

# WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – DAVID G. ARGALL, CHAIRMAN

## Monday, May 9, 2016

[Senate Resolution 351](#) (Teplitz) designates the month of May 2016 as “Jewish American Heritage Month” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 352](#) (Yaw) designates the week of June 5 through 11, 2016 as “Chesapeake Bay Awareness Week” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 353](#) (Fontana) designates the month of May 2016 as “Brain Tumor Awareness Month” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 354](#) (Vance) recognizes the week of May 8 through 14, 2016 as “National Hospital Week” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 355](#) (Haywood) recognizes the week of May 1 through 7, 2016 as “National Small Business Week” in Pennsylvania to honor the far-reaching contributions of small businesses to the economy of the Commonwealth. [Adopted by Voice Vote.](#)

[House Bill 805](#) (Bloom) would amend the Public School Code of 1949 to provide local superintendents with flexibility when awarding tenure to teachers, to permit economic furloughs, and to require layoffs to be based on performance rather than seniority. The bill would permit a superintendent to extend the period of time for a teacher to earn tenure from three to four years if the superintendent determines the additional year is necessary to certify the teacher’s work as satisfactory. The measure would also permit the suspension of professional employees for economic reasons that require a reduction in the workforce provided that a professional employee who received an overall performance rating of “distinguished” on at least two of the professional employee’s three most recent performance evaluations could not be suspended. A school district could not use an employee’s compensation in determining which professional employees to suspend. In addition, a school district that suspends teachers would have to suspend at least an equal percentage proportion of administrative staff. The Secretary of Education could grant a school board a waiver of this requirement, which would have to be approved by the State Board of Education.

If suspensions are necessary, teachers with a “failing” rating would be suspended first, followed by individuals with a “needs improvement” rating. Teachers with “proficient” and “distinguished” ratings would be suspended last. Seniority within the school entity would be used to determine suspensions among professional employees that have the same overall performance rating. Teachers would be reinstated in the reverse order in which they were suspended. Collective bargaining agreements entered into after the effective date of the act could not prohibit the suspension of professional employees for economic reasons or provide for

suspending professional employees based on seniority other than as outlined in the bill. The measure would require the Legislative Budget and Finance Committee to conduct a study of the effectiveness of the economic furlough provisions and deliver a written report of its findings, including whether these provisions are being used effectively by school districts to improve efficiency, to the Governor and the chairs of the Senate and House Education Committees by December 31, 2020. [Passed: 26-22.](#)

[House Bill 1574](#) (Marsico) would amend the Antihazing Law to expand the scope of the law to make hazing an offense if done to any person as a condition for initiation or admission into any organization. Under current law, only a student at a college or university is covered under the law. An additional change would add “secondary schools” to the law and require each secondary school to provide a copy of its written antihazing policy, and its rules, penalties and program of enforcement to all athletic coaches involved in organizations with the secondary school. In addition, each governing body of a secondary school would be required to post its written antihazing policy on its publicly accessible internet website. [Passed: 48-0.](#)

### **Tuesday, May 10, 2016**

[Senate Bill 359](#) (Greenleaf) would amend the Public School Code of 1949 to clarify and update truancy procedures. Among other provisions, the legislation would:

- Establish that the purpose of the subdivision would be to improve school attendance and to deter truancy through a comprehensive approach to consistently and effectively identify and address attendance issues as early as possible with credible intervention techniques, including a school attendance improvement conference, and with confinement of a person in parental relation to a habitually truant child only as a last resort and for a minimum amount of time;
- Add a section to require charter and cyber charter schools to establish an attendance policy which would have to conform to the provisions of the School Code relating to compulsory attendance. Charter and cyber charter schools would report unexcused absences directly to the Department of Education via the annual Pennsylvania Information Management System (PIMS);
- Outline the procedure to be used by the school when a child is truant, including notifying in writing the person in parental relation with the child who resides in the same household as the child of the child’s violation of compulsory school attendance. The notification would have to be made within 10 days of the child’s third unexcused absence and meet the requirements outlined in the legislation. If the child continues to incur unexcused absences, the school would be required to offer a school attendance improvement conference. The outcome of the conference would have to be documented in a written school attendance improvement plan. Schools could not expel or impose out-of-school suspension, disciplinary reassignment or transfer for truant behavior;
- Permit the school to refer a child who is habitually truant and under 15 years of age to either a school or community-based attendance improvement program or to the county

children and youth agency for services or for possible disposition as a dependent child. The school could also file a citation against the person in parental relation with the child who resides in the same household;

- Organize and clarify the penalties for violating the compulsory attendance law. Fines, community service, attendance at a course or program designed to improve school attendance, and loss of driving privileges would be options for a magisterial district judge to use in an attempt to enforce compliance with the law; and
- Direct the Joint State Government Commission to undertake a study of the effectiveness of the new provisions 36 months after the beginning of the first school year to which they apply. The Commission would have to issue a report of its findings and recommendations to the Senate and House Education Committees not later than six months after undertaking the study. **Passed: 48-0.**

**Senate Bill 1062** (Rafferty) would amend Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes to expand the definition of burglary to include the offense of entering a structure adapted for overnight accommodation when a person is present and the offender commits, attempts or threatens to commit a bodily injury crime. The Pennsylvania Commission on Sentencing would be required to provide for a sentence enhancement within its guidelines for an offense under the new provision. **Passed: 48-0.**

**Senate Bill 1077** (Vogel) would amend the Wiretapping and Electronic Surveillance Act to allow school boards to make the required notification about audio recording on school buses by a method other than by mail. The change would allow the school to include its policy in a student handbook and in any other publication of the school entity that sets forth the comprehensive rules, procedures and standards of conduct for the school entity. An additional provision would require the school entity to post a notice of the policy on its publicly accessible internet website. **Passed: 48-0.**

**Senate Bill 1156** (Sabatina) would amend Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes to require certain health care personnel, as defined in the legislation, and members of the clergy to obtain background check certifications before having direct contact with children. The certifications would be required every 60 months. If an individual has a certification, he or she would be required to obtain a new certification within 60 months of the date of the oldest certification or, if older than 60 months, by December 31, 2016. Individuals without a current certification would have to comply with the requirement by December 31, 2016. In addition, the bill would extend the time period that valid general protective services reports may be maintained before they are expunged from the statewide database. The measure would extend the time period from five years to 10 years or until the child reaches the age of 23, whichever occurs first. **Passed: 48-0.**

**Senate Resolution 356** (Wiley) designates the month of May 2016 as “Ehlers-Danlos Awareness Month” in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 357](#) (Scavello) recognizes May 14, 2016 as “National Association of Letter Carriers Food Drive Day” in Pennsylvania and commends the National Association of Letter Carriers for its humanitarian efforts to eliminate hunger. [Adopted by Voice Vote.](#)

[Senate Resolution 358](#) (Tartaglione) recognizes the month of May 2016 as “Older Americans Month” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 359](#) (McIlhinney) designates the month of May 2016 as “Clean Water Counts Month” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 360](#) (Rafferty) recognizes the month of May 2016 as “Lupus Awareness Month” and May 20, 2016 as “World Lupus Day” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 361](#) (Rafferty) designates the month of May 2016 as “AMBUCS Visibility Month” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 362](#) (Leach) designates April 24, 2016 as “Pennsylvania’s Day of Remembrance of the Armenian Genocide of 1915-1923.” [Adopted by Voice Vote.](#)

[House Bill 944](#) (Taylor) would amend the Community and Economic Improvement Act to make a number of changes regarding the management of neighborhood improvement districts (NIDs) in Philadelphia. Among other provisions, the legislation would:

- Clarify that a second public hearing on the NID would only be required when there are revisions to the preliminary plan that are not technical;
- Provide a definition for a “curb market stand” and outline the process for the valuation of a curb market stand;
- Change the percentage of objections by affected property owners required to defeat the establishment of a district from 51 percent to one-third of property ownership or property valuation;
- Allow a Neighborhood Improvement District Management Association (NIDMA) to amend the district plan after the establishment of the district, provided written notification is given to affected property owners, and within 45 days of notification, the amendment is not defeated by one-third of the affected property owners, in terms of ownership or property valuation;
- Increase the maximum number of NIDMA board members from nine to 15 for a nonprofit corporation established to serve as the NIDMA;
- Require that the annual financial audit of the NID be submitted to any municipal department designated by the NID ordinance; and

- Allow a business improvement district to be established or continued under this act or the Municipality Authorities Act of 1945. [Passed: 48-0.](#)

[House Bill 1200](#) (Taylor) would repeal Section 7 of Act 71 of 1903 relating to contracts with railroads for maintenance of viaducts and bridges. Section 7 requires a railroad to contribute to the maintenance costs of viaducts or bridges before it can run lines of tracks under the bridge or viaduct. The section also requires the railroad to enter into a contract with the municipality to pay a portion of ongoing maintenance costs. [Passed: 48-0.](#)

[House Bill 1788](#) (White) would amend the Community and Economic Improvement Act to clarify circumstances in which a Neighborhood Improvement District (NID) overlaps with a Tax Increment Financing district (TIF). Specifically, the legislation would:

- Coordinate definitions of the district boundaries between the Tax Increment Financing Act and Community and Economic Improvement Act;
- Enable the same authority to issue debt under both acts and use certain NID revenues to service TIF debt;
- Enable the same authority to administer the district under both acts;
- Eliminate the requirement for separate plans when the acts are used in conjunction; and
- Provide consistency in eligible uses of funds between the acts. [Passed: 48-0.](#)

### *Executive Session*

Nominations to Various Boards and Commissions. [Confirmed: 48-0.](#)

### **Wednesday, May 11, 2016**

[Senate Bill 1144](#) (Greenleaf) would amend Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes to make it a summary offense to knowingly sell or purchase with the intent to sell a drug product containing dextromethorphan to a person who is under 18 years of age. The bill would also make it a summary offense to falsely represent oneself as being 18 years of age or older for the purpose of procuring a drug product containing dextromethorphan. A person making a retail sale of a finished drug product containing any quantity of dextromethorphan would be required to obtain proof of age from the purchaser before completing the sale, unless the purchaser's outward appearance is such that a person would reasonably presume the purchaser to be at least 25 years of age. A person who is convicted of violating these provisions would be sentenced to pay a fine of not less than \$250 nor more than \$500 for a first offense and a fine of \$500 for each subsequent violation. The section would not apply to a medication containing dextromethorphan that is sold pursuant to a valid prescription. The statutory provisions would preempt any municipal ordinance regulating dextromethorphan and prohibit any further municipal regulation of the substance. [Passed: 49-0.](#)

[Senate Bill 1229](#) (Vogel) would amend the Administrative Code of 1929 to make technical changes clarifying the formula and qualifications for Pennsylvania-bred thoroughbred breeding awards. **Passed: 49-0.**

[Senate Resolution 363](#) (Dinniman) designates May 17, 2016 “as Teacher Education Day” in Pennsylvania and recognizes the outstanding service of teacher educators who prepare teachers for the Commonwealth’s classrooms. **Adopted by Voice Vote.**

[Senate Resolution 364](#) (Hutchinson) designates May 14, 2016 as “Apraxia Awareness Day” in Pennsylvania. **Adopted by Voice Vote.**

[House Bill 1310](#) (Donatucci) would amend Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes to clarify that in response to a request under the Right-to-Know Law, a PSAP (public safety answering point) may not release individual identifying information of an individual calling a 911 center, whether victim or witness. The section would not apply if the PSAP or a court determines that the public interest in disclosure outweighs the interest in nondisclosure. **Passed: 48-1.**

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