

WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – DAVID G. ARGALL, CHAIRMAN

Wednesday, September 16, 2015

[Senate Bill 872](#) (Eichelberger) would amend the Second Class Township Code to allow township supervisors to appropriate funds for the purpose of purchasing flowers, plaques, or other personal property up to a value of \$100 as a token to recognize the service or passing of a township official, employee or vendor. The value of any tangible personal property received by an individual under the section would be considered of de minimis economic impact and would not have to be reported. [Passed: 46-0.](#)

[Senate Bill 873](#) (Eichelberger) would amend Title 8 (Boroughs and Incorporated Towns) to allow a borough council to appropriate funds for the purpose of purchasing flowers, plaques, or other personal property up to a value of \$100 as a token to recognize the service or passing of a borough official, employee or vendor. The value of any tangible personal property received by an individual under the section would be considered of de minimis economic impact and would not have to be reported. [Passed: 46-0.](#)

[Senate Resolution 54](#) (Argall) urges the President and Congress of the United States to consider imposing tariffs on imported anthracite coal that adversely affects American jobs. [Adopted: 46-0.](#)

[Senate Resolution 173](#) (Pileggi) designates July 31, 2015 as “Heat Stroke Prevention Day” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 174](#) (Bartolotta) recognizes the week of September 17 through 23, 2015 as “Constitution Week” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 175](#) (Hughes) recognizes the week of July 13 through 19, 2015 as “National Youth Sports Week” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 176](#) (Kitchen) recognizes the life and legacy and expresses condolences upon the passing of Julian Bond, civil rights icon, legislator and professor. [Adopted by Voice Vote.](#)

[Senate Resolution 177](#) (Corman) honors the life and memory of Senator William J. Moore and expresses gratitude for his service and profound sorrow over his loss. [Adopted by Voice Vote.](#)

[Senate Resolution 178](#) (Teplitz) recognizes the holiday beginning with Rosh Hashanah and concluding with Yom Kippur. [Adopted by Voice Vote.](#)

[Senate Resolution 179](#) (Costa) recognizes September 21, 2015 as “Monday of P.O.W.E.R.” and commemorates the contributions of Women in Bio in the Commonwealth. [Adopted by Voice Vote.](#)

Thursday, September 17, 2015

[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 his or her vehicle 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. Any period during which an individual holds an ignition interlock limited license would have to be credited toward satisfying the one-year mandatory period of ignition interlock usage prior to eligibility for an unrestricted license.

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, after an ignition interlock limited license has been issued, a person is convicted 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. The operating privileges of an individual with an ignition interlock limited license would remain under suspension or revocation except when operating a vehicle in accordance with the ignition interlock limited license. 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 company 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 of the person to appear at the ignition interlock system vendor when required for maintenance, repair or replacement of the device.

Further, Section 3806 would be amended regarding prior offenses. For the purposes of Section 1553 (d.2) (relating to occupational limited license), Section 3803 (relating to grading) and Section 3804 (relating to penalties), 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. **Passed: 47-0.**

Senate Bill 663 (Vulakovich) would amend Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes to allow for the termination of the parental rights of a parent who is convicted of certain sexual offenses. Under the provisions of the bill, a court would be prohibited from awarding any type of custody to a parent of a child conceived as a result of any of the sexual offenses listed in the legislation if the parent who is the victim objects. The court could award custody if the parent who is the victim had an opportunity to address the court, the child is of suitable age and consents to the custody order, and the court determines it is in the best interest of the child. A person convicted of a sexual offense who has lost parental rights would still be required to pay child support. Paternity of the child would be established by voluntary acknowledgement of paternity or blood, genetic or other testing acceptable to the court. The cost of the testing would be borne by the parent who was convicted of the crime. **Concurrence in House Amendments: 47-0.**

Senate Bill 678 (Smucker) would amend the Public School Code to expand the definition of “grounds” related to state-owned universities to include all highways, trafficways and bicycle and pedestrian facilities that traverse or abut land and buildings owned by the state system. **Concurrence in House Amendments: 47-0.**

Senate Resolution 55 (Hutchinson) establishes a forestry task force to study issues concerning the renewal and management of the Commonwealth’s forests, provides for an advisory committee and directs the Joint Legislative Air and Water Pollution Control and Conservation Committee to provide administrative support to the task force. **Adopted: 47-0.**

Senate Resolution 180 (Kitchen) recognizes the 50th anniversary of the Voting Rights Act of 1965. **Adopted by Voice Vote.**

Senate Resolution 181 (Farnese) recognizes September 21, 2015 as “International Day of Peace” and supports the ideals observed at the worldwide event. **Adopted by Voice Vote.**

Senate Resolution 182 (Tartaglione) recognizes the 25th anniversary of the Americans with Disabilities Act on July 26, 2015. **Adopted by Voice Vote.**

Senate Resolution 183 (Tartaglione) observes September 15 through October 15, 2015 as “Hispanic Heritage Month” in Pennsylvania in recognition of the achievements of Hispanic Americans in the Commonwealth. **Adopted by Voice Vote.**

Senate Resolution 184 (Dinniman) recognizes the month of September 2015 as “Hunger Action Month” in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 185](#) (Eichelberger) designates the month of September 2015 as “Brain Aneurysm Awareness Month” and September 26, 2015 as “Brain Aneurysm Awareness Day” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 186](#) (Teplitz) designates September 25, 2015 as “Fairweather Lodge Day” in Pennsylvania. [Adopted by Voice Vote.](#)

[House Bill 315](#) (Ellis) would amend the Child Labor Act to allow individuals who are at least 12 years of age to be employed as youth sports officials without procuring work permits and subject to the same limitations established for individuals who are 14 and 15 years of age. [Passed: 47-0.](#)

Friday, September 18, 2015

[Senate Bill 773](#) (Kitchen) would amend Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes to prohibit the sale of powdered alcohol to minors. [Passed: 49-0.](#)

[Senate Bill 879](#) (Baker) would create the Pennsylvania ABLE (Achieving a Better Life Experience) Act to permit the Treasury Department to establish and maintain a tax-free savings account program for the payment of qualified disability expenses of a designated beneficiary.

The ABLE Savings Program Fund would be established in the State Treasury. In addition to other fees, charges, interest and earnings, the fund would consist of all contributions made to the accounts of eligible individuals pursuant to ABLE account contracts. The money in the fund would be appropriated to the Department on a continuing basis to carry out the provisions of the act. The Department would be required to prepare an annual budget containing the operating and administrative expenses of the program, which would be submitted to the General Assembly for inclusion in the budget bill.

The Department would be given the powers necessary to carry out the act including:

- Administering the program and the fund;
- Entering into contracts with individuals for the establishment of ABLE savings accounts;
- Paying funds for the eligible individual’s qualified disability expenses;
- Contracting for goods and services and employing personnel;
- Soliciting and accepting gifts, grants and loans and other aid;
- Charging and collecting administrative fees; and
- Promulgating regulations.

An ABLE savings account could be opened through a contract entered into by an account owner and the Department. The following individuals could be account owners as a fiduciary for an eligible individual who is a minor or who lacks the capacity to enter into an ABLE account contract: 1) a parent or guardian; 2) a person or legal entity designated in writing by the parent or guardian; 3) a trustee of a trust for which the eligible individual is a beneficiary; 4) for an eligible individual receiving benefits based on blindness or a disability, the representative payee for those benefits; and 5) any other person or entity authorized under section 529A of the Internal Revenue Code with signature authority over the account.

An ABLE savings account would not be subject to attachment, levy or execution by any creditor, account owner or designated beneficiary and could not be used as security for a loan. Accounts could not be used in calculating personal assets in order to determine eligibility for disability, medical assistance or other health benefits conferred by the Commonwealth or for determining eligibility or need to qualify for student loan, grant or aid programs administered by a Commonwealth agency. The act details where account proceeds could be transferred upon the death of a designated beneficiary. The program and accounts would be exempt from any statute regulating securities. The property of the program, account contributions and program earnings would be state tax exempt. [Passed: 49-0.](#)

[Senate Bill 1000](#) (Browne) would serve as a stopgap budget based on the previously passed spending plan in Senate Bill 1192. The proposed stopgap budget would generally provide four months of support to Commonwealth agencies with the following exceptions:

- 100 percent of federal funds;
- 100 percent of special funds;
- 100 percent of General Fund debt service appropriations;
- \$2.8 million in General Funds for avian influenza preparedness;
- 100 percent of the General Fund appropriation for Regional Event Security (Papal visit);
- 50 percent of General Fund appropriations for the Pennsylvania Higher Education Assistance Agency;
- Approximately 50 percent of the full-year allocation for the Commonwealth's child welfare appropriation.

The measure would also make state appropriations for various special funds as outlined in the bill. The act would be retroactive to July 1, 2015. [Passed: 30-19.](#)

[Senate Bill 1001](#) (Browne) would amend the Fiscal Code to provide implementing language for the stopgap General Appropriation Act (Senate Bill 1000) and for certain restrictions on the appropriation of funds and accounts. The proposed stopgap budget would provide four months of interim funding with certain exceptions. [Passed: 30-19.](#)

[Senate Resolution 136](#) (Greenleaf) condemns economic, social, cultural and other boycotts of Israel and growing incidents of anti-Semitism. [Adopted by Voice Vote.](#)

[Senate Resolution 187](#) (Boscola) designates September 18, 2015 as “Pitt Hopkins Syndrome Awareness Day” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 188](#) (Kitchen) recognizes the 50th anniversary of the enactment of the Social Security Amendments of 1965 creating the Medicare and Medicaid programs. [Adopted by Voice Vote.](#)

[Senate Resolution 189](#) (Schwank) designates the month of September 2015 as “Ovarian Cancer Awareness Month” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 190](#) (Schwank) recognizes the month of September 2015 as “National Recovery Month” in Pennsylvania and encourages relatives and friends of individuals battling mental illness or substance abuse to implement preventive measures, recognize the signs of a problem and guide those in need to appropriate treatment and recovery support services. [Adopted by Voice Vote.](#)

[Senate Resolution 191](#) (Schwank) designates the month of September 2015 as “Attendance Awareness Month” in Pennsylvania to raise awareness of the effects of chronic absenteeism in school on an individual’s education and opportunities in life. [Adopted by Voice Vote.](#)

[Senate Resolution 192](#) (Aument) designates the month of September 2015 as “Chiari Malformations Awareness Month” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 193](#) (Teplitz) designates the week of November 29 through December 5, 2015 as “Jewish Community Center Week” in Pennsylvania. [Adopted by Voice Vote.](#)

[House Bill 75](#) (Kauffman) would amend the Pharmacy Act to provide for the biennial registration of pharmacies located outside of the Commonwealth that ship, mail or deliver drugs into the Commonwealth. A “nonresident pharmacy” would be required to register every two years with the State Pharmacy Board and obtain a certificate of registration to conduct pharmacy business in the state. Among other responsibilities, the nonresident pharmacy would be required to:

- Disclose on its application the location, name and titles of all principal corporate officers, if applicable, and the pharmacist in charge;
- Report to the Pharmacy Board within 30 days any change of location or pharmacist in charge;
- Submit a statement that it complies with all lawful directions and requests for information from the regulatory or licensing agency of the state in which it is licensed;

- Maintain a valid, unexpired license, permit or registration to conduct business in compliance with the laws of the state in which it is located; and
- Report to the Pharmacy Board the disposition of any disciplinary action taken by the regulatory or licensing authority in its home state within 30 days;
- Maintain a toll-free telephone number to facilitate communication between patients in the Commonwealth and a licensed pharmacist who has access to the patient's records.

The Pharmacy Board could deny, revoke or suspend any registration for failure to comply with the requirements of the Board or for conduct that causes serious bodily or psychological injury to a Pennsylvania resident, provided that the Board has referred the matter to the regulatory or licensing agency in the state in which the nonresident pharmacy is located. An additional provision would require Pennsylvania pharmacies licensed or registered to conduct business in another state to report that information to the Pharmacy Board. Any disciplinary action taken in another state would have to be reported to the Pharmacy Board within 30 days of final disposition. **Passed: 49-0.**

House Bill 175 (Goodman) would amend the Persian Gulf Conflict Veterans' Benefit Act to extend the deadline for submitting applications for compensation under the act from August 31, 2015 to August 31, 2018, retroactive to August 31, 2015. The authorization to issue bonds and notes for the purposes of the act would be extended until December 31, 2019. By February 1, 2016, the Department of Military and Veterans Affairs would be required to report to the House and Senate Appropriations Committees about the program with the information outlined in the bill for the period after December 18, 2006 and before January 1, 2016. By February 1 of each year after 2016, the Department would be required to submit an annual report to the Appropriations Committees with the program information for the prior year. **Passed: 49-0.**

House Bill 224 (Christiana) would amend the Public School Code to make a number of changes. Among other provisions, the legislation would:

- Require the Department of Education to post annual financial information related to public school entities on its Internet website (SchoolWATCH). The information listed in the legislation would have to be posted for each school entity accessible by a "View Fiscal Information" icon located on the school entity's annual School Performance Profile. The program would have to contain an electronic feature to allow the public to compare financial information for a minimum of four schools;
- Preclude charter and cyber charter schools from receiving funds from the appropriations for social security costs and school employees' retirement costs;
- Provide for community colleges to receive the same allocation as in fiscal year 2014-2015 and a pro rata share of \$6,470,000 based on the college's share of full-time equivalent students;

- Provide for school districts to receive a basic education funding allocation in the same amount as the previous year until such time that the fiscal year 2015-2016 Basic Education Funding appropriation exceeds the 2014-2015 appropriation. Payments would be made to school districts no later than October 29, 2015. If insufficient funds are appropriated, payments would be made on a pro rata basis. When the fiscal year 2015-2016 Basic Education Funding appropriation exceeds the 2014-2015 appropriation, school districts would receive a basic education funding allocation based on the formula recommended by the Basic Education Funding Commission;
- Provide for school districts to receive a special education funding allocation in the same amount as the previous year until such time that the fiscal year 2015-2016 Special Education Funding appropriation exceeds the 2014-2015 appropriation. Payments would be made no later than October 29, 2015. If insufficient funds are appropriated, payments would be made on a pro rata basis. When the fiscal year 2015-2016 Special Education Funding appropriation exceeds the 2014-2015 appropriation, school districts would receive a special education funding allocation based on the formula recommended by the Special Education Funding Commission and contained in the Fiscal Code for distribution of the 2014-2015 Special Education Funding appropriation;
- Fund intermediate units at an amount equal to 5.5 percent of the Special Education Funding appropriation;
- Set aside one percent of the Special Education Funding appropriation to be awarded to school districts and charter schools for extraordinary special education expenses;
- Direct that each library receive a pro rata share of funding based on its prior year allocation;
- Provide for the distribution of funding to area vocational-technical schools; and
- Provide for the allocation of Ready to Learn Grants to school districts, charter schools and cyber charter schools in the same amount as fiscal year 2014-2015. **Passed: 30-19.**

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