

# WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – DAVID G. ARGALL, CHAIRMAN

## Monday, October 19, 2015

[Senate Bill 751](#) (Greenleaf) would amend Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes to prohibit the sale of electronic cigarettes to minors. The bill would amend the definition of “tobacco product” to include any product containing, made or derived from tobacco or nicotine that is intended for human consumption, including any electronic device that delivers nicotine or another substance to the person inhaling from the device, including, but not limited to, an electronic cigarette, a cigar, a pipe and a hookah. The term would also include any component, part, or accessory of the product or electronic device, whether or not sold separately. The measure would also amend Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes to provide an exemption from the state preemption of local ordinances regarding the sale of tobacco products for local regulations enacted prior to May 1, 2014. **Passed: 49-0.**

[Senate Bill 931](#) (Rafferty) would amend Title 26 (Eminent Domain) of the Pennsylvania Consolidated Statutes to increase the allowable actual, reasonable expenses to re-establish a displaced farm, nonprofit organization or small business at a new site from \$12,000 to \$25,000. The legislation would also increase the payment limit from \$27,000 to \$31,000 for a displaced homeowner and decrease the time period of required ownership from 180 days to not less than 90 days prior to the initiation of negotiations for the acquisition of the property or the receipt of written notice from the acquiring agency of intent to acquire or order to vacate. The payments for displaced tenants would be increased from \$6,300 to \$7,200 to enable the displaced person to lease a comparable dwelling. The changes are required for Pennsylvania to be in compliance with the federal Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21), the federal surface transportation authorization. **Passed: 49-0.**

[Senate Resolution 216](#) (Yudichak) designates October 22, 2015 as “Lights on Afterschool Day” in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 217](#) (Tartaglione) recognizes the month of October 2015 as “National Breast Cancer Awareness Month” in Pennsylvania and October 16, 2015 as “National Mammography Day” in Pennsylvania to promote awareness of breast cancer issues and encourage women and men to take action to protect themselves against breast cancer. **Adopted by Voice Vote.**

[Senate Resolution 218](#) (Browne) designates the week of October 19 through 23, 2015 as “No Place for Hate Week” in Pennsylvania. **Adopted by Voice Vote.**

## Tuesday, October 20, 2015

[Senate Bill 210](#) (Greenleaf) would amend Section 4503(a) of Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes to exempt from jury duty persons 75 years of age or older who request to be excused, breastfeeding women who request to be excused,

and Pennsylvania judges, magisterial district judges and federal judges. [Concurrence in House Amendments: 47-1.](#)

[Senate Resolution 219](#) (Costa) remembers the Honorable Thomas F. Lamb of Mt. Lebanon, Allegheny County, esteemed former member of the General Assembly, who died May 7, 2015 at 92 years of age. [Adopted by Voice Vote.](#)

[Senate Resolution 220](#) (Bartolotta) recognizes the month of November 2015 as “Native American Heritage Month” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 221](#) (Tartaglione) recognizes the month of October 2015 as “National Disability Employment Awareness Month” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 222](#) (Vance) designates the week of November 8 through 14, 2015 as “Nurse Practitioner Week” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 223](#) (Rafferty) recognizes the month of October 2015 as “The Great Hunger Remembrance Month” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 224](#) (Teplitz) recognizes October 20, 2015 as “Pennsylvania Career Development Day” in Pennsylvania. [Adopted by Voice Vote.](#)

[House Bill 792](#) (Killion) would amend the Housing Finance Agency Law to direct the State Treasurer to transfer from the General Fund to the Housing Affordability and Rehabilitation Enhancement Fund the lesser of 40 percent of any increase in state revenues from the realty transfer tax over the previous year, or \$25 million. Nothing in the subsection could be construed to reduce or prohibit increased funding for the housing fund or the Keystone Recreation, Park and Conservation Fund as provided for in the act or other law. An additional provision explicitly states that the addition of these provisions is not intended to increase the realty transfer tax rate. [Passed: 47-1.](#)

[House Bill 874](#) (Marsico) would amend Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes to remove from the offenses of harassment, stalking and the threat to use weapons of mass destruction, the exemption for conduct by a party to a labor dispute as defined in the Labor Anti-Injunction Act, but would not abrogate any constitutionally protected activity. [Passed: 30-18.](#)

### **Wednesday, October 21, 2015**

[Senate Bill 411](#) (Pileggi) would amend the Right-to-Know Law (Act 3 of 2008) to make a number of changes. Among other modifications, the legislation would:

- Add “authority” to the definition of “independent agency;”

- Add “campus police department of a state-owned or state-related college or university” to the definition of “local agency” and clarify that an economic development authority and an industrial development authority are also included in the definition;
- Expand the definition of “personal financial information;”
- Add a definition for “commercial purpose,” “inmate” and “time response log;”
- Require agencies to register their open-records officers with the Office of Open Records in a manner prescribed by the Office and to develop a policy allowing their employees to request an exception for the release of their home address due to safety concerns;
- Clarify that the Pennsylvania Interscholastic Athletic Association is subject to the act;
- Add a new section on inmate access to records, which specifies what an inmate may request;
- Clarify that if a public record is available in computer file format it would have to be provided in that format, if requested;
- Allow written requests for information to be made to the administrative office of the agency in addition to the agency’s open-records officer;
- Provide that an agency may require a requester to certify whether the request is for commercial purposes;
- Require the agency to provide, prior to release, notice to an employee if a request includes the employee’s home address;
- Establish that certain payment records, such as those from municipal water or sewer authorities, are exempt;
- Exempt the home addresses of employees of Commonwealth, judicial, legislative or local agencies;
- Add records of volunteer fire companies, volunteer ambulance services, and other volunteer emergency providers to the list of exceptions to providing records;
- Change the timeframe for an appeal by a requester from 15 days to 20 days, clarify the information to be included in an appeal, provide that an appeals officer, under certain circumstances, could extend the deadline for a final determination, and clarify that the Office of Open Records could conduct in-camera record reviews;
- Provide for agencies to charge additional fees if responding to a commercial request;

- Remove the Office of Open Records (OOR) from the Department of Community and Economic Development (DCED) and establish it as an independent agency with payroll and administrative support from DCED. The OOR could participate in appeals of OOR decisions but would have to abstain from public comment on pending proceedings;
- Expand the Right-to-Know Law as it relates to state-related institutions (Penn State, Temple, Pitt, and Lincoln);
- Require state-related institutions with 2,500 or more employees to disclose the top 200 salaries paid;
- Direct each institution to post on its website an online database (searchable, sortable and downloadable) which includes:
  1. Delineated budget, revenue and expenditure data;
  2. The number of employees and aggregated, non-personal employee data;
  3. The number of students and aggregated, non-personal student data;
  4. The most recent audited financial statement, and
  5. Minutes of each public meeting of the Board of Trustees;
- Require each state-related institution to provide full, complete and accurate information as may be required by the Department of Education or designated legislative leaders; and
- Direct a state-related institution to annually file with the Governor's Office, the Secretary of the Senate, the Chief Clerk of the House and the State Library an annual list of contracts in excess of \$5,000 for the purchase of all goods and third-party services.

**Passed: 46-0.**

[Senate Bill 874](#) (McGarrigle) would amend the Funeral Merchandise Trust Fund Law to require refunds to individuals who default on pre-need contracts or to individuals who move out-of-state and cancel contracts, to be paid within sixty days of the default or written notice of the cancellation. An additional change would clarify that deposits required to be made to a merchandise trust fund would have to be made within 30 days after the last day of the month in which any funds are received by the seller as provided for under the contract, including periodic payments after deducting the percentage permitted to be retained by seller. Further, a seller of merchandise would be required to provide a detailed price list and detailed description of the vault and casket and adhere to the Federal Trade Commission's Funeral Industry Practices Revised Rules regarding the sale of the merchandise. In addition, there could be no delivery of merchandise or product, except for those listed in the bill, prior to the death of the person for whose benefit the contract was made. **Passed: 26-20.**

[Senate Resolution 225](#) (Teplitz) designates the week of October 25 through 31, 2015 as "Explore PA Outdoors Week" in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 226](#) (Farnese) recognizes the American Bar Association Division for Public Education. **Adopted by Voice Vote.**

[Senate Resolution 227](#) (Greenleaf) recognizes the week of October 18 through 24, 2015 as “National Chemistry Week” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 228](#) (Wiley) designates the month of October 2015 as “Dyslexia Awareness Month” in Pennsylvania. [Adopted by Voice Vote.](#)

[House Bill 138](#) (Farry) would amend Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes to allow a first responder organization to solicit donations at a controlled-intersection approach which has a stop sign or a traffic signal. A first responder organization would be required to obtain the written approval of the municipality where the solicitation occurs, and the written approval of the Department of Transportation for highways under its jurisdiction. The municipality and the Department could base the decision regarding approval or disapproval on public safety or traffic operations issues. Approval could subsequently be revoked or modified if concerns are raised due to public safety or traffic operations issues. A municipality would be permitted to establish limitations on the solicitation as outlined in the bill. Participants would be required to have both liability and workers’ compensation insurance acceptable to the municipality provided by the organization for which the solicitor is soliciting if the individual is a member of the organization. In addition, a solicitor would be required to wear a Pennsylvania Department of Transportation-approved traffic safety vest. Neither the municipality nor the Department of Transportation would be liable for any damages on account of any injury to a person or property caused by or resulting from solicitations on highways.

[Passed: 46-0.](#)

[House Bill 1275](#) (O’Neill) would amend the Dental Law to expand the exemptions under the definition of the “practice of dentistry” to include the practice of dentistry in a clinical continuing education course offered by a dental school in the Commonwealth for a duration of 20 days or less, either in continuous or in several sessions, where dentists licensed in the United States or other countries work under the direct supervision of dentists licensed by the Commonwealth. The instruction would have to be delivered within the educational facilities of a dental school in the Commonwealth that is approved by the American Dental Association Commission on Dental Accreditation. The measure would also permit the State Board of Dentistry to grant a restricted faculty license to any qualified individual who is licensed to practice or teach dentistry by the proper licensing authority of another country. The change would authorize the individual to teach at a Pennsylvania dental school but not practice outside of the facility. An additional provision would broaden the practice sites for the professional practice of a public health dental hygiene practitioner to include other “locations” the Board deems appropriate. [Passed: 46-0.](#)

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