

# WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – DAVID G. ARGALL, CHAIRMAN

## Monday, October 17, 2018

[Senate Bill 1266](#) (Tomlinson) would amend the Home Improvement Consumer Protection Act to allow the Bureau of Consumer Protection to refuse to register a person or suspend or revoke a contractor's registration upon proof that the individual has:

- Obtained a registration through fraud, deception or misrepresentation;
- Engaged in any of the prohibited acts listed in the legislation;
- Been convicted of a crime involving theft, deception, fraud, misrepresentation, or moral turpitude;
- Had a suspended or revoked registration as a contractor imposed by any other state agency outside of the Commonwealth for reasons similar to those listed; or
- Violated or failed to comply with the provisions of the act.

The measure would clarify that actions of the Bureau under the act would be subject to 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) and Ch. 7 Subch. A (relating to judicial review of the Commonwealth agency action). The bill would also include entering into a home improvement agreement, whether the agreement is written or oral, without first registering with the Bureau, under the offense of home improvement fraud. An additional provision would make providing false or incomplete information on a registration application a prohibited act under the statute. **Passed: 50-0.**

[Senate Bill 1271](#) (Browne) would amend Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes to require a court to make a finding that ensures a child in shelter care remains in the same school he or she was enrolled in prior to out-of-home placement or a change of placement unless the court determines that remaining in the same school would be contrary to the child's safety or well-being. In making a determination, the court would be required to consider the wishes of the parent or other legally authorized education decision maker and, where appropriate, the wishes of the child. Similar provisions would also be added for children in foster care. In making a determination under these provisions, the presumption would have to be in favor of providing the child school stability unless the court determines that remaining in the same school would be contrary to the child's safety or well-being. Transportation to maintain school stability would be provided in accordance with the Public School Code and any applicable contractual agreement. **Passed: 50-0.**

[Senate Bill 1330](#) (Alloway) would amend Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes to clarify that the provisions of Section 2962(g) (relating to limitation on municipal powers) and 18 Pa.C.S. § 6120(a) (relating to limitation on the regulation

of firearms and ammunition) would preempt and supersede any local ordinance or rule insofar as the ordinance or rule is inconsistent with these two sections. A person adversely affected by any manner of regulation promulgated or enforced in violation of Title 18 Pa. C. S. §6120 (relating to limitation on the regulation of firearms and ammunition) or Title 53 Pa. C. S. §2962(g) (relating to limitation on municipal powers) could seek injunctive and declarative relief, as well as damages. The term “reasonable expenses” would be defined as attorney fees, expert witness fees, court costs and compensation for loss of income. The term “person adversely affected” would be defined to include any resident of the Commonwealth who could legally possess a firearm under federal and state law, in addition to any person who otherwise has standing pursuant to the laws of the Commonwealth to bring an action. The term would also include any membership organization in which such a person is a member. **Passed: 30-19.**

**Senate Bill 1340** (Bartolotta) would authorize the Department of General Services to convey:

- A tract of land totaling three acres and any buildings or structures located thereon in South Strabane Township, Washington County at a price to be determined through a competitive bidding process. The conveyance would be subject to all lawful and enforceable easements. The deed of conveyance would be executed by the Secretary of General Services in the name of the Commonwealth. The proceeds from the sale of the property would be deposited in the General Fund; and
- The Historic David Bradford House in the City of Washington, Washington County to the Bradford House Historical Association 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. **Passed: 49-0.**

**Senate Resolution 449** (White) recognizes February 12, 2017 as “Drugs Kill Dreams, Opioid Alert Day” in Pennsylvania to raise the level of awareness regarding opioids and to encourage full participation in education, prevention, treatment, recovery and law enforcement efforts throughout the year. **Adopted by Voice Vote.**

**Senate Resolution 450** (Tartaglione) designates the week of October 16 through 22, 2016 as “Brachial Plexus Injury Awareness Week” in Pennsylvania. **Adopted by Voice Vote.**

**Senate Resolution 451** (Greenleaf) recognizes the week of October 16 through 22, 2016 as “National Chemistry Week” in Pennsylvania. **Adopted by Voice Vote.**

**Senate Resolution 452** (Greenleaf) recognizes October 21, 2016 as “Biomedical Research Day” in Pennsylvania. **Adopted by Voice Vote.**

**Senate Resolution 453** (Killion) designates the week of October 17 through 23, 2016 as “Pediatric Kidney Disease Awareness Week” in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 454](#) (Hutchinson) recognizes the week of October 16 through 22, 2016 as “National Forest Products Week” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 455](#) (Costa) recognizes the month of October 2016 as “National Arts and Humanities Month” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 456](#) (Teplitz) designates the month of October 2016 as “Domestic Violence Awareness Month” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 457](#) (Teplitz) recognizes November 16, 2016 as “Pennsylvania Career Development Day” in the Commonwealth. [Adopted by Voice Vote.](#)

[Senate Resolution 458](#) (Teplitz) observes the week of October 9 through 15, 2016 as “Fire Prevention Week 2016” in Pennsylvania. [Adopted by Voice Vote.](#)

[House Bill 1619](#) (Topper) would authorize the Commonwealth of Pennsylvania to join the Interstate Medical Licensure Compact which provides for a streamlined process to allow physicians to become licensed in multiple states. State medical boards that participate in the Compact retain the ability to impose an adverse action against a license to practice medicine in that state issued to a physician through the procedures in the Compact. The Interstate Medical Licensure Compact Commission would be created by the member states to administer and enforce the Interstate Medical Licensure Compact. The Commission would consist of two voting representatives from each member state and would have to meet at least once a year. The powers and duties of the Commission and the process for application and issuance of an expedited license are outlined in the legislation. States could withdraw from the compact by repealing the statute which authorized their participation in the Compact. [Passed: 49-0.](#)

### **Tuesday, October 18, 2016**

[Senate Bill 286](#) (Rafferty) would amend Act 200 of 1931 which provides for joint action by Pennsylvania and New Jersey in the development of ports on the lower Delaware River and the establishment of the Delaware River Port Authority (DRPA). In order to amend the interstate compact, the Commonwealth of Pennsylvania and the State of New Jersey must adopt the same reforms and the new compact must then be approved by Congress. The proposed legislation would:

- Require the Pennsylvania commissioners of the DRPA, who are not ex-officio members, to be confirmed by a majority of the Pennsylvania Senate effective December 31, 2018;
- Clarify that DRPA’s authority to borrow money is for the purpose of financing any project authorized by or pursuant to the compact or agreement and that DRPA could acquire, purchase, construct, lease, operate, maintain and undertake any project directly relating to the operation of the DRPA;

- Provide that a majority of the commission members for Pennsylvania and a majority of the commission members for New Jersey could meet in executive session to address confidential matters but that neither the commissioners for Pennsylvania nor New Jersey may meet in caucus separately from the members of the other state;
- Provide that DRPA could not negotiate, extend, amend or alter the terms of a contract, or enter into a contract, unless the action is voted on and approved in a public session, and that 30 days public notice is given prior to any such vote;
- Require DRPA to use best practices in procurement and the acceptance of bid proposals online;
- Require the commission to submit biennially to an audit of its budget conducted by an independent auditor, a performance review audit and a commission review of the compensation of commission employees and officers. The budget audit, performance review audit and the compensation review report would have to be provided to the Governor and Legislature of the respective states. Failure to submit the information would result in forfeiture of management employee salaries until such time as the audits and review are complete;
- Require the commission, prior to a board meeting, to circulate a list of entities subject to board action and for the board members to identify in writing any conflicts in advance of the meeting;
- Establish a list of actions by a commissioner, director, officer, or employee which would be prohibited or considered a conflict of interest;
- Prohibit officers and employees at the director level and higher from accepting or engaging in employment by an entity that does business with DRPA for a two-year period following termination of employment with DRPA;
- Require each commissioner to file financial statements in compliance with the law of his or her respective state;
- Prohibit salaries from being higher than the lesser salary of either the Governor of Pennsylvania or the Governor of New Jersey;
- Prohibit a DRPA board member, officer and employees from receiving vehicle allowances, toll exemptions, lump sum expense allowances, or personal lines of credit from DRPA;
- Require any current or prospective vendor, including any director, officer, principal or partner thereof, to annually disclose a list of current political campaign contributions, and any contributions made within four years prior to the vendor's involvement with the commission;

- Require the commission to be subject to the Pennsylvania Right-To-Know Law or to the Open Public Records Act;
- Require the commission to adopt an open meetings and records policy;
- Require the commission to prepare a comprehensive master plan for the development of the Port District as outlined in the legislation; and
- Establish the Port Authority Transit Corporation Commuter's Council to study, investigate, monitor and make recommendations pertaining to the maintenance and operation of the Port Authority Transit Corporation's facilities for the transportation of passengers. **Concurrence in House Amendments: 37-13.**

**Senate Bill 535** (Vulakovich) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to permit the use of speed timing devices by any police officer upon completion of a training course approved by the Pennsylvania State Police and the Municipal Police Officers' Education and Training Commission. The bill provides that all speed timing devices approved for use in the Commonwealth would have to be tested for accuracy within a period of one year prior to the alleged violation and appear on the consumer products list in conjunction with National Highway Traffic Safety Administration standards.

Before local or regional police officers could employ any speed timing devices, the political subdivision would have to adopt an ordinance permitting such devices to be used and warning signs indicating the use of the devices would have to be erected. During the initial ninety days of the use of the speed timing device, motorists could only be sanctioned for violations with a written warning. Each local or regional police department using speed timing devices would be required to report annually to the Department of Revenue the municipal revenue generated from speed enforcement citations. If the municipal share of the revenue exceeds 20 percent of the total municipal budget, the excess sum would have to be remitted to the Department for deposit into the General Fund to be appropriated by the General Assembly for traffic safety purposes. The bill would provide an exception for speeding offenses charged as a result of a speed timing device. No points could be assigned unless the speed recorded is ten or more miles per hour in excess of the legal speed limit. **Passed: 47-3.**

**Senate Bill 840** (Argall) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to require both the Pennsylvania Department of Transportation (PennDOT) and the Pennsylvania Turnpike Commission to establish a five-year automated speed enforcement system program for active work zones no later than 18 months from the effective date of the legislation. An "automated speed enforcement system" would be defined as an electronic traffic sensor system that is able to automatically detect vehicles exceeding the posted speed limit with a speed timing device and which records the vehicle's rear license plate and location. At least two appropriate warning signs would have to be conspicuously placed before the work zone notifying the public that an automated speed enforcement device is in use. A notice identifying the location of automated speed enforcement systems would also have to be posted on the PennDOT and Turnpike Commission websites. Driving in excess of the posted speed limit in an automated speed enforcement work area by at least 11 miles per hour would be a violation under

the program punishable by a fine of \$100. A penalty imposed under the program would not be considered a criminal conviction and would not be made part of the operating record of the individual.

The legislation would provide for the types and content of the notices that would be sent to violators and the process for payment of fines. Images collected for the program could not be used for any other surveillance purposes and would have to be destroyed within one year. The images would not be considered a public record under the Right-to-Know Law. Compensation under a contract to implement the program could not be based in any part on the quantity of notices of violation issued or the amount of fines imposed or generated. Following payment of the administrative costs of the program, 75 percent of the funds generated by the program would be provided to the Pennsylvania State Police. Of this amount, 55 percent would be used for recruiting, training and equipping State Police cadets and 45 percent would be used to pay for increased State Police presence in work zones. The remaining 25 percent of funds generated would be retained by PennDOT and the Turnpike Commission for the purpose of work zone safety, traffic safety and educating the motoring public on work zone safety. PennDOT and the Turnpike Commission would be required to report annually to the Senate and House Transportation Committees on the program with the information specified in the legislation.

**Passed: 48-0.**

[Senate Bill 1300](#) (Hutchinson) would amend Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes to clarify that a person's active military duty would not disqualify the person from fulfilling a residency requirement imposed by a municipal code or charter as a qualification of elected office or to fill a vacancy of election. For purposes of this provision, a person who is a resident of a municipality for at least one year immediately prior to his or her absence due to military duty would be deemed to be an ongoing resident of the municipality unless the person demonstrates his or her intent to establish a new domicile outside of the municipality. **Passed: 50-0.**

[Senate Bill 1313](#) (White) would amend Title 62 (Procurement) of the Pennsylvania Consolidated Statutes regarding guaranteed energy savings contracts. The bill would require a guaranteed energy savings contract to expressly state, quantify and validate the budgetary sources of all energy-related cost savings and operating costs utilized to satisfy the financial obligations and performance during the term of the agreement. The bill would also add definitions for "energy-related cost savings," "energy services company," and "operating costs." **Passed: 50-0.**

[Senate Bill 1365](#) (Greenleaf) would amend Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes to add one new common pleas judgeship in four counties (Cumberland, Montgomery, Washington, and Wayne) and two in Bucks County. In all counties except Cumberland, the new judgeships would be filled by election in 2017, with the new judges being sworn into office in January 2018. In Cumberland County, the new judgeship would be filled by election in 2019, with the new judge being sworn into office in January 2020.

**Passed: 46-2.**

[Senate Resolution 385](#) (Brooks) directs the Joint State Government Commission to conduct a study to analyze and identify which environmental laws and regulations have more stringent standards than federal law requires. **[Adopted: 27-21.](#)**

[Senate Resolution 448](#) (Scarnati) commemorates the 200<sup>th</sup> session of the General Assembly. **[Adopted: 48-0.](#)**

[Senate Resolution 460](#) (Tartaglione) recognizes the month of October 2016 as “National Breast Cancer Awareness Month” and October 21, 2016 as “National Mammography Day” in Pennsylvania. **[Adopted by Voice Vote.](#)**

[Senate Resolution 461](#) (Yaw) designates the week of October 23 through 29, 2016 as “Pro Bono Week” in Pennsylvania. **[Adopted by Voice Vote.](#)**

[Senate Resolution 462](#) (Reschenthaler) designates October 18, 2016 as “Suits for Soldiers Day” in Pennsylvania. **[Adopted by Voice Vote.](#)**

[Senate Resolution 463](#) (Baker) designates the month of November 2016 as “COPD Awareness Month” in Pennsylvania. **[Adopted by Voice Vote.](#)**

[Senate Resolution 464](#) (McIlhinney) designates the month of October 2016 as “Lewy Body Dementia Awareness Month” in Pennsylvania. **[Adopted by Voice Vote.](#)**

[Senate Resolution 465](#) (Eichelberger) designates the week of October 16 through 22, 2016 as “Credit Union Week” in Pennsylvania. **[Adopted by Voice Vote.](#)**

[Senate Resolution 466](#) (Vogel) designates the month of October 2016 as “Agent Orange Recognition Month” in Pennsylvania. **[Adopted by Voice Vote.](#)**

[House Bill 49](#) (Sainato) would amend the Emergency and Law Enforcement Personnel Death Benefits Act to add members of the Pennsylvania Civil Air Patrol to the act. **[Passed: 50-0.](#)**

[House Bill 1581](#) (Corbin) would amend Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes to define the offense of strangulation as knowingly or intentionally impeding the breathing or circulation of the blood of another person by applying pressure to the throat or neck or by blocking the nose and mouth of the person. The infliction of physical injury would not be an element of the offense, and the lack of physical injury could not be a defense to prosecution of the offense. It would be an affirmative defense to a charge if the victim consented to the defendant’s actions. The offense of strangulation would be graded as a second degree misdemeanor. The offense would be upgraded to a second degree felony if committed against a family or household member, by a caretaker against a care-dependent person, or in conjunction with sexual violence. The offense would be upgraded to a first degree felony if the defendant is subject to an active protection from abuse order that covers the victim, uses an instrument of crime, or has previously been convicted of certain offenses. **[Passed: 50-0.](#)**

**Wednesday, October 19, 2016**

[Senate Bill 976](#) (Greenleaf) would amend the Wiretapping and Electronic Surveillance Control Act under Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes and add Chapter 67 to Title 42 (Judiciary and Judicial Procedure), regarding recordings by law enforcement officers. The definition of “oral communication” in Title 18 would be amended to specify that oral communication under the act would not include a communication made in front of a law enforcement officer, who is clearly identified as such, and who is using a device to intercept the oral communication in the course of law enforcement duties. Law enforcement officers and corrections department employees would be permitted to intercept, record, monitor and divulge any oral, electronic or wire communication from or to an inmate in a facility in certain situations enumerated in the legislation. Persons who are engaging in an oral or wire communication with an inmate would have to be notified that the conversation may be recorded or monitored. Chapter 67 of Title 42 would establish provisions governing recordings by law enforcement officers and the procedure for requesting production of a law enforcement audio or video recording. **Passed: 45-5.**

[Senate Resolution 467](#) (Wiley) designates the month of October 2016 as “Dyslexia Awareness Month” in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 468](#) (Rafferty) recognizes the 20<sup>th</sup> anniversary of the Council for a Strong America’s Fight Crime: Invest in Kids organization and congratulates the organization’s members for their lasting contributions towards a safer, prosperous future. **Adopted by Voice Vote.**

[Senate Resolution 469](#) (Yudichak) designates October 20, 2016 as “Lights on Afterschool Day” in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 470](#) (Mensch) designates the week of October 23 through 29, 2016 as “Pennsylvania German Heritage Week” in Pennsylvania. **Adopted by Voice Vote.**

[House Bill 447](#) (Saylor) would amend the Landlord and Tenant Act of 1961 to provide for an optional early termination of a lease, without penalty, if the tenant has died and was the sole tenant of a residential unit. Upon 14 days written notice to the landlord, the executor or administrator of the estate of the deceased tenant could elect to terminate the lease on the later of the following: 1) the last day of the second calendar month that follows the month in which the tenant died; or 2) upon surrender of the rental unit and removal of all of the tenant’s personal property. The tenant’s estate would be liable for any expense the landlord incurs as a direct result of the death and for any rent or damages to the premises that were owed prior to the date of lease termination. The tenant’s estate would not be liable for damages or any other penalty for breach or inadequate notice as a result of terminating a lease under the bill’s provisions. **Passed: 50-0.**

[House Bill 683](#) (Rapp) would amend the Taxpayer Relief Act to exclude federal veterans' disability payments and state veterans' benefits from income for purposes of the property tax and rent rebate assistance program. **Passed: 50-0.**

[House Bill 869](#) (Bizarro) would amend Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes to add provisions addressing cruelty to animals. Among other provisions, the measure would:

- Add “equine animal” to the animal cruelty provisions of the section;
- Require a person that kills, maims, disfigures, tortures or administers poison to a guide, hearing or service dog to make, in addition to any other applicable penalty, reparations for veterinary costs for the treatment of the dog and, if necessary, the cost of obtaining and training a replacement dog;
- Establish limits on the amount of time and under what conditions a dog could be tethered outside. The bill would clarify that an unattended dog could not be tethered for more than nine hours within a 24-hour period, for longer than 30 minutes when temperatures are above 90 degrees or below 32 degrees, or when a severe weather warning has been issued by the National Weather Service. A person who violates the provisions would be sentenced to pay a fine of not less than \$200 nor more than \$750 and veterinary, shelter and court costs;
- Establish the offense of aggravated cruelty to animals which would be punishable as a first degree misdemeanor. If the animal suffers serious bodily injury or dies, the offense would be upgraded to a third degree felony; and
- Require the surrender of an abused animal to an animal society or association if a conviction is for an offense graded as a first or second degree misdemeanor or a felony.

**Passed: 50-0.**

[House Bill 1734](#) (Wentling) would amend the Public School Code to provide a one-year extension to school entities to submit a three-year professional education plan to the Secretary of Education. A school entity’s current professional education plan could remain in effect during the extension. The measure would also extend the current professional education compliance period by one year for a professional educator and by one year for an uncertified teacher or administrator who is employed full time by a charter school. **Passed: 50-0.**

[House Bill 1841](#) (Killion) would amend the Medical Practice Act of 1985 to remove the provision which requires that a temporary graduate perfusionist license expire immediately upon notification of the licensee’s failure of the licensing examination. The change would allow a graduate perfusionist to take a licensing examination more than one time before the temporary graduate license is revoked. A temporary graduate license would still be valid for only two years. **Passed: 50-0.**

[House Bill 1842](#) (Killion) would amend the Osteopathic Medical Practice Act to remove the provision which requires that a temporary graduate perfusionist license expire immediately upon notification of the licensee’s failure of the licensing examination. The change would allow a graduate perfusionist to take a licensing examination more than one time before the temporary

graduate license is revoked. A temporary graduate license would still be valid for only two years. **Passed: 50-0.**

**House Bill 1923** (Santora) would designate the section of State Route 2005, known as Lansdowne Avenue, Delaware County, from State Road to School Lane as the Officer Dennis McNamara Memorial Highway. **Passed: 50-0.**

(2016-119)