

WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – EDWIN B. ERICKSON, CHAIRMAN

Monday, January 23, 2012

[Senate Bill 1252](#) (Blake) would designate the Davis Street Bridge over Interstate 81 at Exit 182, Moosic Borough, Lackawanna County, as the Andrew A. Pompey and Durando J. Pompey Memorial Bridge. **Passed: 50-0.**

[Senate Bill 1375](#) (Gordner) would amend the Unemployment Compensation law to provide for an extension of unemployment compensation extended benefits as authorized and funded by the United States Congress. Specifically, the changes would provide an alternative three-year look-back “on” indicator for any period when Congress has authorized and funded extended benefits through April 30, 2012. The changes would be effective immediately and applied retroactively to December 31, 2011. **Passed: 47-3.**

[Senate Resolution 244](#) (Leach) recognizes January 11, 2012 as “National Human Trafficking Awareness Day” in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 245](#) (M. White) recognizes the week of January 22 through 28, 2012 as “Nurse Anesthetists Week” in Pennsylvania. **Adopted by Voice Vote.**

Tuesday, January 24, 2012

[Senate Bill 52](#) (Greenleaf) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to add a subchapter to provide for the operation of neighborhood electric vehicles. The bill would define a neighborhood electric vehicle as a four-wheeled electric vehicle that has a maximum design speed of not less than 20 miles per hour and of not more than 25 miles per hour and that is certified by the manufacturer to comply with the Federal motor vehicle safety standards established in 49 CFR § 571.500. A neighborhood electric vehicle operated on any highway or roadway in the Commonwealth would have to be maintained in proper condition, comply with the equipment requirements and standards as set forth in 49 CFR § 571.500, and have the additional equipment outlined in the bill. In addition, a neighborhood electric vehicle would have to have a safety information decal as provided by the manufacturer affixed in a conspicuous place on the rear of vehicle with four-inch lettering stating “25 mph vehicle.” The decal would have to be at least four inches in height by ten inches in length.

A neighborhood electric vehicle could not be operated on any highway or roadway under the jurisdiction of the Department of Transportation with a posted speed in excess of 25 miles per hour. The Secretary of Transportation, by order, could permit the use of such a vehicle on a roadway under the Department’s jurisdiction where the posted speed is greater than 25 miles per hour but not greater than 35 miles per hour. The Secretary could also prohibit, by order, the use of a neighborhood electric vehicle on any street under the Department’s jurisdiction where the Secretary determines that it would constitute a hazard. Any order issued would have to be published in the *Pennsylvania Bulletin*. Similar limitations would apply to roadways under the

jurisdiction of local authorities. A local authority could permit the use of a vehicle on a roadway under its jurisdiction where the posted speed is greater than 25 miles per hour but not greater than 35 miles per hour or prohibit the use of a neighborhood electric vehicle on any street where it would constitute a hazard by ordinance or resolution. Additional limitations would require the vehicles to cross certain highways and roadways only at signalized intersections. Any person who operates a neighborhood electric vehicle without the prescribed equipment or in violation of limitations established in the bill would be guilty of a summary offense.

A neighborhood electric vehicle would be considered a passenger car for the purposes of titling, registration and licensing, as well as relating to restraint systems. A vehicle could not be operated at a time in which the number of passengers exceeds the number of available safety belts in the vehicle. A purchaser of a new neighborhood electric vehicle in the Commonwealth would be required to execute a waiver and certify that the vehicle was purchased with full knowledge of the potentially hazardous characteristics of the vehicle as detailed by the manufacturer or the manufacturer's agent or dealer. The waiver would be prepared by the manufacturer and kept in the possession of the manufacturer and the manufacturer's agent or dealer. A copy would have to be provided to the purchaser. The signing of the waiver by the purchaser would serve to eliminate any liability of the manufacturer or its agent or dealer.

Passed: 41-9.

Senate Bill 1019 (Argall) would amend Title 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes to require that corrections managers as defined in the bill receive not less than the same annual percentage salary and fringe benefit increase as received by the highest ranking corrections officer participating in collective bargaining. **Passed: 45-5.**

Senate Resolution 247 (Fontana) designates Friday, January 27, 2012 as "Earned Income Tax Credit (EITC) Awareness Day" in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 248 (Orie) recognizes the month of February 2012 as "American Heart Month" in Pennsylvania and urges all Pennsylvanians to recognize the critical importance of the tools and skills that increase survival rates from cardiac arrest. **Adopted by Voice Vote.**

Senate Resolution 249 (Tartaglione) designates Friday, February 3, 2012 as "National Wear Red Day" in Pennsylvania. **Adopted by Voice Vote.**

House Bill 170 (Miller) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to establish a four-foot minimum passing distance for motor vehicles when passing pedalcycles (bicycles). Language included in the bill would permit motorists to pass bicyclists in a marked No Passing Zone as long as it safe to do so in the judgment of the motorist and the four-foot safe passing distance is maintained. An additional change would prohibit motorists from making sudden right turns in front of a bicycle proceeding in the same direction. The bill would more clearly define the requirement that bicyclists travel on the far right side of the roadway when proceeding at less than the prevailing speed, except when unsafe road conditions prevent it or when a roadway has a width of not more than one lane of traffic in each direction. The bill would also clarify that pedalcycles are exempt from the minimum speed requirements as long as bicyclists proceed at a safe and reasonable speed appropriate for pedalcycles and use reasonable efforts so as not to impede the normal and reasonable movement of traffic.

Passed: 45-5.

Executive Session

Richard Walter Long – Municipal Police Officers’ Education and Training Commission.

Confirmed: 49-1.

Wednesday, January 25, 2012

Senate Resolution 216 (Argall) directs the Legislative Budget and Finance Committee to conduct an economic impact study of the brewery industry in the Commonwealth. **Adopted by Voice Vote.**

Senate Resolution 251 (Kitchen) designates the month of February 2012 as “Black History Month” in Pennsylvania. **Adopted by Voice Vote.**

House Bill 1294 (Godshall) would amend Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes to provide for a utility distribution system improvement charge (DSIC). After January 1, 2013, a utility could petition the Public Utility Commission (PUC) to approve the establishment of a distribution system improvement charge to provide for the timely recovery of the reasonable and prudent costs incurred to repair, improve or replace eligible property in order to ensure and maintain adequate, efficient, safe, reliable and reasonable service. In order to be eligible to recover costs under a DSIC, a utility would be required to submit a long-term infrastructure improvement plan with the information outlined in the bill to the PUC. The Commission could accept a previous long-term infrastructure plan filed by a water utility or it could require the utility to file a new one. The PUC would be required to promulgate regulations for the periodic review at least once every five years of the plans. The regulations would have to require that a DSIC would terminate if the Commission determines that the utility is not in compliance with the approved plan.

The DSIC could not exceed five percent of the amount billed to customers on the applicable rates of a wastewater utility or distribution rates of the electric distribution company, natural gas distribution company or city natural gas distribution operation. The Commission could grant a waiver of the limit in order to ensure and maintain adequate, efficient, safe, reliable and reasonable service. A DSIC granted to a water company under existing statutory provisions or under the new provisions in the bill could not exceed 7.5 percent. The Commission would be required to prescribe, by regulation or order, the procedures to be followed to approve a DSIC. Among other requirements, the DSIC would have to be applied equally to all customer classes as a percentage of each customer’s bill. A distribution system improvement charge approved by the PUC would have to provide for a cap on the amount that could be collected from customers and provide for a process to adjust the charge. The charge would also be subject to audit and annual reconciliation requirements. If revenues received from the charge exceed eligible costs, over collections would have to be refunded with interest as outlined in the legislation. Further, the PUC would be required to establish standards to ensure that work on the utility system is performed by qualified employees of either the utility or an independent contractor in a manner that protects system reliability and the safety of the public. Work that is not performed by qualified employees or contractors or inspected by the utility’s qualified personnel would not be eligible for recovery of a distribution system improvement charge.

Additional changes included in the bill would increase the civil penalties for gas pipeline safety violations, further provide for burden of proof by utilities as it relates to fully projected future test years in rate proceedings, and permit a utility that provides water and wastewater service to combine water and wastewater revenue requirements for the purpose of fixing base rates. **Passed: 49-0.**

House Bill 1458 (Tallman) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to make a number of changes. Among other modifications, the bill would:

- Add “county emergency management vehicle” to the definition of “emergency vehicle.”
- Include any person whose commercial driver’s license designation has been removed by PennDOT on the list of persons eligible to petition for judicial review.
- Exempt certain county emergency management organization employees from obtaining a commercial driver’s license.
- Subject an applicant for a commercial driver learner’s permit or an initial commercial driver’s license to self-certification and medical certification requirements and mandate that PennDOT remove the commercial driver license designation from the driver’s license of an individual who fails to comply.
- Enumerate special codes to be used on a commercial driver’s license to indicate various driver endorsements and restrictions.
- Make a violation of the provisions of Section 6154 dealing with nonreciprocity of operational limitations a summary offense punishable by a fine of not less than \$500 and not more than \$1,000 for each violation. **Concurrence in House Amendments to Senate Amendments: 48-1.**

House Bill 1582 (Taylor) would amend Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes to clarify provisions governing assessments imposed on residential properties within a business improvement district. Under the legislation, the assessed value of each benefited single-family or residential cooperative property would be one-half of the assessed value of the property for real estate tax purposes. In the case of a condominium, the unit owner’s association would be assessed. The assessed value of the association would be the sum of the assessed value for real estate tax purposes of any real estate owned by the association and such assessed value of all units, including their undivided interests in the common elements and any limited common elements, except that the value of any single-family residential unit would be one-half of the assessed value for real estate tax purposes. The district assessment would be calculated by multiplying the total improvement and services cost by the ratio of the assessed value of each benefited residential property to the sum of the assessed value of all benefited properties in the business improvement district. For purposes of determining the assessments, the assessed value of a benefited property could not be reduced for any improvements for which an exemption or abatement has been granted.

Any claim entered to secure payment of an assessment against a unit owners' association would be enforceable as a judgment for money against the association under existing law. However, if an assessment is paid in part and the association specifies in writing to the authority which units have made full payment, the claim would not be enforceable against units that have paid in full or against the association. In the case of an authority that has elected to make assessments under provisions contained in the legislation, objections to the assessments in writing must be made by either of the following: one-third of the owners of benefited commercial properties; or owners of properties representing one-third of the amount of all business improvement district assessments for the first year of the proposed plan and budget after the reduction in district assessments as provided for in the legislation. **Passed: 49-0.**

Executive Session

The Honorable Terence Farrell – Pennsylvania Human Relations Commission.
Confirmed: 30-19.

Nominations to Various Boards and Commissions. **Confirmed: 49-0.**

(2012-004)