

WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – EDWIN B. ERICKSON, CHAIRMAN

Monday, June 9, 2014

[Senate Bill 803](#) (Baker) would amend the Local Tax Enabling Act to exclude active duty military pay from the definition of “earned income” for purposes of the earned income tax. The change would apply to income taxes levied and collected after December 31, 2014. **Passed: 49-0.**

[Senate Bill 1314](#) (Wozniak) would designate the bridge located on State Route 3023, Johns Street, over Little Conemaugh River in Johnstown, Cambria County as the Clara Barton Memorial Bridge. **Passed: 49-0.**

[Senate Bill 1377](#) (Mensch) would amend Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes to extend the sunset date of Chapter 53, which provides for 911 emergency telephone service, from June 30, 2014 to June 30, 2015. **Passed: 49-0.**

[Senate Resolution 397](#) (Mensch) urges the President of the United States and the Congress to immediately consider and pass H.R. 3930, which establishes the National Commission on the Structure of the Army. **Adopted: 48-1.**

[Senate Resolution 404](#) (Teplitz) designates June 27, 2014 as “Remember Everyone Deployed Friday (Red Friday)” in Pennsylvania. **Adopted by Voice Vote.**

[House Bill 119](#) (Marshall) would establish an emergency medical services memorial flag for the Commonwealth. The flag would be created by the Bureau of Emergency Medical Services in the Department of Health in cooperation with the Pennsylvania Emergency Health Services Council. The Bureau of Emergency Medical Services would maintain the official flag and have the responsibility to implement the provisions of the act and to oversee the production, acquisition and distribution of the flag. The flag could be displayed over emergency medical service memorials, emergency medical service funeral processions and from the poles of any public ground or political subdivision for a period of not more than seven days after the death of a member of any emergency medical service, and as further directed by the Director of Emergency Medical Services in the Department of Health. Authorized utilization of the flag by the Commonwealth or an entity of the Commonwealth would not constitute a presumption of eligibility or be admissible as evidence for a claim under the Emergency and Law Enforcement Personnel Death Benefits Act. **Passed: 49-0.**

[House Bill 198](#) (Neilson) would amend the Public School Code to provide for the Dyslexia Screening and Early Literacy Intervention Pilot Program. The Department of Education would be required to establish the pilot program to provide early screening using evidence-based intervention services for students at potential risk for early reading deficiencies and dyslexia. At least three school districts would have to be chosen by the Department to participate in the program which would operate for three full school years. To be eligible for the program, a school district would be required to have between 3,000 and 15,000 students, provide full-day

kindergarten, and submit a proposal to the Department identifying how the district will meet the guidelines of the program including a core reading program, a method of screening all kindergarten students, intervention programs and a methodology for evaluating the effects of the program on the students' identified risk factors. The Department would be required to apply for non-state funding for the program, consult with the International Dyslexia Association and establish guidelines and procedures for the pilot program. School districts participating in the pilot program would have to notify the parent or guardian of a student suspected of having an early reading deficiency or dyslexia that the student would be eligible to receive reading intervention services. Parents would have to consent to student participation in the project, which would not preclude a parent from requesting a special education evaluation. Each participating school district would provide the Department with data and information about the pilot program on an annual basis. The Department would contract with a nationally recognized educational evaluation institution to evaluate the pilot program. The evaluation would have to be published on the Department's website. **Passed: 49-0.**

House Bill 1873 (Benninghoff) would release Project 70 restrictions on 3.59 acres owned by the Fish and Boat Commission in Benner Township, Centre County. Proceeds from the sale of the property would be deposited in a restricted revenue account within the Fish Fund and used for the acquisition of lands meeting the standards for acquisition described in the Project 70 Land Acquisition and Borrowing Act. **Passed: 49-0.**

Tuesday, June 10, 2014

Senate Bill 621 (Greenleaf) would amend Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes to make a number of changes. Among other provisions, the legislation would:

- Provide direction as to which procedures are to be used in determining title to a decedent's real estate interests;
- Stipulate that by accepting appointment by the Register of Wills, the personal representative submits to the Jurisdiction of the Orphans' Court of the county where letters testamentary or letters of administration are granted relating to the personal representative's duties;
- Expand the provision on continuation of a business to include partnerships, limited liability companies or other entities and provide for the compensation of a personal representative managing, supervising or engaging in the operation of the entity or business;
- Clarify when the court may authorize a business entity to be organized to carry on the business of an estate;
- Clarify and expand the power of a health care agent and provide that the court would determine, in certain circumstances, the extent to which the health care agent's authority would remain in effect;
- Incorporate recommendations relating to powers of attorney made by the Advisory Committee on Decedents' Estates Laws;
- Add Chapter 76 (Powers of Appointment) to the Probate Code and repeal the current provisions relating to powers of appointment;

- Amend the Uniform Trust Act, Chapter 77 of the Probate Code, as it deals with representation of parties in interest relative to a judicial proceeding involving a trust matter; non-judicial resolution of a trust matter; certification of representation; division of trusts with court approval; resignation of a trustee; the duty to inform and report thereby allowing a current beneficiary to nominate a person to received required notices; and limitations of actions against a trustee; and,
- Codify the Charitable Instruments Act of 1971 as Chapter 79 in the Probate Code and repeal Act 23 of 1971, known as the Charitable Instruments Act of 1971.

Passed: 50-0.

Senate Bill 1355 (Yaw) would amend the Radiation Protection Act to increase the annual fee that operators of current nuclear power reactor sites must pay from \$550,000 to \$650,000. The act would apply to annual fees due on and after July 1, 2015. **Passed: 50-0.**

Senate Resolution 405 (Kitchen) expresses condolences upon the passing of Maya Angelou, internationally acclaimed poet, singer, actress, and activist. **Adopted by Voice Vote.**

Senate Resolution 406 (Leach) designates June 7, 2014 as “Alex’s Lemonade Stand Day” in Pennsylvania and encourages all citizens to contribute to the Alex’s Lemonade Stand Foundation and other pediatric cancer research programs. **Adopted by Voice Vote.**

House Bill 128 (Harper) would amend Act 400 of 1959, referred to as the Second Class A City Employe Pension Law, to remove the three-year time limit within which a member of the police and firemen’s pension system in Scranton must commence employment with the city following military service in order to be eligible to purchase credit for non-intervening military service.

Passed: 50-0.

House Bill 1420 (Boback) would create the Newborn Child Pulse Oximetry Screening Act. The legislation would require inpatient or ambulatory health care facilities that provide birthing and newborn care services to provide for newborn child pulse oximetry screening to detect critical congenital heart defects prior to discharge. If a health care practitioner delivers a newborn child outside a birthing facility and the child is discharged prior to 24 hours of age, the practitioner would be required to perform the screening within 48 hours of birth. A screening test would not be performed if a parent or guardian dissents on the grounds that the test conflicts with a religious belief or practice. An alternate medically-accepted test could be used in the future if it is approved by the Department of Health. The Department would be required to promulgate regulations to implement the act. **Passed: 50-0.**

House Bill 1602 (Corbin) would authorize the Department of Conservation and Natural Resources (DCNR) to release Project 70 restrictions from 14.177 acres owned by Downingtown Borough, Chester County, in return for \$285,000 and the imposition of Project 70 restrictions on other land. Any land within the area sold without Project 70 restrictions would have to be sold for an amount equal to or greater than the fair market value of the land, as established by a self-contained appraisal report prepared by a state-certified general appraiser certified under the Real Estate Appraisers Certification Act. The proceeds of the release of the restrictions and any land sold would have to be placed in an interest-bearing account to be used for improvements in

Kardon Park in accordance with a development plan approved by DCNR. Any money remaining in the account after five years, unless extended by DCNR for a period not to exceed two years, would be paid to the Commonwealth for deposit in the Department's general restricted revenue fund for the purpose of funding conservation and recreation grants. The legislation would also repeal Section 6 of Act 162 of 2012, which previously authorized the release of the Project 70 restrictions. **Passed: 50-0.**

House Bill 2009 (Schlegel Culver) would amend Title 17 (Credit Unions) of the Pennsylvania Consolidated Statutes to update certain provisions and to make it consistent with federal law. Among other changes, the legislation would:

- Remove the 15 percent cap on interest rates for credit union loans and permit credit unions to charge the interest rate, along with any finance charges, allowed under the Federal Credit Union Act for federal credit unions and the rules of the National Credit Union Administration. (The current federal interest rate cap is 18 percent.);
- Require a credit union to maintain copies of its bylaws and articles of incorporation, and amendments to both;
- Allow credit unions to:
 - collect from a member the fees charged by collection agencies, along with any credit union personnel costs, incurred to recoup outstanding loans. The fees could not exceed 20 percent of the loan balance or other fees charged by the credit union for share or loan services;
 - send out notices electronically, as long as the member consents; and
 - transfer inactive accounts to a special account after five years as opposed to six years, bringing Title 17 in line with the time period used by the state Treasury.

The bill would also revise the procedure by which a member can be terminated from credit union membership. Under the bill, a majority vote by a quorum of the board of directors would be sufficient to expel a member. The bill would also add a section on the procedure for readmitting terminated members. The bill would provide credit unions with the ability to suspend certain services to members without completely terminating their membership. The section limiting the ability of a credit union to make loans to members would be rewritten, as is the section forbidding directors, officers or members of any committee from obtaining or guaranteeing a loan on more favorable conditions than those available to members. The bill would expand this prohibition to the immediate family members of directors, officers and committee members, as well as any individual having a common interest in a business enterprise with credit union directors, officers or committee members. **Passed: 50-0.**

Executive Session

Nominations to Various Boards and Commissions. **Confirmed: 50-0.**

Wednesday, June 11, 2014

[Senate Bill 1077](#) (Argall) would amend the Scrap Material Theft Prevention Act to:

- Add a definition for “railroad materials”;
- Clarify that, when a commercial account has been established, the confirmation that the person delivering the scrap material is authorized to receive payment would have to consist of a written, signed authorization from the owner or officer of the commercial enterprise;
- Require an acknowledgment of receipt of cash payment signed by the person delivering the scrap material and receiving the cash payment;
- Add railroad materials to the list of material that can only be purchased from a commercial enterprise;
- Require the Pennsylvania State Police (PSP) to establish and maintain a statewide registry of scrap processors and recycling facilities and to post the registry information on its publicly accessible Internet website;
- Require scrap processor facilities and recycling facilities to register with the PSP, provide the stipulated information; and pay a registration fee of \$100;
- Require scrap processors and recyclers to display the notice of and include proof of registration in all advertisements distributed within the Commonwealth;
- Make it a summary offense for failure to register punishable by a fine of \$1,000;
- Earmark the registration fee until July 1, 2016 to be used to establish and maintain an electronic database of registrations, after which time it would be deposited in the General Fund; and,
- Authorize a court to order the impoundment of vehicles used in certain crimes related to scrap metal. **Concurrence in House Amendments, as Amended: 49-0.**

[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 letter from the president of the institution 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 medical 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 letter 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 letter.

The Pennsylvania Department of Education would be required to complete a review of the request within 60 days. Failure to do so would result in the letter being deemed accepted. Any institution receiving a rejection of its request could submit a corrected or new letter 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 private, nonprofit institution that is authorized, at a minimum, to award associate degrees in specialized technology or associate degrees in specialized business and that holds accreditation from an accrediting body recognized by the United States Department of Education to use the designation of “college.” 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. **Concurrence in House Amendments: 49-0.**

Senate Bill 1261 (Smith) would amend the Dog Law to increase the grading of the offense of injuring or killing a dog used for law enforcement or emergency services purposes from a third degree felony to a second degree felony. **Passed: 49-0.**

Senate Bill 1383 (White) is the Highway-Railroad and Highway Bridge Supplemental Act for 2014-2015. The legislation would authorize \$5,612,946,000 for the projects itemized in the act to be financed from current revenues or the incurring of debt. A total of \$4,614,686,000 would be authorized for state projects and \$998,260,000 for non-state projects. **Passed: 49-0.**

Senate Bill 1384 (Gordner) is the Highway Capital Budget Project Itemization Act of 2014-2015. The legislation would authorize \$18,785,094,000 for the public highway projects itemized in the act to be financed from current revenues or the incurring of debt. **Passed: 49-0.**

Senate Resolution 407 (Argall) recognizes June 11, 2014 as “Turkish-American Cultural Day” in Pennsylvania. **Adopted by Voice Vote.**

House Bill 1424 (Clymer) would amend the Public School Code of 1949 to encourage Pennsylvania public schools to offer instruction in the Holocaust, genocide and human rights violations. Beginning in school year 2015-2016, school districts could offer this instruction in the social studies and language arts courses of study, as well as other appropriate courses of study. If offered, the instruction would have to be age appropriate, sequential, communicate the connection between national, ethnic, racial or religious intolerance and human rights violations and communicate the impact of personal responsibility, civic engagement and societal response. The Department of Education would be required to distribute information about appropriate curriculum materials to each school district and develop curriculum guidelines and in-service

training programs. The Department would have to consult organizations and individuals that provide educational expertise and resources related to the Holocaust, genocide and human rights violations when developing the guidelines. School districts offering the instruction would have to provide in-service training programs on the Holocaust, genocide and human rights violations beginning with the 2015-2016 school year. The Department would be required to provide guidelines, in-service training program materials and other materials to any nonpublic school upon request.

The State Board of Education would be required to conduct a study on the Holocaust, genocide and human rights violation instruction offered by schools in the Commonwealth. Each school district would have to inform the board if it offers the instruction and the manner in which it is offered. The Board would have to issue a report no later than November 30, 2017 containing the following information: 1) the number of districts offering instruction in the Holocaust, genocide and human rights violations; 2) the number of districts using the curriculum guidelines established by the Department; 3) the number of districts using the in-service training programs made available by the Department; 4) a description of the manner in which the instruction is offered including the number of hours of instruction, the grade levels at which it is offered and the course in which it is integrated; and 5) recommendations for improvements, including recommended legislation. If the report indicates that less than ninety percent of school districts are offering the instruction, the Board is directed to adopt a regulation to require school districts to offer instruction in the Holocaust, genocide and human rights violations. **Passed: 49-0.**

House Bill 1559 (Farina) would amend the Public School Code of 1949 to require the Department of Education to develop a model youth suicide awareness and prevention policy. The policy would have to include the provisions outlined in the legislation and be prepared in conjunction with a youth suicide prevention organization operating in the Commonwealth. Beginning with the 2015-2016 school year, each school entity would be required to adopt an age-appropriate youth suicide awareness and prevention policy. A school entity would be required to inform its employees and the parent or legal guardian of each student of the policy and to post it on its publicly accessible Internet website. Beginning with the 2015-2016 school year, a school entity would also have to include four hours of training in youth suicide awareness and prevention every five years in its professional development plan for educators in school buildings serving students in grade six through twelve. The Department of Education would also be required to compile, develop and post on its website guidelines and educational materials, including a model youth suicide awareness and prevention curriculum and professional development training materials. The Department would be further required to develop a model child exploitation awareness curriculum and to make it available to schools. Beginning with the 2015-2016 school year, school entities could develop an age-appropriate child exploitation awareness education program and incorporate it into its existing curriculum for students in kindergarten through eighth grade. Training in child exploitation awareness could also be included in the school entity's professional development plan. **Concurrence in House Amendments, as Amended: 49-0.**