

WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – EDWIN B. ERICKSON, CHAIRMAN

Monday, May 23, 2011

[Senate Bill 104](#) (Folmer) would amend the Fiscal Code to require the Department of General Services (DGS) to post and maintain on its Internet website a list of vehicles assigned to agency motor pools, state employees, contract employees, independent contractors and the temporary fleet. The list would also include vehicles owned by another agency. The list would have to include the person or agency to which the vehicle is assigned and the title, year and make of the vehicle. The list would be updated every 90 days, except that previous years' lists would remain posted and available. Any state-owned vehicle assigned to a state employee, contract employee or independent contractor would have an official use plate unless the person to whom the vehicle is assigned performs undercover law enforcement duties or other undercover investigations or the individual is an elected official. The bill would also require the chief administrative officer of each state agency to report to DGS every 90 days on the mileage claimed by state employees on private vehicles. This report would also be posted on the Department's Internet website.

Passed: 50-0.

[Senate Bill 151](#) (Pileggi) would amend the Air Pollution Control Act to further provide for the disposition of certain fines and to require the Department of Environmental Protection to notify a municipality within five business days of a violation which occurred within its borders for which a fine or civil penalty under the act was imposed. In addition, if an incident results in the imposition of a fine or civil penalty of at least \$50,000, 25 percent of the fine or penalty would have to be returned by the Department to the municipality in which the violation occurred to be used for projects that eliminate or reduce air pollution or for parks, recreation projects, trails or open spaces. The Department would be required to notify the municipality of the imposition of the fine or penalty within five business days after the expiration of the right to appeal the fine or penalty or after all appeals have been exhausted. Within 180 days, the municipality would have to submit a project proposal to the Department for review and approval. Upon approval of the project, the Department would release the funds. If the cost of the project exceeds 25 percent of the fine or penalty, the Department could award additional money from the fine or penalty to the municipality. These provisions would not apply if all the fines and penalties deposited into the Clean Air Fund for the previous fiscal year were less than \$1,850,000 or if the Department jointly prosecutes a violation with the United States Environmental Protection Agency.

Passed: 50-0.

[Senate Bill 326](#) (Corman) would amend the Vital Statistics Law of 1953 to require the Department of Health to issue a certificate of birth resulting in stillbirth for any fetal death previously filed with Department upon a request from the mother or father. The fee for the issuance would be the same as the fee for a death certificate issued by the Department. The certificate would have to include the information outlined in the bill. The issuance of such a certificate would not impose any additional duties on a coroner or medical examiner to conduct an investigation. **Passed: 50-0.**

[Senate Bill 448](#) (Rafferty) would amend Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes to provide a person with immunity from prosecution for underage drinking when the person calls 911 because someone else needs medical attention. The person would have to establish that the only way law enforcement became aware of his or her violation was because the person placed the call in good faith based on a reasonable belief that another person was in need of immediate medical attention to prevent death or serious injury. In addition, the caller would have to provide his or her own name, reasonably believe that he or she was the first person to call 911, and remain with the individual needing medical attention until emergency health care providers arrive. **Passed: 50-0.**

[Senate Resolution 123](#) (Robbins) recognizes the week of June 1 through 7, 2011 as “National CPR and AED Awareness Week” in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 124](#) (Alloway) recognizes the week of May 21 through 27, 2011 as “National Safe Boating Week” in Pennsylvania. **Adopted by Voice Vote.**

Executive Session

Linda K. Kelly – Attorney General of Pennsylvania. **Confirmed: 50-0.**

Nominations to Various Boards and Commissions. **Confirmed: 50-0.**

Tuesday, May 24, 2011

[Senate Bill 9](#) (Scarnati) would create the Proof of Citizenship for Receipt of Public Benefits Act to require identification of lawful presence in the United States as a prerequisite to the receipt of public benefits as defined in the bill. A person who applies directly to an agency for public benefits would have to provide in person, by mail or by electronic means, one of the forms of identification listed in the bill. The individual would also have to execute an affidavit stating that he or she is a United States citizen, legal permanent resident or otherwise lawfully present in the United States pursuant to federal law. The agency would be required to maintain the affidavit in accordance with the applicable records retention schedule. An agency that administers public benefits would be required to verify through the Systematic Alien Verification of Entitlement (SAVE) program operated by the Department of Homeland Security or a successor program that each noncitizen applicant who has executed an affidavit is an alien legally present in the United States. Until the verification is made, the affidavit could be presumed to be proof of lawful presence for purposes of the act. A person who violates the act would commit an offense under 18 Pa.C.S. §4904 (relating to unsworn falsification to authorities).

The new requirements would not apply to individuals under 18 years of age; those currently receiving Supplemental Security Income or Social Security disability income; persons entitled to or enrolled in Medicare Part A or Part B, or both; individuals applying for public benefits on behalf of a person under 18 years of age; a person whose citizenship has been verified pursuant to Section 1902(ee) of the Social Security Act; and a person who declares by affidavit that, because of domestic violence, she does not currently possess any of the acceptable

identification documents. The act would not apply to applications for public benefits and renewal of public benefits if compliance with the act would lead to loss of federal funding or be in conflict with any federal law. **Passed: 40-9.**

Senate Bill 27 (Greenleaf) would amend the Unfair Trade Practices and Consumer Protection Law to increase the period of time for purchasers of unhealthy dogs to pursue remedial options, to prohibit the classification of a dog as unfit for purchase for certain physical conditions, and to augment the definition of “seller.” More specifically, the bill would:

- extend, from 10 to 14 days, the period of time after the purchase of a dog during which a buyer may exercise certain remedial options when the dog is determined to be clinically ill or to have died from a contagious, infectious, or parasitic illness which renders it unfit for purchase.
- extend, from 30 to 90 days, the period of time after the purchase of a dog during which a buyer may exercise certain remedial options when the dog is determined by a veterinarian to have a defect or to have died from a defect which is congenital or hereditary and which renders it unfit for purchase.
- extend, from two to five days, the period of time for a purchaser to notify the seller of a veterinary examination which certifies illness, defect or death under the requirements of the section.
- prohibit classifying a dog as “unfit for purchase” because of:
 - findings of intestinal or external parasites unless the dog is clinically ill or dies due to the condition;
 - injury or illness most likely contracted subsequent to the date of sale; or
 - an illness separately disclosed in a seller’s written notice at the time of sale, signed by both the buyer and seller.
- expand the definition of “seller” to include unlicensed kennels or pet shops if they are required to be licensed by either the Pennsylvania or United States Departments of Agriculture. **Passed: 49-0.**

Senate Bill 328 (Dinniman) would amend the Public School Code of 1949 to permit a driver’s license suspended for truancy to be restored prior to the expiration of the suspension period when the student provides the Department of Transportation with proof that all fines and court costs have been paid and that he or she has completed high school, has obtained a GED diploma, or has attained 21 years of age. **Passed: 49-0.**

Senate Bill 450 (D. White) would amend the Fish Code to provide that members of the Fish and Boat Commission would continue to serve at the expiration of their terms until a successor is

appointed and qualified. Under existing provisions, members are only permitted to serve up to an additional six months. **Passed: 49-0.**

Senate Bill 566 (Solobay) would designate the bridge carry the C. Vance Deicas Memorial Highway (S.R. 1077) over the Monongahela River in Washington and Westmoreland Counties as the “Stan the Man” Musial Bridge. **Passed: 49-0.**

Senate Bill 637 (Ward) would amend the Procurement Code to require contractors and subcontractors to establish legal employment status for all employees working on public building projects by utilizing the federal E-Verify Program (EVP). EVP is operated by the Department of Homeland Security in partnership with the Social Security Administration and electronically verifies employment eligibility for employees. A precondition of being awarded a contract for public works would require a public works contractor to provide a verification statement, developed by the Department of Labor and Industry, representing that:

- The public works contractor has verified the employment eligibility of a new employee for employment purposes prior to commencement of work by the new employee through EVP.
- The public works contractor will provide the public body with subcontractor verification statements prior to commencement of any work by the subcontractor on the public work project.
- The public works contractor will provide a certification from the Department of Labor and Industry verifying that he or she has not previously violated these requirements.

A public works contractor and/or subcontractor would be in violation of the eligibility verification requirements for:

- Employment of an employee whose employment has not been verified by EVP.
- Use of a subcontractor prior to the submission of a verification statement.
- Commencement of work by the subcontractor prior to submitting a verification statement.
- Making a false statement or misrepresentation in a verification statement.

When fulfilling the employment eligibility requirements, a contractor or subcontractor is specifically prohibited from discriminating against any employee based on race, ethnicity, color or national origin.

The Secretary of Labor and Industry would enforce the employment verification requirements, investigate complaints, and conduct audits of public works contractors and subcontractors. Violators would face penalties ranging from a warning letter for a first offense, a \$2,000 fine and loss of a contract for a second offense, and a one-year ban on bidding on public projects for a third violation. Employees who file a complaint or participate in an investigation, hearing or inquiry regarding a public works contractor or subcontractor would be protected from retaliation by the contractor or subcontractor and could file a civil action in a court of common pleas if retaliation or discrimination occurs. In addition, the legislation would provide good faith immunity to public works contractors or subcontractors who relied on EVP to verify employment eligibility and received incorrect information. **Passed: 42-7.**

[Senate Bill 907](#) (Browne) would amend Subarticle D (Investments) of Article XVII-A (Special Funds) of the Fiscal Code, which governs the State Workers' Insurance Board's authority to invest money. The measure would provide that investments in equities could not exceed the lesser of 15 percent of the State Workers' Insurance Fund's (SWIF) assets or SWIF's statutory surplus after discount, except that, notwithstanding the statutory surplus, SWIF would be authorized to invest up to 7.5 percent of the book value of its assets in equities. Investments in equities would be made subject to the prudent investor rule as provided for under 20 Pa. C. S. §7203 (relating to prudent investor rule). The bill would also extend the expiration of the subarticle from June 30, 2010 to June 30, 2015. The changes included in the bill would apply retroactively to June 30, 2010. **[Passed: 49-0.](#)**

[Senate Bill 1030](#) (Gordner) would amend the Unemployment Compensation Law to make a number of changes. Among other modifications, the bill would:

- Specify the provisions by which employers would be granted relief from charges for benefits that were awarded to ineligible claimants;
- Alter the calculation of the maximum weekly benefit rate to equal 66 and 2/3 percent of the average weekly wage for the 36-month period ending June 30 of the preceding calendar year. (Under current law, the rate is calculated as 66 and 2/3 percent of the average weekly wage for the 12-month period ending June 30 of the preceding calendar year.) If the calculated rate is less than the current rate, the old rate would be used until it is exceeded.
- Provide for an alternative "on" indicator for purposes of extended unemployment benefits for the period December 17, 2010 until December 31, 2011. The change would extend the look-back period from two years to three years. The extended look back period was authorized by Congress through the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010. (If enacted by June 11, 2011, the change will prevent 45,000 claimants from losing eligibility for extended benefits and allow an additional 90,000 claimants to remain eligible throughout the remainder of the calendar year to collect the additional 13 weeks of extended benefits.)
- Require benefit recipients to make an active search for suitable work to include, at a minimum, registration by a claimant for employment search services offered by the Pennsylvania CareerLink system within 30 days after initial application for benefits, posting a resume on the system's database, and applying for positions that offer employment and wages similar to those the claimant had prior to unemployment which are within a 45-minute commuting distance. The Pennsylvania CareerLink system would be required to provide documentation to the Pennsylvania Unemployment Compensation Service Center system on a quarterly basis, or more frequently as the Secretary of Labor and Industry deems appropriate, so the system can conduct the necessary cross reference checks. The Department could determine a claimant made an active search for suitable work if the claimant's efforts include actions comparable to those traditional actions in their trade or occupation by which jobs have been found by others in the community and

labor market in which the claimant is seeking employment. The work search requirement would not apply to claimants enrolled in certain training or reemployment services, or to claimants who are laid off for lack of work and advised by their employer of the date on which the claimant will return to work. The Department could also waive or alter these requirements in cases where the Secretary finds that compliance with the requirements would be oppressive or inconsistent with the purposes of the act.

- Delay compensation until severance pay exceeding 50 percent of the annual average wage has been exhausted;
- Require rules established by the Board to permit either party to a hearing to testify via telephone, without regard to distance of hearing location from either party; and
- Add Article XIII to the act to provide for a Shared-Work Program. Under these provisions, an employer could reduce the hours worked by employees in a specifically defined unit who would be eligible for unemployment compensation for the reduced hours within the parameters outlined in the article. The Department would be required to publish notice in the *Pennsylvania Bulletin* when the provisions of the article have been approved by the United State Department of Labor as required under provisions of the Federal Unemployment Tax Act and the Social Security Act. If any provision or provisions of the article cause the U.S. Department of Labor to withhold approval, the Secretary of Labor and Industry would be authorized to permanently suspend the provision or provisions. The article would expire five years from its effective date.

Passed: 49-0.

[Senate Resolution 125](#) (McIlhinney) commends the completion of the September 11th National Memorial Trail and urges all Pennsylvanians to remember the victims who lost their lives that day. **Adopted by Voice Vote.**

[Senate Resolution 126](#) (Orie) remembers the sacrifices of the brave men and women in our armed forces as Memorial Day approaches. **Adopted by Voice Vote.**

[Senate Resolution 127](#) (Tomlinson) recognizes the month of May 2011 as “Foster Care Month” in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 128](#) (Washington) recognizes the week of May 21 through 27, 2011 as “Older Americans Mental Health Week” in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 129](#) (Washington) recognizes the month of May 2011 as “Arthritis Awareness Month” in Pennsylvania. **Adopted by Voice Vote.**

[House Bill 218](#) (Saylor) would designate State Route 462 from its intersection with U.S. Route 30 in West Manchester Township, York County to the point where it meets State Route 24 in Springettsbury Township, York County as the Korean War Veterans Memorial Highway.

Passed: 49-0.