

WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – EDWIN B. ERICKSON, CHAIRMAN

Monday, March 17, 2014

[Senate Bill 874](#) (Vance) would amend the Public School Code of 1949 to allow the local sponsor of a community college that meets certain criteria to negotiate the amount it contributes to the community college's annual operating and capital expenses. The negotiated amount could not exceed an amount equal to the community college's annual operating costs, less student tuition and the Commonwealth's payment as determined under the act, and one-half of the annual capital expenses of the community college. The local sponsor's appropriation could be represented in part by real or personal property or services. The plan would have to indicate whether the appropriation would come from general revenues, loan funds, special tax levies or from other sources. The provisions would apply to a community college that is sponsored by one or more school districts, has an enrollment head count in excess of 20,000 and consists of four campuses that are approved by both the Department of Education and the Middle States Association of Colleges and Schools. [Passed: 46-0.](#)

[Senate Bill 1159](#) (White) would designate the bridge on SR 0056 in Seward Borough, Westmoreland County as the Clement J. Rolling Memorial Bridge. [Passed: 46-0.](#)

[Senate Resolution 303](#) (Mensch) designates the month of April 2014 as "Child Abuse Prevention Month" in Pennsylvania. [Adopted by Voice Vote.](#)

Executive Session

Nominations to Various Boards and Commissions. [Confirmed: 46-0.](#)

Tuesday, March 18, 2014

[Senate Bill 681](#) (Greenleaf) would amend Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes to add Chapter 62A, Protection of Victims of Sexual Violence or Intimidation, to provide victims of sexual violence with a civil remedy requiring an offender to stay away from the victim, as well as providing other appropriate relief. The legislation would permit an adult, emancipated minor or a parent or guardian on behalf of another to seek relief by filing a petition with the court alleging the need for protection from the defendant with respect to sexual violence or intimidation. The petition could be filed and service would be made without the prepayment of fees. When an order is granted, costs would be assessed to the defendant. A surcharge of \$100 would also be assessed against the defendant. Of this amount, \$25 would be forwarded to the State Police for the statewide registry of protection orders, \$50 would be retained by the county to carry out the provisions of the chapter, and \$25 would be forwarded to the Department of Public Welfare for domestic violence and rape victim services. The surcharge could only be used to supplement and not to supplant any other source of funds received for carrying out the provisions of the chapter.

The court would hold a hearing within 10 business days of the filing of a petition, unless the plaintiff is in immediate and present danger, in which case the court could issue a temporary order in effect until modified or terminated after the hearing. The court could also issue an order that the plaintiff's address and telephone number not be disclosed and that the address of a rape crisis center not be revealed. The defendant would have the right to be represented by counsel. In addition, a sexual assault counselor could accompany and provide assistance to a party in any legal proceeding under the chapter which relates to sexual violence.

Where the police department, sheriff or the plaintiff has filed charges of indirect criminal contempt against a defendant for violation of a protection order, the court could hold the defendant in indirect criminal contempt and punish the defendant in accordance with law. A sentence for indirect criminal contempt under the act could include: a fine of not less than \$300 nor more than \$1,000 or imprisonment for a period not exceeding six months, or both; or, a fine of not less than \$300 nor more than \$1,000 or supervised probation for a period not exceeding six months, or both. The victim would be notified when the offender is released. A plaintiff could file a petition for civil contempt with the issuing court alleging that the defendant has violated any provision of a protection order or court-approved agreement. A sentence for civil contempt could include imprisonment until the defendant complies with the provisions of the order.

The legislation would also require the police department of each municipal corporation, the Pennsylvania State Police and the sheriff of each county to ensure that their officers, deputies and employees are familiar with the provisions of this chapter; to make instruction concerning orders part of the training curriculum for all law enforcement personnel; and to adopt a written policy regarding orders issued under the chapter. A complete and systematic record and index of all valid temporary and final court orders of protection issued under the chapter would be entered and maintained in the database created by the Pennsylvania State Police pursuant to 23 Pa.C.S. §6105(e) (relating to responsibilities of law enforcement agencies). With respect to orders issued under the chapter, the registry would have to include, at a minimum, the information listed in the legislation. The registry would be available at all times to inform courts, dispatchers and law enforcement officers of any valid order involving any defendant. Information contained in the registry would not be subject to access under the Right to Know Law. [Concurrence in House Amendments: 47-0.](#)

[Senate Bill 895](#) (Alloway) would amend Title 34 (Game) of the Pennsylvania Consolidated Statutes to reduce the length of the term for members of the Game 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. An additional change would reduce the confirmation requirement for nominations to the Commission from two-thirds of the elected members of the Senate to a majority of the elected members of the Senate. The changes would apply to members of the Game Commission appointed on or after the effective date of the legislation. [Concurrence in House Amendments: 47-0.](#)

[Senate Resolution 322](#) (Scarnati) designates March 18, 2014 as “Pitt Day” in Pennsylvania and commends Chancellor Nordenberg for his leadership of the University of Pittsburgh. [Adopted by Voice Vote.](#)

[House Bill 770](#) (Adolph) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to make a number of changes. Among other modifications, the bill would:

- Add a new subsection to allow for the personalization of special organization registration plates. The bill would establish an additional fee of \$100 for the personalization of organization registration plates. The additional fee for “persons with disabilities” personal plates and “veterans” personal plates would be \$50;
- Clarify and expand the types of vehicles eligible for personal and organization registration plates;
- Direct the Department of Transportation (PennDOT), in consultation with the Appalachian Trail Conservancy, to design a special Appalachian Trail organization plate. The plate would have to contain, at a minimum, a hiker, the Appalachian Trail Conservancy logo and distinctive coloring. The Conservancy could charge a fee for the authorization to request the registration plate. The proceeds of this fee would be used exclusively for trail maintenance and improvement. The plate could be issued for passenger cars, trucks with a registered gross weight of not more than 14,000 pounds, or motor homes;
- Clarify that the maximum posted speed limit on a limited access highway would be 65 miles per hour unless posted at 70 miles per hour by PennDOT; and
- Provide that both oversized and overweight vehicles could travel under a permit from sunrise to sunset, seven days per week. [Passed: 47-0.](#)

Executive Session

Nominations to Various Boards and Commissions. [Confirmed: 47-0.](#)

Wednesday, March 19, 2014

[Senate Bill 1000](#) (Scarnati) would amend the Public School Code of 1949 to add a new article providing for the establishment of a rural regional community college in a multicounty rural area that is underserved by comprehensive community college education and work force development. Within 30 days of the effective date of the act, the Secretary of Education would be required to designate an established nonprofit organization representing a rural multicounty underserved area and work with that organization to designate contiguous counties to be served by a rural regional community college. Within 60 days following the designation of the area to be served, the Secretary would appoint a board of trustees for the rural community college. The trustees would have to be representative of the designated area and could include school administrators, community education council officers, business leaders and government officials. Within 30 days of the trustees’ appointments, the Secretary would convene an initial meeting of the board. The board would adopt operating rules and procedures, by-laws, and articles of incorporation and establish an advisory council of presidents, or their designees, from institutions with postsecondary education programs within the region.

Within one year of its initial meeting, the board would submit a proposed rural regional community college plan to the Secretary. In addition to any information required by the Secretary, the plan would have to include certain specified information as outlined in the bill. Within 60 days of the submission of the plan, the Secretary would either approve or reject the plan. Approval of the plan would establish the rural regional community college. The board would be granted powers and duties to administer and supervise the affairs of the community college, including the power to appoint and fix the salary of a president and of a chief financial officer. Any individual could apply for admission to the community college, provided that preference in admissions, tuition, and fees be given to residents of the multicounty designated area. The community college could not be dissolved without the approval of the Secretary and, if dissolved, the Commonwealth would assume all of the community college's assets and liabilities. The Legislative Budget and Finance Committee would be required to review the success of the community college in satisfying the goals set forth in the plan submitted to the Secretary and in satisfying the needs of the community and submit an interim report to the General Assembly by June 30, 2018 and a final report by June 30, 2022. [Passed: 42-4.](#)

[Senate Bill 1037](#) (Vogel) would amend the Air Pollution Control Act to instruct the Environmental Quality Board to promulgate regulations to repeal the provisions of 25 Pa. Code Ch. 126, Subchapter C (relating to gasoline volatility requirements). The repeal of the subchapter would eliminate the statutory requirement for low Reid Vapor Pressure gasoline to be sold solely for the seven counties in the Pittsburgh-Beaver Valley Area. [Passed: 46-0.](#)

[Senate Bill 1197](#) (Greenleaf) would amend Title 18 (Crimes and Offenses) and Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes with regard to the juvenile justice system in Pennsylvania. Title 18 would be amended to provide that an individual's juvenile record dealing with a summary offense committed when under the age of 18 could be expunged unless the individual has committed a felony, a misdemeanor, or been adjudicated delinquent since satisfying all terms and conditions of the sentence. Title 42 would be amended to:

- Add the Philadelphia Municipal Court and the courts of common pleas to the provisions dealing with juvenile summary offenses;
- Require that the disposition of cases where a child has been alleged to be delinquent or has been adjudicated delinquent be provided to the Pennsylvania State Police for inclusion in the central repository as determined by the Administrative Office of the Pennsylvania Courts in consultation with the Juvenile Court Judges Commission. Additionally, the Commission would be provided with information, as it determines necessary, pertaining to the cases of children who have been alleged to be delinquent;
- Change the definition of "juvenile offender" for purposes of sex offender registration to treat out-of-state adjudications of delinquency the same as in-state adjudications and to clarify that the only out-of-state adjudications that are applicable are those committed on or after the effective date of the bill or if an individual has previously been adjudicated and, on the effective date of the legislation, is subject to the jurisdiction of the court based on that adjudication; and

- Clarify that if a juvenile offender is adjudicated delinquent in any county other than his or her county of residence and is required to register as a sex offender and the case is transferred for disposition to the juvenile's county of residence, the court would have to classify the individual as a "juvenile offender" at that time as well. [Passed: 46-0.](#)

[Senate Bill 1205](#) (Folmer) would amend Title 24 (Education) of the Pennsylvania Consolidated Statutes to enable a college to use the designation of "university" if the institution submits a notarized affidavit to the Pennsylvania Department of Education (PDE) stating that:

- The institution fulfills at least two of the three units necessary for an institution to be designated as a university and commits to meet the third unit or any other requirement necessary within five years; or, it only fulfills one of the three units necessary and the institution provides a specialized type of educational program that would be enhanced by having a "university" designation;
- The institution has been in continuous operation in the Commonwealth for the past 10 years;
- It has maintained accreditation during those 10 years by either the Middle States Commission on Higher Education or another regional accrediting body recognized by the U.S. Department of Education; and,
- Its accreditation status is in good standing and the institution is in compliance with all accreditation standards.

The affidavit would also have to include the intended effective date of the designation change and an indication that the board of trustees or similar governing body has approved the designation change. The institution would be required to include any and all documentation necessary to verify the representations included in the affidavit. The three units necessary to meet the definition of "university" would include that the institution provides for:

1. At least one major in both the arts and sciences at the undergraduate level;
2. Advanced degree programs in the arts and sciences with at least one major in both the arts and sciences at the undergraduate level; and
3. Any combination of at least five advanced degrees or professional programs at the graduate level.

The Pennsylvania Department of Education would be required to complete a review of the affidavit within 60 days. Failure to do so would result in the affidavit being deemed accepted. Any institution receiving a rejection of its affidavit could submit a corrected or new affidavit for review by PDE at any time. Institutions with approval for a designation change would be required to submit, within 90 days, a five-year plan to fulfill any additional unit(s) or other requirement needed for compliance with the definition of "university." Failure to complete the plan would result in the loss of the designation.

The legislation would also allow a change in designation from "trade school" to "college" for any private, nonprofit institution that confers, at a minimum, associate degrees in specialized technology and holds accreditation from the Accrediting Commission of Career Schools and Colleges. An additional change would permit an accredited seminary that has operated in the

state for the past 10 years to offer an additional degree that is not specified in its certificate of authority from the department or institute an additional major or program. [Passed: 46-0.](#)

[Senate Bill 1281](#) (Corman) would amend the Public School Code of 1949 to provide public schools with additional options to make up snow days during the 2013-14 school year. The bill would allow school districts, intermediate units, and area vocational technical schools to calculate the school year on an hourly basis (900 hours for elementary schools and 990 hours for secondary schools), rather than a daily basis (180 days), and for them to keep schools open one Saturday per month. Charter schools would also be able to be open one Saturday per month. Students could be excused from school on Saturdays for religious reasons and for leadership activities. The measure would also provide that teachers' salaries and school subsidies for schools that closed due to the weather be held harmless. [Passed: 46-0.](#)

[Senate Resolution 323](#) (Vogel) celebrates the 100th anniversary of the signing of the Smith-Lever Act, which founded the nationwide Cooperative Extension System. [Adopted by Voice Vote.](#)

[Senate Resolution 324](#) (Stack) recognizes 2014 as the "Year of the Veteran" in Pennsylvania. [Adopted by Voice Vote.](#)

[House Bill 316](#) (Harhart) would amend the Administrative Code of 1929 to increase the fee for a certified copy of a birth record from \$10 to \$20 to provide funds for a grant program for children's advocacy centers (CACs) and the operation of multidisciplinary investigative teams (MDITs). The grant program would be administered by the Pennsylvania Commission on Crime and Delinquency (PCCD). The legislation would appropriate 50 percent of the fee collected for birth certificates in FY 2014-2015 to the Department of Public Welfare (DPW) for the training of individuals mandated under the Child Protective Services Law to make reports of suspected child abuse. During every fiscal year thereafter, 50 percent of collections from birth certificate fees would be distributed as follows: 25 percent to DPW for mandated reporter training and child abuse related costs; and, 75 percent to PCCD for grants to CACs and MDITs. No more than 20 percent of the available grant funding for CACs and MDITs could go to one single applicant. For the first three years of grants, the commission would be required to try to provide 30 percent of available funds to applicants working to establish CACs in regions currently not served by one. The measure would also create the Child Advocacy Center Advisory Committee within PCCD for the purpose of making recommendations and providing advice to the commission on related programs and projects. [Passed: 46-0.](#)

Executive Session

Robert F. Powelson – Pennsylvania Public Utility Commission. [Confirmed: 46-0.](#)

(2014-015)