the changes could be construed to affect a court's ability to apportion assets and debts of the parties as provided for under the laws of the Commonwealth, or to determine temporary use, possession and control of personal property. Immunity would be provided to wireless telephone service providers from any cause of action for actions taken in accordance with the terms of an order. The Unified Judicial System would be required to develop any necessary forms or rules by July 1, 2018. **Passed: 50-0.**

Senate Bill 449 (Bartolotta) would amend Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes to permit the president judge of a court of common pleas to adopt a pretrial risk assessment tool for use by the courts within that judicial district. The risk assessment tool could be used to aid in making a determination whether a defendant poses a threat of danger to the victim. However, the risk assessment tool could not be the only means of determining whether to admit the defendant to bail. Nothing in the bill could be construed to conflict with the issuing authority's ability to determine whether to admit the defendant to bail under the Rules of Criminal Procedure. The PA Commission on Sentencing would be required to develop a model pre-trial risk assessment tool and to report on the use of risk assessment tools. The legislation would also add strangulation to the list of offenses for which a police officer has the power to arrest without a warrant whenever there is probable cause in domestic violence cases.

Concurrence in House Amendments: 50-0.

Senate Bill 500 (Vulakovich) would amend Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes to require the courts and hearing officers to direct the police, sheriff or other individual approved by the court as an alternate designee to accompany the plaintiff to the plaintiff's residence before or during service of protection from abuse petition and orders, if the plaintiff claims the assistance is necessary for his or her safety. **Passed: 50-0.**

Senate Bill 501 (Killion) would amend Title 18 (Crimes and Offenses) and Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes to modify the statutory provisions governing the relinquishment of firearms by individuals subject to active final protection from abuse orders or a conviction of misdemeanor crimes of domestic violence. Among other provisions, the measure would:

- Require the relinquishment of firearms with 48 hours rather than the current 60 days;
- Eliminate the current third party safe-keeping provision which allows firearms to be turned over to friends and family;
- Require firearms to be relinquished to a law enforcement agency, licensed dealer or licensed attorney;
- Provide that a person commits a second degree misdemeanor if he or she intentionally or knowingly fails to relinquish a firearm or other weapon;
- Outline the recordkeeping requirements and other administrative provisions related to the receipt and maintenance of the weapons; and

- Require that all protection from abuse petitions and temporary orders be served by the sheriff or deputy sheriff. **Passed: 50-0.**

Senate Bill 502 (McGarrigle) would amend Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes to provide for the tolling of a protection from abuse order during a period of incarceration of a defendant. The order would also continue in effect for a period of 90 days after the defendant has been released from incarceration without the plaintiff having to show that the defendant engaged in a new act that indicates a continued risk of harm. **Passed: 50-0.**

Senate Bill 919 (Haywood) would amend the Housing Authorities Law to allow a victim of domestic or sexual violence to be relocated. A housing authority would be required to make a good faith effort to reasonably relocate the tenant to a safe and suitable dwelling under the authority or another authority's control. The relocation request could be submitted to obtain any of the following:

- Relocation to another unit within the same authority,
- Receipt of a housing choice voucher,
- Assistance identifying other housing providers which may have safe and available units, or
- Assistance with contacting local organizations assisting domestic or sexual violence victims.

A housing authority would have to review and determine a relocation request within five days of receiving a completed request. Any information provided by the tenant seeking relocation would be confidential and not subject to disclosure except by court order.

Passed: 50-0.

Senate Bill 1011 (Reschenthaler) would amend Article I of the Pennsylvania Constitution to add Section 9.1 providing for the rights of victims of crimes. The new section would clarify the rights of a victim which would be protected in a manner no less vigorous than the rights afforded to the accused. These rights would include:

- To be treated with fairness and respect for the victim's safety, dignity and privacy;
- Upon request, to reasonable and timely notice, as defined by the General Assembly, of all public proceedings involving the criminal or delinquent conduct and permission to be present at the proceedings;
- With the exception of grand jury proceedings, to be heard in any proceeding where a right of the victim is implicated, including, but not limited to, release, plea, sentencing, disposition, parole and pardon;

- To reasonable protection from the accused or any person acting on behalf of the accused;
- Upon request, to reasonable notice, as defined by the General Assembly, on any release or escape of an accused;
- To refuse an interview, deposition or other discovery request made by the accused or any person acting on behalf of the accused;
- Full and timely restitution from the person or entity convicted or adjudicated responsible for the unlawful conduct;
- To proceedings free from unreasonable delay and a prompt conclusion of the case;
- Upon request, to confer with the attorney for the government; and
- To be informed of all rights enumerated in the section.

The section would not grant the victim party status or create any cause of action for compensation or damages against the Commonwealth, counties, cities or municipalities, nor any officer employee or agent of the Commonwealth, counties, cities municipalities, or any officer or employee of a court. As a constitutional amendment, identical legislation must pass during the next legislative session and be approved by the electorate before becoming effective.

Passed: 50-0.

Senate Resolution 288 (Baker) designates the week of February 11 through 17, 2018 as “Cardiac Rehabilitation Week” in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 289 (Baker) designates the week of March 11 through 17, 2018 as “Pulmonary Rehabilitation Week” in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 290 (Vulakovich) honors the Tuskegee Airmen, a group of African-American military pilots who served honorably during World War II. **Adopted by Voice Vote.**

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