

WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – JOHN PIPPY, CHAIRMAN

Monday, June 8, 2009

[Senate Bill 196](#) (Baker) would amend Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes to extend the military leave of absence required to be given by an educational institution to a member of the Pennsylvania National Guard or reserves when on active duty to the member's spouse. Both members and their spouses would be entitled to be restored to the educational status attained prior to the military duty without loss of credits, scholarships, grants and tuition reimbursements. [Passed: 47-0.](#)

[Senate Bill 297](#) (Yaw) would amend the Oil and Gas Act to remove the requirement that the Department of Environmental Protection (DEP) keep well operator annual reports confidential for five years. The bill would also require every operator of a well which produces gas from the Marcellus Shale to file a semi-annual report with DEP specifying the amount of production on the most well-specific basis available. The Commonwealth would have the right to utilize the information in enforcement proceedings, in making the natural gas determinations as provided for in Section 1927-A of the Administrative Code of 1929, or in aggregate form for statistical purposes. The Department would have to make the reports available on its public website. Any costs incurred by the Department to comply with these provisions would be paid from well permit fees. [Passed: 47-0.](#)

[Senate Resolution 52](#) (Greenleaf) directs the Joint State Government Commission to establish an advisory committee to study the effects of parental incarceration on the children of incarcerated parents, to recommend a system for determining and assessing the needs of children of incarcerated parents, and to identify the services available to them and the barriers to accessing those services. The advisory committee is directed to report its findings and recommendations to the Senate within two years of the adoption of the resolution. [Adopted by Voice Vote.](#)

Tuesday, June 9, 2009

[Senate Bill 687](#) (Pileggi) would amend the Public School Code to exempt all real or personal property owned by a charter school, cyber charter school or associated nonprofit foundation from all state and local taxes. The exemption would also apply to property leased to a charter school or cyber charter school at or below fair market value that is occupied and used by any charter school or cyber charter school for public school recreation or other purposes provided by the act. The proposed changes would also exempt the schools from all costs or expenses for paving, curbing, sidewalks, sewers or other municipal improvements, provided that the school or owner of property leased to a charter or cyber charter school could make a municipal improvement in a street on which its school property abuts or could contribute a sum toward the cost of the improvement. The exemption would apply only where a charter school, cyber charter school or associated nonprofit foundation is responsible for payment of the taxes, costs or expenses. [Passed: 49-0.](#)

[Senate Resolution 134](#) (Fontana) honors the 50th anniversary of the Three Rivers Arts Festival in the City of Pittsburgh. [Adopted by Voice Vote.](#)

Wednesday, June 10, 2009

[Senate Bill 240](#) (Baker) would repeal Act 45 of 1985, the Emergency Medical Services Act, and codify and update its provisions in Title 35 (Health and Safety) and Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes. The bill would add Chapter 72 to Title 35 to be known as the Emergency Medical Services System Act. The bill would designate the Department of Health as the lead agency for emergency medical services (EMS) in the Commonwealth to:

- Assist in the development of local EMS systems; plan, guide and coordinate the development of regional EMS systems into a unified statewide system; and coordinate systems in the Commonwealth with similar systems in neighboring states;
- Define and approve training programs and accredit educational institutions for EMS training providers;
- Establish standards for the licensing, registration and operation of EMS agencies and inspect EMS agencies for compliance;
- Integrate all trauma centers accredited under the Pennsylvania Trauma Systems Foundation provisions into the statewide EMS system; and
- Oversee the licensing and certification of EMS personnel and vehicles.

Changes to Title 75 (Vehicles) included in the bill would expand the current definition of “emergency vehicle” and add language providing for the \$10 surcharge on traffic violations and the \$25 charge on Accelerated Rehabilitative Disposition DUI cases, both of which would continue to be deposited in the Emergency Medical Services Operating Fund to support emergency medical services. [Passed: 49-0.](#)

[Senate Bill 241](#) (Tomlinson) would amend the Real Estate Licensing and Registration Act to clarify provisions relating to the handling of deposits and escrows. The bill would add a new section that requires all deposits and other escrows accepted by a broker to be retained by the broker pending: consummation of the transaction; termination prior to consummation if there is either no dispute as to entitlement to the deposit or escrow or there is a prior written or electronic agreement as to the disposition of the funds; receipt by the broker of written or electronic instructions signed by all parties directing the broker to release some or all of the deposit or escrow; or, a court order specifying disposition of the funds. Deposits and escrows would have to be accounted for in the full amount at the time of consummation, termination or release. If less than the full amount of the deposit is released, notice must be given to all parties.

A broker would be prohibited from commingling deposits and would be required to deposit money or property in a separate custodial or trust fund account at a recognized depository by the end of the business day following receipt. If a deposit in connection with an

offer to buy or lease real estate is in the form of a check, the broker could hold the check pending acceptance if agreed to by the buyer and seller. If no offer is made, the check must be returned promptly. If accepted, the broker must deposit the check into a custodial or trust account on the day of acceptance. [Passed: 49-0.](#)

[Senate Bill 281](#) (Orie) would amend the Public School Code to clarify that any new statewide requirements for high school graduation from a public school entity in the Commonwealth could only be established by an act of the General Assembly. The bill would specifically prohibit the Department of Education from developing or implementing any statewide graduation requirements or from entering into any contracts that provide for graduation competency assessment until the General Assembly specifically appropriates funds for the development and implementation of statewide requirements for high school graduation. The State Board of Education would also be prohibited from developing or implementing any standard or promulgating any regulation to require school districts to develop new or additional high school graduation requirements or competency assessments until authority to do so is granted through an act of the General Assembly. The bill specifically prohibits any funds in the State Treasury from being used for the development or implementation of statewide high school graduation requirements until specifically appropriated by the General Assembly for that purpose.

[Passed: 48-1.](#)

[Senate Bill 380](#) (Scarnati) would designate the bridge located on Route 219 over the Little Toby Creek, Brockway Borough, Jefferson County as the Christopher E. Loudon Memorial Bridge. Second Lieutenant Loudon was killed in Baghdad, Iraq on October 17, 2006 when an improvised explosive device detonated near his vehicle. [Passed: 49-0.](#)

[Senate Bill 598](#) (Dinniman) would amend Section 1308 (Liability for Tuition and Enforcement of Payment) of the Public School Code to ensure that school districts pay tuition charges for resident students enrolled in rehabilitative institutions. Under the proposed change, the Department of Education would be notified when a school district of residence fails to remit payment, after a second billing notification, to the district in which the institution is located. The district would forward copies of the tuition bills and notification sent to the non-paying school district to the Department for payment. Upon receipt, the Department would be required to pay the unpaid tuition obligations to the district in which the institution is located and withhold school subsidy payments due to the school district of residence. Subsequent payments for the same students would be made by the Department in the same manner. The school district of residence would have the right to appeal the Department of Education's decision, but this would not cause a delay in payment to the district in which the institution is located. An additional provision would clarify that the school district of residence would be required to pay the entire cost of services provided to students, including specialized services. [Passed: 41-8.](#)

[Senate Bill 736](#) (Orie) would amend the Public School Code to include epinephrine auto-injectors under the existing provisions which provide for the possession and use of asthma inhalers by children in schools. Under the changes, each school entity would be required to develop a written policy to allow for the possession and self-administration of epinephrine auto-injectors by children of school age in a school setting. The policy would have to specify conditions under which a student could lose the privilege to self-carry an asthma inhaler or

epinephrine auto-injector if the school policies are abused or ignored. Determination of competency for self-administration would have to be based on age, cognitive function, maturity and demonstration of responsible behavior. A school entity that prevents a student from self-carrying an asthma inhaler or epinephrine auto-injector and the prescribed medication would be required to ensure that they are appropriately stored at locations in close proximity to the student and that the student's classroom teachers are aware of their location and the means to access them. The policy would have to be distributed with the code of student conduct and made available on the school entity's publicly-accessible internet website. The school entity could require updated prescriptions and parental approvals on an annual basis from the pupil. Nothing in the section could be construed to create, establish or expand any civil liability on the part of any school entity or school employee. Within 120 days of the effective date of the act, the Department of Health would be required to provide technical assistance and publish information on its website regarding the administration of medication for allergies by persons employed with a school entity. **Passed: 49-0.**

Senate Resolution 135 (Hughes) recognizes June 10, 2009 as "Patient Advocate Day" in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 136 (Costa) designates June 10, 2009 as "Epilepsy Awareness Day" in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 137 (Leach) designates June 13, 2009 as "Alex's Lemonade Stand Day" in Pennsylvania and encourages all Pennsylvanians to contribute to Alex's Lemonade Stand Foundation and other pediatric cancer research programs. **Adopted by Voice Vote.**

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