

# WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – EDWIN B. ERICKSON, CHAIRMAN

Monday, May 2, 2011

[Senate Bill 58](#) (Greenleaf) would create the Sexual Violence Victim Protection Act to provide victims of sexual violence with a civil remedy requiring an offender to stay away from the victim, as well as providing other appropriate relief. The legislation would permit a sexual assault victim (plaintiff), as well as his or her parent or guardian, to petition the court for protection from the defendant without the payment of fees. When an order is granted, costs would be assessed to the defendant. The court would hold an expedited hearing within 10 days of the filing of a petition unless the plaintiff is in immediate and present danger in which case the court could issue a temporary order in effect until modified or terminated after the hearing. The court could also issue an order that the plaintiff's address and telephone number not be disclosed and that the address of a rape crisis center not be revealed. The defendant would have the right to be represented by counsel. In addition, a sexual assault counselor could accompany and provide assistance to a party in any legal proceeding under the act.

A protection order could: prohibit the defendant from having any contact with the plaintiff; direct the defendant to refrain from harassing or stalking the plaintiff; and/or grant any other appropriate relief. Protection orders could not exceed 36 months, but extensions could be granted following a hearing. A copy of the protection order would be provided to the plaintiff, the defendant and the police department with jurisdiction to enforce the order. A sentence for indirect criminal contempt under the act could include: a fine of not less than \$300 nor more than \$1,000 or imprisonment for a period not exceeding six months, or both; or, a fine of not less than \$300 nor more than \$1,000 or supervised probation for a period not exceeding six months, or both. The victim would be notified when the offender is released. A plaintiff could file a petition for civil contempt with the issuing court alleging that the defendant has violated any provision of a protection order or court-approved agreement. A sentence for civil contempt could include imprisonment until the defendant complies with the provisions of the order.

The legislation would require the police department of each municipal corporation, the Pennsylvania State Police and the sheriff of each county to ensure that their officers, deputies and employees are familiar with the provisions of this act; to make sexual violence victim protection orders part of the training curriculum for all law enforcement personnel; and to adopt a written policy regarding sexual violence victim protection orders. Law enforcement agencies would also be required to provide sexual violence victims with oral and written notice of sexual assault services in the community. **[Passed: 50-0.](#)**

[Senate Bill 274](#) (Alloway) would amend the Game Code to authorize the Game Commission to establish regulations exempting certain limited youth hunting activities from a number of prohibitions contained in the Code for the purpose of implementing and enhancing a mentored youth hunting program. The exemption would have to include a provision limiting a mentored youth participating in a mentored youth hunting program to no more than one antlerless deer

license in each license year. The measure would also reduce the eligible age for obtaining a falconry permit from 16 to 12 and increase the fee for a falconry permit from \$25 for each raptor held to \$50. Additional changes would further clarify the Game Commission's ability to regulate falconry. **Passed: 50-0.**

**Senate Bill 343** (Piccola) would amend the Public School Code of 1949 to permit the Department of Education to collect identifying information of students attending institutions of higher education only if it is specifically required to do so under federal statute or regulation or under another provision of this act. Before collecting any identifying information from an institution of higher education, the Department would have to provide written notice to the institution of the information it seeks to collect and the date by which a student who wishes to do so may opt out of the Department's information collection. Upon receiving the notice, the institution would have to provide those students who are subject to the request for identifying information with electronic notice of the request and of the students' ability to opt out of the collection by the date established by the Department. The notice would direct the students to an Internet web page maintained by the Department which would include, among other information, an electronic link the student could use to opt out of the request. Following the opt-out date, the Department would provide the institution of higher education with a list of students who have opted out of the collection of identifying information. The institution could provide information for only those students who have not opted out. The Department could still collect information in an aggregated format that does not reveal the identity of an individual student. An institution of higher education that discloses information to the Department at its request would not be held liable for any breach of confidentiality pertaining to the information that results from the actions of the Department or its staff. The Secretary of Education would be required to establish a six-member advisory committee to offer recommendations to the Department concerning its collection of identifying information and other data from institutions of higher education. **Passed: 50-0.**

**Senate Resolution 101** (Alloway) recognizes May 15 through June 15, 2011 as "Tourette Syndrome Awareness Month" in Pennsylvania. **Adopted by Voice Vote.**

**Senate Resolution 102** (Vance) designates the week of May 6 through 12, 2011 as "Nurses Week" in Pennsylvania. **Adopted by Voice Vote.**

**Senate Resolution 103** (Baker) thanks the Veterans of Foreign Wars and its Ladies Auxiliary for their service and designates May 1, 2011 as "Loyalty Day" in Pennsylvania. **Adopted by Voice Vote.**

**Senate Resolution 104** (Farnese) designates the month of May 2011 as "Amyotrophic Lateral Sclerosis Awareness Month" in Pennsylvania and urges the President and Congress of the United States to enact legislation to provide additional funding for research in order to find a treatment and cure for the disease. **Adopted by Voice Vote.**

**Senate Resolution 105** (Solobay) designates May 2011 as "Junior Achievement Month" in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 106](#) (Orie) commemorates the tenth anniversary of the Educational Improvement Tax Credit. [Adopted by Voice Vote.](#)

[Senate Resolution 107](#) (Orie) recognizes May 3, 2011 as “World Asthma Day” in Pennsylvania. [Adopted by Voice Vote.](#)

**Tuesday, May 3, 2011**

[Senate Bill 5](#) (Erickson) would create the Community-Based Health Care (CHC) Program in the Department of Health to provide grants to community-based health care clinics, as defined in act. The grants would be used to improve and expand health care access and services, to reduce unnecessary utilization of hospital emergency services, and to encourage collaboration between CHC clinics, hospitals and other health care providers. The methodology for allocation of grants would be developed by the Department of Health.

Fifty percent of the funds would be for the expansion of an existing clinic or the development of a new community-based health care clinic, while 25 percent of the funds would be distributed for improvements in prenatal, obstetric, postpartum, and newborn care. Twenty percent of the funds would be distributed for improved access and services, including patient transportation, which are intended to reduce unnecessary emergency room use. Five percent of the funds would be distributed for the establishment of collaborative relationships among community-based health care clinics, hospitals and other health care providers. No more than 25 percent of the grants could be distributed to federally qualified health centers or look-alikes. Further, funds would have to be distributed in a manner that improves access and expands services in all geographic areas of Pennsylvania. The Department would be permitted to reallocate the funds among the categories if sufficient grant requests are not received to allocate all the funds available in a specific category. Grants would require a 25 percent matching commitment, which could be in the form of cash or equivalent in-kind services. In addition, the Department of Health would be required to seek available federal funds, as well as any available grants and funding from other sources, to supplement the amounts made available under the act. The Department of Health would be required to provide an annual report on the program to the chair and the minority chair of the Senate Public Health and Welfare Committee and the chair and minority chair of the House Health Committee by November 30 of each year. The report would be posted on the Department’s internet site.

The legislation would also establish a program administered by the Department of Public Welfare to provide funding to hospital health clinics. Hospital clinics would submit an application for funding, developed by the Department of Public Welfare. The Department of Public Welfare would review the application, make an eligibility determination within 90 days, and make payments to the hospital clinics. The Department would distribute funds obtained for hospital clinics through disproportionate care payments to hospitals to provide financial assistance that would assure readily available and coordinated comprehensive health care. The Department would be required to seek to maximize any federal funding available. The Department of Public Welfare would distribute 30 percent of the funds to eligible hospital health clinics in counties of the first and second class, 50 percent to clinics in counties of the third, fourth and fifth classes, and 20 percent to clinics in counties of the sixth, seventh, and eighth classes. [Passed: 50-0.](#)

[Senate Bill 109](#) (Folmer) would create the Taxpayer-Funded Advertising Transparency Act. The bill would require media advertising by a state agency paid for with monies appropriated, executively authorized, or otherwise made available from the General Fund or any special fund to include a statement that it is funded in whole or in part by state taxpayer funds. These provisions would not apply where the materials provided to the broadcast or print media are broadcasted or published free of charge. The provisions of the act would not apply to media advertising that was printed, manufactured or produced prior to its effective date. **[Passed: 50-0.](#)**

[Senate Resolution 31](#) (Folmer) designates May 7, 2011 as “Childhood Stroke Awareness Day” in Pennsylvania. **[Adopted by Voice Vote.](#)**

[Senate Resolution 108](#) (Gordner) recognizes May 5, 2011 as the “National Day of Prayer” in Pennsylvania and encourages the celebration of religious freedom. **[Adopted by Voice Vote.](#)**

[Senate Resolution 109](#) (Pippy) recognizes May 2011 as “National Youth Traffic Safety Month” in Pennsylvania. **[Adopted by Voice Vote.](#)**

[Senate Resolution 110](#) (Orie) recognizes and honors firefighters throughout the Commonwealth for their bravery, dedication and heroism and designates May 4, 2011 as “Firefighters’ Day” in Pennsylvania. **[Adopted by Voice Vote.](#)**

#### *Executive Session*

Major General Wesley E. Craig – Adjutant General of Pennsylvania. **[Confirmed: 50-0.](#)**

The Honorable Brian M. Duke – Secretary of Aging. **[Confirmed: 50-0.](#)**

The Honorable George D. Greig – Secretary of Agriculture. **[Confirmed: 50-0.](#)**

The Honorable Glenn Moyer – Secretary of Banking. **[Confirmed: 50-0.](#)**

The Honorable John Wetzel – Secretary of Corrections. **[Confirmed: 50-0.](#)**

The Honorable Eli Avila – Secretary of Health. **[Confirmed: 50-0.](#)**

The Honorable Daniel Meuser – Secretary of Revenue. **[Confirmed: 50-0.](#)**

#### **Wednesday, May 4, 2011**

[Senate Bill 419](#) (Tomlinson) would amend the Board of Vehicles Act to permit the sale of motorcycles on Sundays by licensed motorcycle dealers. **[Passed: 50-0.](#)**

[Senate Resolution 111](#) (M. White) recognizes the volunteers participating in Keep Pennsylvania Beautiful’s “Great American Cleanup of PA” March 1 through May 31, 2011. **[Adopted by Voice Vote.](#)**

[Senate Resolution 112](#) (Browne) recognizes the month of May 2011 as “Melanoma and Skin Cancer Detection and Prevention Month” in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 113](#) (Fontana) recognizes the week of May 7 through 15, 2011 as “National Travel and Tourism Week” in Pennsylvania. **Adopted by Voice Vote.**

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