

# WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – DAVID G. ARGALL, CHAIRMAN

Monday, February 6, 2017

[Senate Bill 170](#) (Rafferty) would amend Act 200 of 1931 which provides for joint action by Pennsylvania and New Jersey in the development of ports on the lower Delaware River and the establishment of the Delaware River Port Authority (DRPA). In order to amend the interstate compact, the Commonwealth of Pennsylvania and the State of New Jersey must adopt the same reforms and the new compact must then be approved by Congress. The proposed legislation would:

- Require the Pennsylvania commissioners of the DRPA, who are not ex-officio members, to be confirmed by a majority of the Pennsylvania Senate effective December 31, 2018;
- Clarify that DRPA's authority to borrow money is for the purpose of financing any project authorized by or pursuant to the compact or agreement and that DRPA could acquire, purchase, construct, lease, operate, maintain and undertake any project directly relating to the operation of the DRPA;
- Provide that a majority of the commission members for Pennsylvania and a majority of the commission members for New Jersey could meet in executive session to address confidential matters but that neither the commissioners for Pennsylvania nor New Jersey may meet in caucus separately from the members of the other state;
- Provide that DRPA could not negotiate, extend, amend or alter the terms of a contract, or enter into a contract, unless the action is voted on and approved in a public session, and that 30 days public notice is given prior to any such vote;
- Require DRPA to use best practices in procurement and the acceptance of bid proposals online;
- Require the commission to submit biennially to an audit of its budget conducted by an independent auditor, a performance review audit and a commission review of the compensation of commission employees and officers. The budget audit, performance review audit and the compensation review report would have to be provided to the Governor and Legislature of the respective states. Failure to submit the information would result in forfeiture of management employee salaries until such time as the audits and review are complete;
- Require the commission, prior to a board meeting, to circulate a list of entities subject to board action and for the board members to identify in writing any conflicts in advance of the meeting;

- Establish a list of actions by a commissioner, director, officer, or employee which would be prohibited or considered a conflict of interest;
- Prohibit officers and employees at the director level and higher from accepting or engaging in employment by an entity that does business with DRPA for a two-year period following termination of employment with DRPA;
- Require each commissioner to file financial statements in compliance with the law of his or her respective state;
- Prohibit salaries from being higher than the lesser salary of either the Governor of Pennsylvania or the Governor of New Jersey;
- Prohibit a DRPA board member, officer and employees from receiving vehicle allowances, toll exemptions, lump sum expense allowances, or personal lines of credit from DRPA;
- Require any current or prospective vendor, including any director, officer, principal or partner thereof, to annually disclose a list of current political campaign contributions, and any contributions made within four years prior to the vendor's involvement with the commission;
- Require the commission to be subject to the Pennsylvania Right-To-Know Law or to the Open Public Records Act;
- Require the commission to adopt an open meetings and records policy;
- Require the commission to prepare a comprehensive master plan for the development of the Port District as outlined in the legislation; and
- Establish the Port Authority Transit Corporation Commuter's Council to study, investigate, monitor and make recommendations pertaining to the maintenance and operation of the Port Authority Transit Corporation's facilities for the transportation of passengers. **Passed: 38-11.**

[Senate Bill 181](#) (Mensch) would create the Performance-Based Budgeting and Tax Credit Efficiency Act to establish a performance-based budget component to the annual budget development process and require a thorough review by the Independent Fiscal Office (IFO) of the tax credits offered by the Commonwealth. The legislation would:

- Require the Budget Secretary to initiate a program of performance-based budget reviews as part of the annual budget preparation and program evaluation processes beginning in Fiscal Year 2018-19;

- Require the Budget Secretary, in conjunction with the Executive Director of the IFO, to establish a schedule of performance-based budget reviews for all agencies under the Governor's jurisdiction. The schedule would have to ensure that all agencies are subject to review at least once every five years;
- Establish that the General Assembly could direct the conduct of a performance-based budget review by adoption of a concurrent resolution;
- Require the Budget Secretary, when an agency is scheduled for review, to direct the agency to provide such information as the IFO may require to prepare a performance-based budget plan. The information would also be submitted to the Budget Secretary and the chairmen and minority chairmen of the House and Senate Appropriations Committees;
- Direct the IFO to develop performance-based budget plans and performance measures, such as outcome-based measures, efficiency measures, activity cost analysis, measures of status improvement of recipient populations, economic outcomes and performance benchmarks against similar state programs or similar programs of other states. The IFO would have to complete the reviews in a timely manner and submit the plans to the Performance-Based Budget Board for review and approval;
- Require the IFO to evaluate tax credits offered by the Commonwealth based on the schedule outlined in the legislation.
- Establish the Performance-Based Budget Board as an independent board to review and approve performance-based budget plans and to make recommendations. The Board would include the Budget Secretary and the chairmen and minority chairmen of the House and Senate Appropriations Committees;
- Require plans to be considered at open meetings and provide for participation by the subject agency to respond to any questions regarding the proposed plan and performance measures; and
- Require the Governor and the General Assembly to consider approved plans during budget development, review and enactment. **Passed: 49-0.**

**Senate Resolution 20** (Vulakovich) designates February 3, 2017 as "Four Chaplains Day" in Pennsylvania. **Adopted by Voice Vote.**

### **Tuesday, February 7, 2017**

**Senate Bill 10** (Resenthaler) would amend Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes to prohibit a municipality from adopting a rule, order, ordinance or policy that prohibits the enforcement of a federal law or the laws of the Commonwealth pertaining to an immigrant or immigration. A municipality that adopts such a policy and refuses to enforce an immigration order would not be eligible for any state law

enforcement grant or to participate in the sale of state surplus property. The prohibition would not apply to a law enforcement agency or municipality that has made an attempt to coordinate with a federal agency pursuant to an immigration order to transfer the custody of a suspect but was unable to do so within the time frame requested by federal immigration officials up to a maximum of 48 hours, excluding weekends and holidays, of extended custody. A municipality that has lost eligibility could be reinstated upon proof that it is enforcing immigration orders and has rescinded its rule, order, ordinance or policy.

Each state agency and executive department offering state grants or overseeing the sale of state surplus property to municipalities would have to require each municipality to verify under penalty of perjury that the municipality is not a municipality of refuge. The measure would also establish that a municipality with a rule, order, ordinance or policy prohibiting the enforcement of immigration law would be liable for any damages on account of an injury to a person or property if the injury was caused by an individual that was in the custody of the municipality and released despite the existence of a civil immigration detainer request for the individual.

**Passed: 37-12.**

**Senate Resolution 21** (Vulakovich) designates the month of February 2017 as “USO Month” in Pennsylvania in recognition of the United Service Organization and its mission to enhance the quality of life of military members and their families. **Adopted by Voice Vote.**

### **Wednesday, February 8, 2017**

**Senate Bill 3** (Brooks) would amend Title 18 (Crimes and Offense) of the Pennsylvania Consolidated Statutes to change the gestational age limit for elective abortions from 24 weeks to 20 weeks and to prohibit the practice of dismemberment abortions. Specifically, the legislation would prohibit an individual from performing or attempting to perform a dismemberment abortion, as defined in the bill, before 20 weeks of gestational age unless the individual is a physician and certifies in writing the abortion is necessary to prevent either the death of the pregnant woman or the substantial and irreversible impairment of a major bodily function of the woman. The physician’s judgment with respect to the necessity for the abortion would have to be concurred in by one other licensed physician. An individual who violates the prohibition would commit a third degree felony. The patient, nurses, other office staff of the physician, and pharmacists acting under the direction of a physician would not be liable for performing or attempting to perform a dismemberment abortion. **Passed: 32-18.**

**Senate Bill 166** (Eichelberger) would create the Protection of Employee Wages Act to prohibit a public employer from deducting from the wages of a public employee money or funds to be used for political contributions, except as required by a valid collective bargaining agreement entered into between a public employer and a representative of its employees prior to the date of the section. The measure would further establish that no individual or organization could seek to have a political contribution deducted from the wages of public employees. A collective bargaining agreement entered into, renewed or extended on or after the effective date of the section could not contain provisions authorizing or requiring the deduction of political contributions. Nothing in the section could be construed to preclude a public employer from deducting a designated amount for a charitable contribution expressly authorized by an employee

or, if required to do so by a collective bargaining agreement entered into with the representatives of its employees, a “fair share fee” as defined in the legislation. **Passed: 28-22.**

**Senate Bill 241** (McGarrigle) would amend the Equal Pay Law to allow employers to consider the level or amount of education, training or experience as factors to determine wages. In addition, the measure would prohibit employers and labor organizations from discharging or discriminating against an employee for:

- Making a charge or filing a complaint under the act;
- Testifying or planning to testify in any investigation or proceeding; or
- Inquiring about or discussing the wages of the employee or another employee.

The legislation would also prohibit an employer or labor organization from requiring an employee to refrain from disclosing their wages as a condition of employment. An additional provision would clarify that the provisions of the act preempt and supersede any local ordinance or rule concerning the subject matter of the act. **Passed: 36-14.**

**Senate Resolution 22** (Scavello) designates the month of March 2017 as “Problem Gambling Awareness Month” in Pennsylvania and recognizes March 2017 as “National Problem Gambling Awareness Month.” **Adopted by Voice Vote.**

**Senate Resolution 23** (Rafferty) designates the month of March 2017 as “Irish American Heritage Month” in Pennsylvania. **Adopted by Voice Vote.**

**Senate Resolution 24** (Blake) designates the month of February 2017 as “Turner Syndrome Awareness Month” in Pennsylvania. **Adopted by Voice Vote.**

**Senate Resolution 25** (Browne) designates February 11, 2017 as “PA 2-1-1 Day” in Pennsylvania. **Adopted by Voice Vote.**

**Senate Resolution 27** (Vogel) designates the week of February 18 through 25, 2017 as “FFA Week” in Pennsylvania. **Adopted by Voice Vote.**

**Senate Resolution 28** (Vulakovich) commemorates February 19, 2017 as “The Battle of Iwo Jima Remembrance Day” in Pennsylvania. **Adopted by Voice Vote.**

**Senate Resolution 29** (Costa) recognizes February 28, 2017 as “Rare Disease Day” in Pennsylvania. **Adopted by Voice Vote.**

**Senate Resolution 30** (Baker) observes March 1, 2017 as “St. David’s Day” in Pennsylvania and honors the many Pennsylvanians of Welsh heritage. **Adopted by Voice Vote.**

**Senate Resolution 31** (Killion) recognizes the week of March 5 through 12, 2017 as “Sleep Awareness Week” in Pennsylvania. **Adopted by Voice Vote.**

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