

WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – DAVID G. ARGALL, CHAIRMAN

Monday, May 16, 2016

[Senate Bill 1031](#) (Gordner) would amend Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes to create a new Chapter 92 addressing conflicts of interest, repeal Chapter 93 containing the expired provisions governing independent counsel and add a new Chapter 95 providing for an independent counsel to investigate wrongdoing in the Attorney General's Office.

Under the conflict of interest provisions, if a district attorney requests that the Attorney General exercise the power to prosecute in a county criminal court and the Attorney General declines to accept or act on the request, the district attorney could refer the matter to a district attorney of a contiguous county who has sufficient resources and has no conflict of interest in representing the Commonwealth. If the district attorneys of the contiguous counties decline to accept the referral for any reason, the referring district attorney could refer the matter to a district attorney of a noncontiguous county. A district attorney who has accepted a case under these provisions and a deputy or assistant district attorney on the district attorney's staff would have the same authority to investigate and prosecute as the district attorney who referred the matter.

The new Chapter 95 would provide for the establishment of a Special Independent Prosecutor's Panel composed of one judge of the Superior Court and two judges, which could include senior judges, of the courts of common pleas of the Commonwealth. The members of the panel would be chosen by lot. The procedure would be determined and supervised by the Court Administrator of Pennsylvania in the Administrative Office of Pennsylvania Courts (AOPC). The Prothonotary of Commonwealth Court would serve as the clerk for the panel. The AOPC would be required to disclose to the public the membership of the panel and publish the membership on its website and in the *Pennsylvania Bulletin*.

The panel, upon the petition of a district attorney or a requesting judge with reasonable grounds to believe that an offense greater than a summary offense has occurred, would appoint a special investigative counsel to conduct a preliminary investigation. If further investigation is warranted, the panel would appoint an independent counsel to proceed with an investigation. The independent counsel would have full power and independent authority to exercise all investigative and prosecutorial functions of the Office of Attorney General. An office of independent counsel would terminate when the independent counsel notifies the panel that the investigation of all matters and any resulting prosecutions have been completed and final report is filed. All expenses attributable to the appointment of either a special investigative counsel or an independent counsel would be paid from the annual appropriation for the Office of Attorney General's general government operations. **Passed: 50-0.**

[Senate Bill 1205](#) (Scavello) would authorize the Department of General Services to convey to the Borough of East Stroudsburg permanent public water supply system easements located in the Borough of East Stroudsburg, Monroe County for \$1. This easement agreement would be

executed by the Secretary of General Services in the name of the Commonwealth. The legislation would also authorize East Stroudsburg University of Pennsylvania to convey to the Borough of East Stroudsburg permanent public water supply system easements located on the grounds of the university for \$1. This easement would be executed by the President of East Stroudsburg University. Costs and fees incidental to the conveyance would be borne by the grantee. If the parties have not entered into easement agreements within 12 months of the effective date of the act, the authorization for the conveyance would expire. **Passed: 50-0.**

Senate Resolution 366 (Leach) designates April 24, 2016 as “Pennsylvania’s Day of Remembrance of the Armenian Genocide of 1915-1923.” **Adopted by Voice Vote.**

Senate Resolution 367 (Vance) designates the month of May 2016 as “Cystic Fibrosis Awareness Month” in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 368 (Farnese) designates the month of May 2016 as “Amyotrophic Lateral Sclerosis Awareness Month” in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 369 (Bartolotta) designates the week of May 16 through 22, 2016 as “Women’s Lung Health Week” in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 370 (Alloway) designates May 15 through June 15, 2016 as “Tourette Syndrome Awareness Month” in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 371 (Greenleaf) designates the week of May 23 through 27, 2016 as “Juror Appreciation Week” in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 372 (Baker) recognizes the month of May 2016 as “Building Safety Month” in Pennsylvania and encourages residents to participate in the weekly activities associated with “Building Safety Month.” **Adopted by Voice Vote.**

House Bill 150 (Maloney) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to authorize the Pennsylvania Department of Transportation to design a Share the Road registration plate for passenger cars or trucks with a registered gross weight of 14,000 and motor homes. The application fee of \$40, which would be in addition to the registration fee, would be used exclusively to maintain the Department’s central office position of Bicycle and Pedestrian Coordinator and to fund highway pedalcycle signage. **Passed: 49-0.**

Tuesday, May 17, 2016

Senate Bill 180 (Greenleaf) would amend Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes to update and revise the law relating to organ and tissue donations. Among other provisions, the legislation would:

- Expand the list of individuals who may donate the anatomy of the decedent;

- Provide for the indication of an anatomical gift on a driver's license or identification card and ensure that the donor's gift may not be revoked by other persons;
- Clarify when a revocation of a gift takes effect;
- Clearly state that persons making anatomical gifts or a donor's estate are not liable for any injury or damage resulting from the use of the anatomical gift;
- Outline the procedure for hospitals to notify organ procurement organizations regarding a person who has died or whose death is imminent;
- Outline the procedure for organ procurement organizations to secure anatomical gifts from a person;
- Provide that proposed anatomical gift recipients may accept or reject a gift in whole or in part;
- Ensure that neither the physician who attends the decedent at death nor the physician who determines the time of death may participate in the procedures relating to organ or tissue donation;
- Permit an organ donation organization to obtain certified copies of death records of a donor from the Department of Health Division of Vital Records, upon request and payment of associated fees;
- Establish the Donate Life PA Registry, a database maintained by the Department of Transportation for recording donor designations;
- Require the Department of Transportation to record and store all organ donor designations in the Donate Life PA Registry, which would not be public records subject to disclosure under the Right-to-Know Law;
- Direct the Department of Transportation, for purposes of the ongoing development and implementation of the Donate Life PA Registry, to collaborate with organ procurement organizations to apply for federal or private grants recommended by the organ procurement organizations;
- Increase the contribution an applicant for a driver's license or renewal vehicle registration may make to the Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund from \$1 to \$3;
- Direct the Department of Transportation to provide links on its website through which individuals may make voluntary contributions to the fund;
- Revise the membership of the Organ and Tissue Donation Advisory Committee;

- Establish the Department of Health as the lead Commonwealth agency responsible for promoting organ and tissue donation and coordinating activities among Commonwealth agencies and stakeholders;
- Establish a full-time position of Organ and Tissue Donation Awareness Program Coordinator within the Department of Health;
- Prohibit procurement organizations from divulging any individually identifiable information except for the purposes of facilitating organ, eye or tissue donation and transplantation unless expressly authorized to release information by the recipient, the donor or the next of kin of the donor;
- Enumerate prohibited activities by procurement organizations and funeral establishments;
- Establish procedures for the facilitation of an anatomical gift from a decedent whose death is under investigation including allowing the coroner or medical examiner to have the final authority to allow or disallow an anatomical gift;
- Require the Department of Education to ensure that information about organ donation is included in the standards for students in grades 9 through 12 beginning with the 2016-17 school year;
- Require public institutions of higher education, in collaboration with organ procurement organizations, to provide organ and tissue donation information to students;
- Direct the State Board of Medicine, the State Board of Osteopathic Medicine and the State Board of Nursing to promulgate regulations providing for physician and nurse training regarding organ and tissue donation and recovery;
- Require the Legislative Budget and Finance Committee to conduct a study and evaluation of the funding of certified organ procurement organizations operating in the Commonwealth, to be completed by December 31, 2016; and
- Repeal existing law relating to corneal transplants. **Passed: 45-3.**

Senate Bill 1038 (White) would amend Act 293 of 1921 to provide for an additional member on the boards of managers of juvenile detention centers in third class counties. The additional position would be filled by the president judge of the court of common pleas or a judge designated by the president judge. The president judge could choose at any time to delete the judge position from the board by notifying the chairperson and secretary of the board in writing. The decision would remain in effect for as long as the president judge making the decision remains as president judge and thereafter until it is rescinded in like fashion by a successor. **Passed: 48-0.**

[Senate Bill 1154](#) (Vulakovich) would amend the Civil Service Act to:

- Allow applicants to be notified of an open job or test by methods other than U.S. Mail, such as e-mail;
- Allow the Civil Service Commission to expand the “Rule of Three” by permitting the Commission to provide agencies with a list of more than three applicants; and
- Allow for “vacancy-based hiring,” which would permit the Commission to post actual job vacancies, rather than a general list of job classifications. **Passed: 48-0.**

[Senate Bill 1225](#) (Browne) would authorize the Department of General Services (DGS) to partially release a reversionary interest and educational use restriction on 0.89 acres in Weisenberg Township, Lehigh County previously conveyed to the Pennsylvania State University by the Commonwealth. The release would be on such terms and in exchange for consideration that is acceptable to the Secretary of General Services. Any costs and fees incidental to the partial release would be borne by Penn State University. Any proceeds received by DGS would be deposited into the General Fund. **Passed: 48-0.**

[Senate Bill 1232](#) (Corman) would authorize DGS to convey 14.797 acres in Rush Township, Centre County to the Moshannon Valley Economic Development Partnership, Inc. for \$150,000. No portion of the conveyance could be used for a gaming facility or it would revert to the Commonwealth. Costs and fees incidental to the conveyance would be paid by the grantee. In the event that an agreement of sale is not executed between DGS and the grantee within one year of the effective date of the act, the property could be disposed of in accordance with Section 2405-A of the Administrative Code of 1929. **Passed: 48-0.**

[Senate Resolution 373](#) (Hughes) designates May 17, 2016 as “Delta Sigma Theta Day” in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 374](#) (Aument) designates May 17, 2016 as “Pennsylvania Health Care Information Technology Awareness Day” in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 375](#) (Bartolotta) recognizes the month of May 2016 as “Community Action Month” in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 376](#) (Vulakovich) designates the week of May 15 through 21, 2016 as “Emergency Medical Services Week” in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 377](#) (Vulakovich) designates May 18, 2016 as “Emergency Medical Services for Children Day” in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 378](#) (Teplitz) recognizes May 29, 2016 as “529 Day” in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 379](#) (Boscola) recognizes the month of May 2016 as “Better Hearing Month” in Pennsylvania and commends the Pennsylvania Academy of Audiology for its efforts to educate Pennsylvanians about the importance of regular hearing screenings. [Adopted by Voice Vote.](#)

[House Bill 1484](#) (Gillen) would amend Act 75 of 1987, which provides for the duties of the Department of General Services (DGS) with regard to Soldiers’ Grove” and the Medal of Honor Memorial Gardens. Among other changes, the legislation would require DGS to:

- Provide for the fabrication of an additional bronze plaque in honor of any war or armed conflict officially engaged in by the United States commencing after the Vietnam Conflict;
- Arrange for the placement of permanent low-lying decorative chain barriers within the Medal of Honor Memorial Gardens at the end of each concrete arc representing the "Tides of War;"
- Place signs conspicuously around "Soldiers' Grove" stating "At All Times, Please Remember This Memorial Is Hallowed Ground" to remind people to respect the Medal of Honor Memorial Gardens; and
- Arrange the appropriate preservation of "Soldiers' Grove" according to the third recommendation on page 18 of the report issued pursuant to House Resolution 331 adopted June 21, 2011, relating to the concept of erecting "Pillars of Time."

Nothing in this act could be construed to limit the authority of DGS to comply with the provisions of the act while conforming to the original design of the Medal of Honor Memorial Gardens to the greatest extent possible. Improvements required under the act would be undertaken only if adequate funding is available. [Passed: 48-0.](#)

Wednesday, May 18, 2016

[Senate Bill 290](#) (Rafferty) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to further provide for ignition interlock. Under the provisions of the bill, the Department of Transportation would be required to issue an ignition interlock limited license within twenty days to an eligible individual who has filed a petition with the Department, surrendered his or her license, paid a fee of \$65, provided proof that any vehicle to be operated by the individual has been equipped with an approved ignition interlock system, and provided proof of financial responsibility for the vehicle. Individuals who have committed certain DUI violations as outlined in the legislation or have refused chemical testing would be eligible to apply for an ignition interlock limited license once they have served a portion of the required suspension of operating privilege, except for first-time offenders who are immediately eligible.

The Department could not issue an ignition interlock limited license to certain individuals including: 1) an individual not licensed to drive in Pennsylvania or another jurisdiction; 2) an individual who has failed to pass an examination required by the Vehicle Code; 3) an individual

whose operating privilege has been recalled or canceled; 4) an individual who has an unsatisfied judgement as a result of the operation of a motor vehicle; 5) an individual who applies for an ignition interlock limited license to operate a commercial motor vehicle; 6) an individual who is ineligible under federal law; and 7) an individual whose operating privilege has been suspended related to homicide by vehicle.

If the Department receives a report of an offense for which the penalty is cancellation, disqualification, recall, suspension or revocation of operating privileges, the department would have to either 1) extend the term of the ignition interlock limited license for up to the original term for which the license was suspended or revoked; or 2) recall the ignition interlock limited license. Persons with an ignition interlock limited license would only be permitted to operate vehicles equipped with an ignition interlock system, except for limited situations involving employer-owned vehicles. A person who is denied an ignition interlock limited license or whose ignition interlock limited license is extended or recalled could file a petition with the department for a hearing. The department could charge a reasonable fee for conducting the hearing.

The Department could not issue an unrestricted license until a person has presented all of the following: 1) proof that he or she has completed the ignition interlock restricted license period; and 2) certification by the vendor that provided the device that the person has not attempted to start the vehicle with a breath alcohol concentration of 0.08 percent or more, failed to take or pass any required retest or failed to appear at the ignition interlock system vendor when required for maintenance, repair or replacement of the device.

Section 3806 would be amended regarding prior offenses. For the purposes of Section 1553 (d.2) (relating to occupational limited license), Section 1556 (relating to ignition interlock limited license), Section 3803 (relating to grading), Section 3804 (relating to penalties), and Section 3805 (relating to ignition interlock), a prior offense must have occurred within 10 years prior to the date of the offense for which the individual is being sentenced or on or after the date of the offense for which the individual is being sentenced. [Concurrence in House Amendments: 50-0.](#)

[Senate Bill 837](#) (Aument) would amend the Social Workers, Marriage and Family Therapists and Professional Counselors Act to extend title protection to marriage and family therapists, family therapists, marriage therapists and couples therapists by authorizing these titles to be used only by an individual licensed as a marriage and family therapist. The provision would not apply to:

- A marriage and family therapist employed by the Commonwealth during their employment;
- A person employed as a school marriage and family therapist in a public or private school during their employment;
- A person who holds a valid license or is certified or regulated pursuant to another professional licensure law or state certification of the Commonwealth and who is credentialed by the American Association of Marriage and Family Therapists as a Clinical Fellow;

- A person who is working to meet the supervised experience requirement to become a licensed marriage and family therapist and whose duties are supervised by a licensed marriage and family therapist or other licensed mental health professional, as long as the person does not represent himself or herself as a licensed marriage and family therapist;
- Students studying marriage and family therapy at accredited institutions as long as the person does not represent himself or herself as a licensed marriage and family therapist; and
- A person providing faith-based marriage, family or couples therapy so long as the person does not state he or she is a licensed marriage and family therapist.

The measure would also increase the fine for the use of a title without a license in violation of the act from \$1,000 to \$10,000. An additional change would modify the composition of the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors to require membership of one board position to rotate between the professions of licensed marriage and family therapist and licensed professional counselor.

Passed: 50-0.

Senate Bill 1108 (Scavello) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to provide for the definition of an “autocycle,” to clarify the class of operating license required, and to further define requirements for certain operation and safety measures. An autocycle would be defined as a three-wheeled motorcycle that has a steering wheel and seating that does not require the operator to straddle or sit astride in the vehicle. Operators would be required to hold a Class C operator license. Further, a person operating an autocycle would be prohibited from allowing a child under eight years of age to be a passenger in the vehicle if the child would be required to be secured in a passenger car under Section 4581 of the Vehicle Code (relating to restraint systems). Additionally, an applicant for a driver’s license could not use an autocycle for their driver’s test. As amended in the House, the bill would also authorize the Pennsylvania Department of Transportation to issue a permit for a combination of vehicles that is hauling milk to or from a manufacturer to move on an interstate highway. **Concurrence in House Amendments: 50-0.**

Senate Bill 1194 (Mensch) would amend the State Military College Legislative Appointment Initiative Program Act to repeal its expiration date. **Passed: 50-0.**

Senate Bill 1216 (Stefano) would designate the bridge carrying State Route 3087 over Jacobs Creek connecting Scottdale, Westmoreland County and Everson, Fayette County as the Private First Class Joseph Anthony Petrarca/Staff Staff Sergeant John William Earnesty Memorial Bridge. **Passed: 50-0.**

Senate Resolution 325 (Mensch) urges the Governor and the executive branch to develop a plan to implement a solution for the statewide emergency radio communications system. **Adopted by Voice Vote.**

[Senate Resolution 380](#) (Scavello) designates the week of May 29 through June 4, 2016 as “Motorsports Appreciation Week” in Pennsylvania and recognizes the third annual NASCAR Hauler Parade at the Capitol on June 2, 2016. [Adopted by Voice Vote.](#)

[Senate Resolution 381](#) (Baker) designates the week of June 1 through 7, 2016 as “Cardiopulmonary Resuscitation and Automated External Defibrillator Awareness Week” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 382](#) (Browne) designates the month of May 2016 as “Melanoma and Skin Cancer Detection and Prevention Month” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 383](#) (McGarrigle) commends the Boeing Company, an outstanding corporate citizen of the Commonwealth, and offers deepest admiration and appreciation on the momentous occasion of the Boeing Company’s 100th anniversary. [Adopted by Voice Vote.](#)

[House Bill 608](#) (Baker) would amend the Controlled Substance, Drug, Device and Cosmetic Act to expedite the process of adding chemicals to the list of illegal precursor substances and provide the Secretary of Health greater latitude in the scheduling of controlled substances. The legislation would allow the Secretary to:

- Reschedule any controlled substance to coincide with federal law and provide the procedures for doing so;
- Exclude or remove a controlled substance from any schedule if the substance has been approved for over-the-counter use without a prescription by federal law;
- Schedule a substance on a temporary basis to avoid an imminent hazard to public safety, without seeking the advice of the Drug, Device and Cosmetic Board and set forth the timeframe, procedures and consideration factors for the temporary scheduling;

In addition, the legislation would:

- Add certain compounds and precursor substances to the lists of controlled substances;
- Prohibit the possession of certain precursor substances with the intent to unlawfully manufacture a controlled substance;
- Add a procedure for the Secretary to promulgate regulations to add a chemical to the classification of a precursor substance; and
- Exempt the regulations promulgated under the new procedure from the Regulatory Review Act. [Passed: 50-0.](#)

[House Bill 1196](#) (Petri) would amend the Liquor Code to add a section providing for a National Event Permit for the Democratic National Convention. The legislation would authorize the Liquor Control Board to issue a national event permit or permits upon application of the chief

executive of a national political party, his or her designee, or the official host committee of the national convention for events directly related to the convention. The application fee would be \$5,000. The Board is directed to approve the application unless doing so would clearly be against the public interest. The permit would have the same rights and restrictions as a special occasion permit issued under Section 408.4 except it would not be subject to the hours restrictions under Section 408.4(k), the days restrictions under Section 408.4(i), or the notice requirements under Section 408.4(j). The permit holder could accept, import, possess or resell donated alcohol and malt and brewed beverages so long as prior Board approval is obtained. No sales for off-premises consumption could occur unless the premises is already licensed by the Board. A copy of each approved permit would have to be made available on the Board's website. The section would expire on July 29, 2016 and no permit could remain in effect after that date. An additional provision would provide that a franchise territory granted by a manufacturer would have to be geographically contiguous "or in counties which are contiguous with one another." **Passed: 50-0.**

House Bill 1436 (Godshall) would amend Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes to establish requirements for calculating the amount of income tax expense that may be included in utility rates. The legislation would prevent ratepayers from being impacted when a public utility company files consolidated federal income tax returns with its parent company. Any gains or losses realized by the parent company or its subsidiaries, other than the public utility company, could not be used for the benefit of or made up by the public utility's ratepayers. The calculation would only be applied when the public utility seeks a change in rates. Until December 31, 2025, any differential accruing to a public utility resulting from the ratemaking methods employed by the Public Utility Commission (PUC) before the change would be retained by the public utility. Of this amount, 50 percent would have to be used for reliability or infrastructure related to rate-base eligible capital investments as determined by the PUC and the other 50 percent could be retained for general corporate purposes. **Passed: 49-1.**

House Bill 1552 (Roae) would amend the Public School Code to further provide for distance learning and basic education funding. The legislation would authorize the Secretary of Education to enter into membership in a regional compact and an interstate reciprocity agreement for the provision of postsecondary distance education by Pennsylvania institutions of higher education to students in other states and postsecondary institutions in other states that are party to the agreement to students in the Commonwealth. The Department of Education could charge administrative fees to institutions of higher education that choose to participate, not to exceed the amount necessary to pay the administrative costs of the agreement. The Postsecondary Distance Education Interstate Reciprocity Agreement Restricted Account would be established as a special restricted receipts account within the General Fund for the fees collected by the Department and any appropriated funds. The Department would utilize the monies in the account to fund the administrative costs of implementing the agreement. The restricted receipts account would be subject to audit by the Auditor General.

An additional provision would establish in the School Code the student-weighted basic education funding formula created by the Basic Education Funding Commission. For the 2015-2016 school year and each school year thereafter, the Commonwealth would pay to each school district a basic education funding allocation consisting of an amount equal to the district's basic

education allocation for the 2013-2014 school year and a student-based allocation as outlined in the legislation. [Passed: 49-1.](#)

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