

WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – DAVID G. ARGALL, CHAIRMAN

Monday, April 24, 2017

[Senate Bill 260](#) (Ward) would amend the Crime Victims Act to specify the groups, as listed in the legislation, from which the Governor would be required to appoint individual representatives to the Victims' Services Advisory Committee. An additional change would require that two residents of the Commonwealth be appointed to the Committee by the chairman of the Pennsylvania Commission on Crime and Delinquency. [Passed: 49-0.](#)

[Senate Resolution 84](#) (Rafferty) recognizes the week of May 14 through 20, 2017 as "National Police Week" and designates May 8, 2017 as "Police Officers' Memorial Day" in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 85](#) (Leach) commemorates the 69th anniversary of the birth of the State of Israel. [Adopted by Voice Vote.](#)

[Senate Resolution 86](#) (Leach) designates April 24, 2017 as "Pennsylvania's Day of Remembrance of the Armenian Genocide of 1915-1923." [Adopted by Voice Vote.](#)

[Senate Resolution 87](#) (Vulakovich) designates May 1, 2017 as "Loyalty Day" in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 88](#) (Sabatina) designates the week of April 24 through 28, 2017 as "Every Kid Healthy Week" in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 89](#) (Scavello) designates April 24, 2017 as "Motorsports Day" in Pennsylvania. [Adopted by Voice Vote.](#)

Tuesday, April 25, 2017

[Senate Bill 5](#) (Langerholc) would amend Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes to clarify that the provisions of Section 2962(g) (relating to limitation on municipal powers) and 18 Pa.C.S. §6120(a) (relating to limitation on the regulation of firearms and ammunition) would preempt and supersede any local ordinance or rule insofar as the ordinance or rule is inconsistent with these two sections. A person adversely affected by any manner of regulation promulgated or enforced in violation of Title 18 Pa. C. S. §6120 (relating to limitation on the regulation of firearms and ammunition) or Title 53 Pa. C. S. §2962(g) (relating to limitation on municipal powers) could seek injunctive and declarative relief, as well as damages. A court would be required to award reasonable expenses to a person adversely affected as outlined in the legislation.

The term "reasonable expenses" would be defined as attorney fees, expert witness fees, court costs and compensation for loss of income. The term "person adversely affected" would be

defined to include any resident of the Commonwealth who could legally possess a firearm under federal and state law, in addition to any person who otherwise has standing pursuant to the laws of the Commonwealth to bring an action. The term would also include any membership organization in which such a person is a member. The Attorney General would be required to notify all municipalities in writing of these provisions within 30 days of their enactment.

Passed: 34-16.

Senate Bill 95 (Farnese) would amend Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes to provide immunity from any civil action for claims based on constitutionally protected communication as outlined in the bill. An individual whose speech is at issue under the legislation could file a motion to dismiss the complaint, if the legal action instituted is based on constitutionally protected communication. A hearing on the motion to dismiss would have to be held within 30 days after the motion is filed and discovery would be stayed pending the resolution of the motion to dismiss. If the party prevails on a motion to dismiss, the individual would be eligible to recover attorney fees and costs from any party who filed the action. The damages awarded would be a minimum of \$10,000. The court would be required to award costs and attorney fees to the nonmoving party prevailing on the motion if it determines that the motion to dismiss was frivolous or intended solely to cause unnecessary delay. **Passed: 42-8.**

Senate Bill 554 (Greenleaf) would amend Title 18 (Crimes and Offenses) and Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes to address sexually exploited children. The bill would require the Department of Human Services to develop a statewide protocol to coordinate the provision of specialized services to sexually exploited children. The Department would also be required to develop and provide specialized programs and services for sexually exploited children in conjunction with the county children and youth agencies addressing the needs outlined in the legislation. The Municipal Police Officers' Education and Training Commission and the Pennsylvania State Police would be required to provide training to the appropriate law enforcement officers on methods to identify and assist sexually exploited children. The measure would establish the Safe Harbor for Sexually Exploited Children Fund in the State Treasury. Fines imposed on offenders for trafficking offenses under the legislation would be placed in the Fund and used for victims' services and to increase public awareness about trafficking. Certain victims who have been tattooed with an identifying mark of human trafficking as a direct result of being trafficked could be eligible for special relief from the Fund to remove or cover the tattoo. Provisions would also be added to current statute to provide immunity to sexually exploited children suspected of certain crimes and to provide for dependency proceedings in lieu of delinquency proceedings for certain offenses. **Passed: 50-0.**

Senate Resolution 90 (McIlhinney) recognizes the month of April 2017 as "World HIE Awareness Month" in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 91 (Vulakovich) designates May 1, 2017 as "Silver Star Families of America Day" in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 92 (Fontana) designates the month of May 2017 as "Brain Tumor Awareness Month" in Pennsylvania. **Adopted by Voice Vote.**

Executive Session

Nominations to Various Boards and Commissions. [Confirmed: 50-0.](#)

Wednesday, April 26, 2017

[Senate Bill 8](#) (Folmer) would amend Title 4 (Amusements), Title 18 (Crimes and Offenses), Title 30 (Fish), Title 42 (Judiciary and Judicial Procedure) and Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to further provide for the seizure and forfeiture of property related to criminal activity. The legislation would create a new Chapter 58 (Forfeiture of Assets) in Title 42 to govern the forfeiture of property and repeal provisions in other statutes addressing this activity. The newly-enacted provisions would:

- Outline the property and assets subject to forfeiture for offenses related to controlled substances;
- Establish criteria that would have to be met in order for a law enforcement authority to seize assets under the statute;
- Provide for annual reports from counties to the Attorney General and an annual report to the Appropriations Committee and the Judiciary Committee of the Senate of Pennsylvania and the Appropriations Committee and the Judiciary Committee of the House of Representatives;
- Establish forfeiture procedures, including information that would have to be contained in the forfeiture petition filed with the court of common pleas and the requirements of the claimant filing an answer to the petition;
- Allow for a person aggrieved by a search and seizure of property to move for the return of the property seized by filing a motion in the court of common pleas in the judicial district where the property is located; and
- Provide for exceptions to forfeitures allowed under the new Chapter 58 in Title 42.
[Passed: 39-10.](#)

[Senate Bill 25](#) (Bartolotta) would amend the Professional Nursing Law to further provide for the scope of practice for certified nurse practitioners, for licensure by the State Board of Nursing and for title protection. A “certified nurse practitioner” (CNP) or “advanced practice registered nurse-certified nurse practitioner” would be defined as a registered nurse licensed in the Commonwealth to practice independently in a particular clinical specialty area or population focus in which the registered nurse is certified.

The bill would provide that a registered nurse who holds current board certification, on the effective date of the act, as a certified registered nurse practitioner in a particular clinical specialty would automatically be deemed to be licensed by the board as a certified nurse

practitioner. In order to qualify for an initial license as a certified nurse practitioner, a person would have to: 1) hold a current license in the Commonwealth as a registered nurse; 2) be a graduate of an accredited, board-approved master's or post-master's nurse practitioner program; and 3) hold current certification as a certified nurse practitioner from a board-recognized national certification program in the particular clinical specialty area or population focus in which the nurse is seeking licensure by the board.

As a condition for biennial renewal for a CNP license, the nurse would have to do all of the following: 1) maintain a current license in this Commonwealth as a registered nurse; 2) maintain current certification; and 3) complete at least 30 hours of board-approved continuing education. The board would be required to establish a procedure by which a CNP license could be amended prior to the renewal date in order to authorize a nurse to practice in a different clinical specialty or population focus.

The bill would clarify that the use of the terms "certified registered nurse practitioner," "registered nurse practitioner," "certified nurse practitioner" and "nurse practitioner" in any other act would be deemed to include a person licensed as a certified nurse practitioner under this act.

A registered nurse who is licensed by the board as a CNP in a particular clinical specialty area or population focus would be entitled to use the title "advanced practice registered nurse-certified nurse practitioner" and the letters "A.P.R.N.-C.N.P."

A CNP could form a professional corporation with other registered nurses and/or other health care practitioners who treat human ailments and conditions and are licensed to provide health care services in this Commonwealth without receiving a referral or supervision from another health care practitioner.

The bill would eliminate the requirement under section 2903 (d)(1)(ii) of Title 15 of the Pennsylvania Consolidated Statutes that the State Board of Medicine and the State Board of Osteopathic Medicine expressly authorize the combined practice of CNPs with doctors of medicine or osteopathic medicine. A certified nurse practitioner who has engaged in the practice of professional nursing as a certified nurse practitioner or a certified registered nurse practitioner in collaboration with a physician for a period of not less than three years and not less than 3,600 hours in accordance with a collaborative or written agreement with a physician would not be subject to the requirement that the CNP act in collaboration with a physician or in accordance with a collaborative or written agreement with a physician.

A Certified Nurse Practitioner would be entitled to practice as a licensed independent practitioner within the scope of practice of the particular clinical specialty area or population focus in which the nurse is licensed by the board and would be entitled to be recognized as a primary care provider under managed care and other health care plans. A CNP who qualifies for the exception from the collaborative requirement and is practicing within a clinical specialty area or population focus in which the nurse is certified would be authorized to prescribe medical therapeutic or corrective measures.

The legislation would authorize the State Board of Nursing, the Department of Health, the Department of Human Services and other affected agencies to promulgate any regulations necessary to carry out the act. **Passed: 39-10.**

Senate Bill 399 (Gordner) would amend the Second Class Township Code to clarify that a supervisor may not hold another elected position within the township while serving as a supervisor. A supervisor could be appointed to another position within the township while serving as a supervisor as long as such a dual role is not prohibited elsewhere in statute. **Passed: 49-0.**

Senate Resolution 6 (Vulakovich) establishes a special bipartisan, bicameral legislative commission to recommend improvements to the delivery of emergency services in the Commonwealth and develop and promote legislation in furtherance of its recommendations. **Concurrence in House Amendments: 49-0.**

Senate Resolution 93 (Vulakovich) designates April 26, 2017 as “National Guard Day” in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 94 (Killion) recognizes the month of May 2017 as “Blue Star Mothers of America Month” in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 95 (Gordner) recognizes May 4, 2017 as “National Day of Prayer” and encourages the celebration of religious freedom. **Adopted by Voice Vote.**

Senate Resolution 96 (Brooks) designates the month of April 2017 as “Child Abuse Prevention Month” in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 97 (Vulakovich) designates April 22, 2017 as “Woodlands Day” in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 98 (Boscola) designates the month of April 2017 as “Pennsylvania Community College Month.” **Adopted by Voice Vote.**

Senate Resolution 99 (Boscola) designates the month of April 2017 as “Parkinson’s Disease Awareness Month” in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 100 (Yaw) designates the week of May 7 through 13, 2017 as “Drinking Water Week” in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 101 (Ward) recognizes the month of May 2017 as “Building Safety Month” in Pennsylvania and encourages residents to participate in Building Safety Month activities. **Adopted by Voice Vote.**