

# WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – EDWIN B. ERICKSON, CHAIRMAN

**Monday, March 10, 2014**

[Senate Bill 497](#) (Eichelberger) would modernize and recodify the Third Class City Code by removing obsolete sections, incorporating updated language, consolidating common subjects, and adding language that had been part of the last significant recodifications of the Second Class Township Code, enacted in 1995, and the Borough Code, reenacted in 2012. Among other provisions, the measures would:

- Authorize a city council to create various departments (beyond the five currently authorized) by ordinance;
- Authorize a city council to create, by ordinance, the position of city administrator or manager;
- Bifurcate the responsibilities of the city controller by transferring the controller's current auditing and financial reporting duties to an appointed independent auditor;
- Abolish the fire civil service commission and place all uniformed employees under one civil service commission;
- Provide a procedure, similar to that found in the other municipal codes, for the selling of city real estate. If the real estate is valued at more than \$1,500, it would have to be sold to the highest bidder after advertising and bidding;
- Repeal the existing special dedicated tax of up to 10 mills for charitable purposes and reallocate this millage to an allowable five mill increase for general purposes (increased from 25 mills to 30 mills) and a new five mill tax levy for street lighting;
- Simplify assessment procedures and permit cities to utilize the assessment practices of the county assessment office; and
- Add a new article to codify the procedure to assess benefited property for the costs of public improvements. [Concurrence in House Amendments: 48-0.](#)

[Senate Bill 1187](#) (Argall) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to make a number of changes regarding special license plates. The bill would:

- Direct the Department of Transportation, in consultation with the Pennsylvania Game Commission, to design a Hunting Heritage Plate for passenger cars, motor homes, trailers and trucks with a registered gross weight of not more than 14,000 pounds. The fee for the plate would be \$35, which would be in addition to the annual registration fee. Fifteen dollars of the fee would be deposited in the Pennsylvania Hunting Heritage Fund established in the State Treasury. The Fund would provide funding to nonprofit organizations that coordinate the processing and distribution of donated wild game from hunters and municipal herd reduction sources to Pennsylvania residents through a distribution network of food banks in the Commonwealth, provided that 50 percent of the money in the Fund be allocated to nonprofit organizations established before January 1, 2014 to conserve all birds and mammals of the Commonwealth and the ecosystems in which they live. The State Treasurer could not honor any requisition for expenditures by

the Pennsylvania Game Commission in excess of estimates approved by the Governor or in excess of the amount available for the purposes for which the requisition was made, whichever is the lesser amount;

- Include individuals who were in the Merchant Marines and served in the Korean War, the Vietnam Conflict, or any of the Gulf Wars as eligible recipients of the special plates for individuals in the service of the Merchant Marines; and
- Create a Combat Infantry Badge special registration plate to designate a vehicle as belonging to a person who is a recipient of the Combat Infantry Badge. The application for the special plate would have to be accompanied by a fee of \$20, which would be in addition to the annual registration fee, and any documentation required by the Department of Transportation. The special registration plate could only be used on a passenger car or truck with a registered gross weight of not more than 14,000 pounds.

**Passed: 48-0.**

**Senate Resolution 306** (Fontana) recognizes the 75<sup>th</sup> anniversary of Junior Achievement.  
**Adopted by Voice Vote.**

**Senate Resolution 307** (Mensch) recognizes the month of March 2014 as “Intellectual Disabilities Awareness Month” in Pennsylvania. **Adopted by Voice Vote.**

**Senate Resolution 308** (Vance) recognizes the Pennsylvania Developmental Disabilities Council for working to improve the lives of people with developmental disabilities. **Adopted by Voice Vote.**

**Senate Resolution 309** (Greenleaf) designates the month of March 2014 as “Brain Injury Awareness Month” in Pennsylvania. **Adopted by Voice Vote.**

**Senate Resolution 310** (Teplitz) observes March 14, 2014 as “Charter Day” in Pennsylvania. **Adopted by Voice Vote.**

**House Bill 21** (Grell) would amend the Mental Health Procedures Act to permit licensed psychologists, in addition to psychiatrists, to evaluate a person for mental competency and to testify in judicial proceedings. **Passed: 48-0.**

### **Tuesday, March 11, 2014**

**Senate Bill 771** (Gordner) would amend the Administrative Code of 1929 to establish the State Geospatial Coordinating Board, which would provide advice and recommendations to the Governor and citizens of the Commonwealth on geospatial issues. The Board would consist of 19 voting members and 8 ex-officio, non-voting members as specified in the bill. The Board would be required to meet at least four times per year, and ten members of the board would constitute a quorum. The board members would not receive compensation but could, with the approval of the Governor, appoint an executive director who could receive compensation. The board could also employ and compensate experts, stenographers and assistants necessary to carry out its work.

The board would have the following powers and duties:

- Recommend data development priorities and standards for data sharing across agencies and units of government;
- Monitor state and national trends, identify issues of interest and concern to the Commonwealth and submit annual reports;
- Define and prioritize strategic opportunities where maps and spatial analysis activities could enhance government and provide more cost effective services to citizens including recommendations of specific geospatial technology investments in the Commonwealth; and
- Develop task forces as needed to formulate recommended positions or actions.

**Passed: 48-0.**

Senate Bill 1195 (Gordner) would amend the Workers' Compensation Act to further clarify provisions related to the Uninsured Employer Guaranty Fund (UEGF). The bill would require any injured worker to notify the Fund within 45 days of being notified by the employer or another source that the employer was uninsured. A claim petition would have to be filed within 180 days of the notice of the claim being made to UEGF. An additional change would require proof of wages by the claimant using one of the sources listed in the legislation, such as a pay stub, tax return or unemployment compensation records. Further, the UEGF would be permitted to establish lists of at least six health care providers that are accessible in each county in specialties relevant to the treatment of work injuries in the Commonwealth. If the Fund provides a list to the claimant, it would only be responsible to reimburse expenses for services rendered by those providers.

The legislation would clearly establish that the Fund is entitled to restitution of any payment as the result of any injury to an employee of an uninsured employer. Restitution would not be limited to the amount specified in the award of compensation, but would include any voluntary payment or award and reimbursement of the Fund's costs. The legislation would also require an individual with a claim against the Fund alleging an injury incurred with an employer that is domiciled in another state to provide written notice, a denial, citation of law or court or administrative ruling from the other state to the Fund and any worker's compensation judge hearing a petition against UEGF prior to being eligible to collect benefits.

If the Department of Labor and Industry receives information that an employer has failed to insure its obligations as required under the act, the Department would be authorized to require an employer to certify that it has worker's compensation coverage or no longer needs it for one of the reasons listed in the legislation. If the employer does not respond within 15 days, the Department could assess an administrative penalty of \$200 per day up to 30 days from the notice. If an employer does not comply within 45 days of notice, the Department would be authorized to proceed with further enforcement actions, including the issuance of a stop-work order against the employer. The bill would also transfer \$4 million from the workers' compensation Administration Fund to the UEGF and require the administrative penalties established under the legislation to be deposited in the UEGF. **Passed: 25-23.**

[Senate Resolution 311](#) (Vance) honors the life of former Senator Harold “Hal” F. Mowery, Jr., and extends condolences to his family. [Adopted by Voice Vote.](#)

[Senate Resolution 313](#) (Stack) designates March 2014 as “Irish American Heritage Month” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 314](#) (Baker) designates March 2014 as “American Red Cross Month” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 315](#) (Schwank) recognizes the month of March 2014 as “Professional Social Work Month” in Pennsylvania and calls upon the citizens of the Commonwealth to join with the Pennsylvania chapter of the National Association of Social Workers in celebration and support of social workers and the social work profession. [Adopted by Voice Vote.](#)

[Senate Resolution 316](#) (Boscola) recognizes March 2014 as “Eye Donor Month” in Pennsylvania. [Adopted by Voice Vote.](#)

[House Bill 798](#) (Heffley) would amend Title 30 (Fish) of the Pennsylvania Consolidated Statutes to reduce the length of the terms of members of the Fish and Boat Commission from eight years to four years. Members could continue to hold office for a period of time not to exceed six months or until a successor to appointed and qualified, whichever occurs first. A member who serves three consecutive terms would not be eligible for reappointment to the Commission. The changes would apply to members who are appointed on or after the effective date of the legislation. [Passed: 48-0.](#)

### *Executive Session*

Nominations to Various Boards and Commission, and Russell J. Bono - Sheriff, Montgomery County. [Confirmed: 48-0.](#)

### **Wednesday, March 12, 2014**

[Senate Bill 1239](#) (Rafferty) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to correct a drafting error in current law related to the grading of the offense of driving under the influence of alcohol or a controlled substance when the offender has more than one prior offense. [Passed: 48-0.](#)

[Senate Resolution 317](#) (Baker) designates the week of March 9 through 15, 2014 as “Pulmonary Rehabilitation Week” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 318](#) (Tomlinson) recognizes the month of March 2014 as “National Athletic Training Month” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 319](#) (Farnese) designates the week of March 9 through 15, 2014 as “Glaucoma Awareness Week” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 320](#) (Dinniman) recognizes the importance of finding the cause and cure for multiple sclerosis; expresses appreciation to the Pennsylvania chapters of the National Multiple Sclerosis Society for their work; and recognizes the week of March 3 through 9, 2014 as “Multiple Sclerosis Awareness Week” in Pennsylvania. [Adopted by Voice Vote.](#)

[House Bill 1985](#) (Marsico) would amend Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes concerning the registration of sexual offenders. The declaration of policy in the Subchapter providing for the registration of sexual offenders would be amended to state that it is the General Assembly’s intention to address the 2013 Pennsylvania Supreme Court’s decision in *Commonwealth v. Neiman*. The definition of “sexually violent predator” would be amended to include persons convicted between January 23, 2005 and December 19, 2012 and determined to be a sexually violent predator due to a mental abnormality or personality disorder making the person likely to engage in predatory sexually violent offenses. The legislation would also clarify that sexual offenders required to register during the period January 23, 2005 to December 19, 2012 would still be required to register with the Pennsylvania State Police (PSP). Section 9799.14 would also be amended to classify an attempt, conspiracy or solicitation to commit institutional sexual or indecent assault as a tier II offense in certain cases.

The bill would further provide that sexual offenders required to register with the PSP pursuant to Act 111 of 2012, the Adam Walsh Act, would be given credit for any time registered with the PSP under Megan’s Law, the state’s prior sexual offender registration law. In addition, an individual required to register for a sexually violent offense would receive credit for the amount of time registered in a sexual offender registry in a foreign country or other jurisdiction where the individual was convicted. An individual registered as a result of an adjudication of delinquency occurring in a foreign country or other jurisdiction would also receive credit for the amount of time registered in a sexual offender registry in the foreign country or other jurisdiction where the individual was adjudicated delinquent. The provisions of the bill would take effect retroactively to December 20, 2012, except for the amendment in section 9799.11 (Legislative findings and declaration of policy) which would take effect immediately. [Passed: 48-0.](#)

(2014-014)