

WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – DAVID G. ARGALL, CHAIRMAN

Tuesday, October 13, 2015

[Senate Bill 296](#) (Hughes) would amend Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes to modify the provisions governing false alarms to agencies of public safety to address the issue of “swatting.” Swatting involves making a fake 911 emergency call in order to draw a response from law enforcement, usually a SWAT team, or emergency service personnel, often times using “spoofing technology” to make it look like the calls are coming from actual victims

A person would commit an offense if he knowingly or intentionally makes or causes to be made a false report of a crime or medical emergency to a police officer, state or local law enforcement agency, firefighter, fire company, emergency medical services agency, emergency medical services provider, 911 system operator or a governmental employee or contractor. A violation would occur if the communication of the false report originates in the Commonwealth, is intended to terminate in the Commonwealth, or is intended to terminate with a person located in the Commonwealth. A violation could be prosecuted in the jurisdiction in which the communication originated or terminated. The Pennsylvania Commission on Sentencing would be required to provide for a sentencing enhancement within its guidelines for an offense under these provisions. The guidelines would have to provide for a range of sentences based on the aggravating circumstances listed in the bill resulting as a proximate cause of lawful conduct related to a response by a government or emergency response agency. These aggravating circumstances include if an individual is killed or incurs bodily injury or serious bodily injury.

In addition to other penalties, the court could order a person convicted or adjudicated under the section to pay to the state or local unit of government the costs of responding to the false report. If more than one unit of government incurs a cost in responding to a false report, the court could order the person convicted to reimburse each unit of government for its expenses. If the offender is a juvenile and unable to pay, the court could order the parents or legal guardian having supervisory responsibility of the juvenile at the time of the act to pay a portion of the outstanding costs. The court would be required to take into account the financial resources of the parents or guardians and the burden payment would impose. The court would be required to provide for payment to be made in specified installments over a specific period of time. The parents or guardians would have an opportunity to be heard before costs are imposed and could petition the court for a modification of the amount of the costs owed or for a cancellation of an unpaid portion of the obligation. This type of order would not relieve the juvenile of the obligation to pay the costs as ordered, but the amount owed would be offset by the amount paid by the parents or guardians. An order for reimbursement could be enforced in the same manner as a judgment in a civil action by the district attorney of a county in which a government unit entitled to reimbursement under the order is located. [Passed: 47-2.](#)

[Senate Bill 648](#) (Stefano) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to establish two separate restricted accounts in the State Treasury: the ATV Management Restricted Account and the Snowmobile Restrict Account. The Department of Conservation and Natural Resources would be directed to deposit new revenue into the respective restricted account including monies received from the registration and issuance of certificates of title, as well as the fines, penalties, fees and costs assessed and collected related to violations attributed to ATVs and snowmobiles. Refunds of gas taxes would be deposited in the restricted accounts on a proportional basis of the activity that generated those taxes. With the exception of trails used by both all-terrain vehicles and snowmobiles, the Department could only expend money from the accounts on the activity that generated those funds. No later than 60 days from the effective date of the act, the Department would be required to promulgate regulations necessary to implement the grant-in-aid program. The regulations would have to include a semiannual grant approval process.

The restricted accounts would have to be audited every two years. Copies of the audit would have to be provided to the Senate and House Appropriations Committees and posted on the Department's website. An annual report on income and expenditures would also have to be provided to the Senate and House Appropriations Committees and posted on the Department's website. The legislation would modify the composition of the Snowmobile and ATV Advisory Committee by decreasing the number of public members from eight to seven and adding a member representing the Department of Community and Economic Development. The committee would be required to meet at least biannually. [Passed: 49-0.](#)

[Senate Bill 772](#) (Gordner) would amend the Professional Psychologists Practice Act to provide licensure and practice updates. The definition of "practice of psychology" would be expanded to allow psychologists with appropriate education, training and experience to treat a mental, emotional or nervous illness or disability; alcoholism and substance abuse; disorders of habit or conduct; psychological aspects of physical illness, accident injury or disability; and psychoeducational evaluation, therapy, remediation and consultation. Psychologists would be prohibited from expanding their scope of practice beyond the authority and rights granted to them under the act. The State Board of Psychology would be permitted to issue a temporary license to a licensed psychologist from another state whose standards are substantially equivalent to those of Pennsylvania. The Board could refuse to issue a temporary license to a psychologist who is the subject of a past or pending disciplinary action in another jurisdiction. School psychologists would be permitted to perform in private practice the skills they perform in schools if they are employed by a private or public school in Pennsylvania or by a facility regulated by the Department of Education and hold a valid certificate as an Educational Specialist I or II in school psychology that is in good standing. [Passed: 49-0.](#)

[Senate Resolution 171](#) (Argall) directs the Legislative Budget and Finance Committee to conduct a study relating to the feasibility and cost-effectiveness of utilizing privately-owned veterans care facilities to augment the Commonwealth's six state-owned veterans care facilities. [Adopted by Voice Vote.](#)

[Senate Resolution 209](#) (Fontana) designates the week of October 18 through 25, 2015 as “Homeless Children’s Awareness Week” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 210](#) (Greenleaf) recognizes October 21, 2015 as “Biomedical Research Day” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 211](#) (Argall) designates the month of October 2015 as “Chiropractic Health and Wellness Month” in Pennsylvania. [Adopted by Voice Vote.](#)

Wednesday, October 14, 2015

[Senate Bill 501](#) (Eichelberger) would create the Protection of Employee Wages Act or Mary’s Law. The legislation would prohibit a public employer from deducting from the wages of a public employee money or funds to be used for political contributions, except as required by a valid collective bargaining agreement entered into between a public employer and a representative of its employees prior to the date of the section. The measure would further establish that no individual or organization could seek to have a political contribution deducted from the wages of public employees. A collective bargaining agreement entered into, renewed or extended on or after the effective date of the section could not contain provisions authorizing or requiring the deduction of political contributions. Nothing in the section could be construed to preclude a public employer from deducting a designated amount for a charitable contribution expressly authorized by an employee or, if required to do so by a collective bargaining agreement entered into with the representatives of its employees, a “fair share fee” as defined in Section 2215(a) of the Administrative Code of 1929 and Section 2 of the Public Employee Fair Share Fee Law. [Passed: 26-23.](#)

[Senate Bill 748](#) (Argall) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to allow certified escort vehicles to escort the movement of “super loads” instead of the Pennsylvania State Police (PSP). The Department of Transportation (PennDOT), in consultation with the PSP, would determine whether a state police escort is necessary. If it is jointly determined by the Department and the PSP that the movement must be escorted by the state police, the permittee would bear the escort costs. Otherwise, the legislation would require a super load to maintain one certified escort vehicle unless otherwise determined that an additional certified escort vehicle is necessary. The Department of Transportation would be required to certify and license drivers of certified escort vehicles. Within one year of the effective date, PennDOT would have to establish criteria for certified escort vehicles and for determining certification and licensing of drivers of certified escort vehicles within the Commonwealth and post the criteria on the Department’s website. The measure would require a certified escort vehicle to display the Department’s certification emblem; authorize the use of flashing or revolving yellow lights; and require compliance with other Department regulations pertaining to pilot cars. Senate amendments to the bill removed language added in the House of Representatives providing for permits for movement during the course of manufacture. [Concurrence in House Amendments, as Amended: 49-0.](#)

[Senate Bill 791](#) (Eichelberger) would amend the Second Class Township Code to repeal and replace the current provisions that provide for the removal of a township officer for failure to

perform the duties of the office. The legislation provides that a township officer would be removable from office only by impeachment, or by the Governor for reasonable cause after due notice and full hearing on the advice of two-thirds of the Senate, or upon conviction of misbehavior in office or conviction of an infamous crime in accordance with the Constitution of Pennsylvania. The officer's title to office could be tried by proceedings of quo warranto as provided by law. **Passed: 49-0.**

Senate Bill 925 (Rafferty) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to make a number of changes to bring Pennsylvania into compliance with new guidelines issued by the Federal Motor Carrier Safety Administration. Among other modifications, the measure would specifically prohibit an employer from knowingly allowing, requiring, permitting or authorizing a driver to drive a commercial motor vehicle during any period in which the driver is not qualified, by a license restriction, to operate the commercial vehicle.

Regarding commercial driver's license and permit requirements, the legislation would:

- Prohibit the use of interpreters during the CDL knowledge test or when a person seeks a hazardous materials endorsement on a CDL;
- Prohibit the CDL permit holder and the test examiner from communicating in a language other than English during the skills test;
- Require the Department of Transportation (PennDOT) to accept the results of skills tests administered in other states provided that the skills test meets federal testing standards;
- Authorize PennDOT to issue a nonresident CDL to a resident of a foreign jurisdiction without requiring additional testing if the driver possesses a valid CDL issued by another state or by the foreign jurisdiction of the driver (following a review by the U.S. Secretary of Transportation);
- Direct PennDOT to require a driver to retake the necessary tests within 30 days of receiving credible information that a CDL permit or license holder is suspected of fraud related to the issuance of a CDL permit or license;
- Stipulate that a CDL permit would be valid for a period of 180 days from the date of issuance and could be renewed for an additional period of up to 180 days without having to retake the knowledge test;
- Require a CDL permit holder to be accompanied at all times by a CDL holder who has a valid CDL with the proper class and endorsements necessary to operate the vehicle being driven;
- Prohibit a CDL permit holder with a passenger or school bus endorsement from operating a vehicle carrying a passenger other than federal or state auditors and inspectors, test examiners, other trainees and the CDL holder accompanying the CDL permit holder;

- Limit a CDL permit holder with a tank endorsement to only operating an empty tank vehicle, and prohibit the permit holder from operating a tank vehicle that previously contained hazardous materials;
- Require an applicant for a CDL permit to be at least 18 years of age;
- Prohibit a CDL permit holder from operating a commercial motor vehicle if the vehicle is transporting hazardous materials; and
- Adjust a variety of CDL classifications, endorsements and restrictions.

The Department of Transportation would be required to disqualify an individual from driving a commercial motor vehicle for one year upon receiving a certified record of the driver's conviction of fraud relating to the issuance of a CDL permit or license. PennDOT would also have to disqualify an individual from driving a commercial motor vehicle if the individual fails to pass a required retest relating to CDL qualification standards. The legislation would also expand the definition of "commercial motor vehicle" and "tank vehicle." As amended in the House, the legislation would require school bus drivers to pass a physical examination and vision examination every 13 months rather than every 12 months, as is currently required.

Concurrence in House Amendments: 49-0.

Senate Resolution 212 (Rafferty) recognizes November 10, 2015 as "Marine Corps Day" in Pennsylvania in honor of the United States Marine Corps' 240th anniversary of its founding. **Adopted by Voice Vote.**

Senate Resolution 213 (Mensch) designates the week of October 18 through 24, 2015 as "Community College Completion Week" in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 214 (Eichelberger) designates the week of October 11 through 17, 2015 as "Credit Union Week" in Pennsylvania. **Adopted by Voice Vote.**

House Bill 239 (Greiner) would amend the County Pension Law to provide that a cost-of-living adjustment given to retired county employees would not have to be calculated retroactively to the date of the previous cost-of-living adjustment and would not have to apply to the cost-of-living index for each year since the previous cost-of-living increase. Any adjustment approved under these provisions would become effective January 1 of the calendar year following the year in which the adjustment is approved. Before approving any cost-of-living adjustment, the County Retirement Board would have to obtain an actuarial note regarding the proposed adjustment. A cost-of-living adjustment could only be provided if certain funding levels specified in the bill are met. The funding level calculation would have to be reported to the Public Employee Retirement Commission in conjunction with established reporting requirements. The bill would also add a definition of "cost-of-living index" to mean the percentage change in the consumer price index for all urban consumers for the Pennsylvania, New Jersey, Delaware and Maryland area for the 12-month period ending August 31 for the year in which the adjustment is reviewed.

Passed: 49-0.

[House Bill 904](#) (Gingrich) would amend the First Class Township Code to establish that the Pennsylvania Construction Code Act (Act 45 of 1999) and the Uniform Construction Code adopted under that act would govern the construction, alteration, repair and occupancy of buildings and structures within a first class township. A first class township could enact an ordinance with requirements that equal or exceed the minimum requirements of the Uniform Construction Code and that meet the requirements of Section 503 of the Pennsylvania Construction Code Act. Section 503 allows municipalities to enact their own ordinances, provided that they meet or exceed the minimum requirements of the Uniform Construction Code.

The bill would permit township commissioners to enact an ordinance for a local property maintenance code. The local ordinance could include a standard or nationally recognized property maintenance code without actually incorporating its text. The township would not be required to advertise the local ordinance after its passage, but notice of its consideration would have to be published once in one general-circulation newspaper. Publication would be at least one week prior to presentation of the proposed ordinance to the commissioners, but no more than three weeks prior to the presentation.

To enforce the local ordinance, the township would be permitted to appoint property maintenance inspectors to enter and inspect any premises, provided they observe constitutional safeguards, and conduct the inspections at reasonable hours and in a reasonable manner. Fees paid to the inspectors would have to be promptly paid to the township treasurer for the township's use. The township, in addition to levying penalties provided by the property maintenance ordinance, could institute appropriate actions and proceedings, at law or in equity, to prevent or restrain property maintenance violations. A violation of the Uniform Construction Code or a violation of a local ordinance that equals or exceeds its provision would be subject to the provisions of the Pennsylvania Construction Code, as well as the regulations adopted to enforce it by the Department of Labor and Industry. Any building, housing or property that has been erected, altered, extended, reconstructed, removed or maintained contrary to the provisions of a local ordinance passed in accordance with this bill could be declared a public nuisance by the courts.

If, because of legislative action or a court decision, the Uniform Construction Code or a replacement code no longer applies to townships, the commissioners could enact their own building codes and property maintenance codes, and take the steps necessary to enforce them. The bill would not repeal or modify any township ordinance in effect when the act becomes effective. **Passed: 49-0.**

[House Bill 906](#) (Harper) would amend the First Class Township Code to repeal and replace the current provisions that provide for the removal of a township officer for failure to perform the duties of the office. The legislation provides that a township officer would be removable from office only by impeachment, or by the Governor for reasonable cause after due notice and full hearing on the advice of two-thirds of the Senate, or upon conviction of misbehavior in office or conviction of an infamous crime in accordance with the Constitution of Pennsylvania. The officer's title to office could be tried by proceedings of quo warranto as provided by law. **Passed: 49-0.**

[House Bill 910](#) (Harper) would amend Act 35 of 1953 (relating to incorporated towns) to repeal and replace the current provisions that provide for the removal of a town officer for failure to perform the duties of the office. The legislation provides that a town officer would be removable from office only by impeachment, or by the Governor for reasonable cause after due notice and full hearing on the advice of two-thirds of the Senate, or upon conviction of misbehavior in office or conviction of an infamous crime in accordance with the Constitution of Pennsylvania. The officer's title to office could be tried by proceedings of quo warranto as provided by law. An additional provision would clarify that if the electors fail to choose a mayor, if the mayor neglects or refuses to serve, or if there is a vacancy in office, a majority of the council members could appoint a successor who is a registered voter within 30 days after the vacancy occurs.

Passed: 49-0.

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