

WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – DAVID G. ARGALL, CHAIRMAN

Monday, June 19, 2017

[Senate Bill 144](#) (Yaw) would amend the Sewage Facilities Act to allow for the use of alternative on-lot septic systems for planning purposes. The bill would allow an applicant, when proposing an official plan supplement or revision for a new land development, to submit and require the Department of Environmental Protection to accept, for the purpose of satisfying general site suitability requirements, any conventional or alternate on-lot septic system permissible by a sewage enforcement officer. **Passed: 50-0.**

[Senate Bill 553](#) (Rafferty) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes regarding the suspension or revocation of a driver's license, refusal to take a blood test to measure impairment and ignition interlock. The bill would amend Section 1540 concerning surrender of license to provide that licenses surrendered to the Department could be destroyed. The requirement that a court or district attorney mandate the surrender of a driver's license, held by the defendant, after a conviction for an offense calling for mandatory suspension, would be eliminated. Section 1541 would be amended to eliminate the requirement for a license to be surrendered before an individual could begin receiving credit for a suspension, revocation or disqualification. Section 1543, relating to driving while operating privilege is suspended or revoked, would be amended to prohibit a person charged with an offense under the section from claiming that they did not know of the suspension, cancellation or revocation.

Section 1547, relating to chemical testing to determine the amount of alcohol or controlled substance, would be amended by removing provisions which would have deemed that a driver involved in an accident in which someone required medical treatment or was killed, had given consent to chemical tests for the purpose of determining blood alcohol content without probable cause. In addition, the bill would require police officers to inform a person who refuses to submit to chemical testing that they will be subject to a driver's license restoration fee of up to \$2,000, in addition to a suspension of their operating privilege. A driver's license restoration fee structure would be established to require a fee of \$500 for a first refusal and a fee of \$2,000 for a second or subsequent refusal. The section also clarifies that there is no limitation on the ability of law enforcement to obtain chemical testing pursuant to a valid search warrant, court order or any other basis permissible by the United States Constitution and the Constitution of Pennsylvania.

Section 3804 would be amended to clarify that if a person violates section 3802 (a)(1) regarding driving under the influence, by drinking a sufficient amount of alcohol to render them incapable of safely driving and refuses to submit to chemical breath testing or the testing of blood pursuant to a valid search warrant, then the person will be subject to penalties including imprisonment and fines. Section 3805, relating to ignition interlock, would be amended to exclude a person who is subject to mandatory suspension of operating privilege under Section 3807 (d) who enters an Accelerated Rehabilitative Disposition program, from an ignition

interlock requirement. Section 6503.1 concerning habitual offenders would be amended to stipulate that a person charged under the section could not claim a defense that the person did not know of the suspension, revocation or cancellation. [Passed: 50-0.](#)

[Senate Bill 592](#) (Stefano) would amend the Public School Code of 1949 to require a school board that extends an offer of employment to a person for the position of district superintendent, assistant district superintendent, associate superintendent or principal in the district to post the offer on the district's website. The posting would have to include details of the offer and the proposed contract, including salary and the term of the contract. The posting would have to occur after the offer is made and at least two weeks before the board officially approves the contract. The legislation would also impose similar requirements on offers made to individuals for the position of executive director and assistant executive director of an intermediate unit. [Passed: 36-14.](#)

[Senate Resolution 147](#) (Street) observes June 19, 2017 as "Juneteenth National Freedom Day" in Pennsylvania. [Adopted by Voice Vote.](#)

Executive Session

Nominations to Various Boards and Commissions, C. Daniel Hassell as the Secretary of Revenue and Numerous National Guard Major General and Brigadier General positions. [Confirmed: 50-0.](#)

Tuesday, June 20, 2017

[Senate Bill 180](#) (Greenleaf) would amend Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes to update and revise the law relating to organ and tissue donations. Among other provisions, the legislation would:

- Expand the list of individuals who may donate the anatomy of the decedent;
- Provide for the indication of an anatomical gift on a driver's license or identification card and ensure that the donor's gift may not be revoked by other persons;
- Clarify when a revocation of a gift takes effect;
- Clearly state that persons making anatomical gifts or a donor's estate are not liable for any injury or damage resulting from the use of the anatomical gift;
- Outline the procedure for hospitals to notify organ procurement organizations regarding a person who has died or whose death is imminent;
- Outline the procedure for organ procurement organizations to secure anatomical gifts from a person;

- Provide that proposed anatomical gift recipients may accept or reject a gift in whole or in part;
- Ensure that neither the physician who attends the decedent at death nor the physician who determines the time of death may participate in the procedures relating to organ or tissue donation;
- Permit an organ donation organization to obtain certified copies of death records of a donor from the Department of Health Division of Vital Records, upon request and payment of associated fees;
- Establish the Donate Life PA Registry, a database maintained by the Department of Transportation for recording donor designations;
- Require the Department of Transportation to record and store all organ donor designations in the Donate Life PA Registry, which would not be public records subject to disclosure under the Right-to-Know Law;
- Direct the Department of Transportation, for purposes of the ongoing development and implementation of the Donate Life PA Registry, to collaborate with organ procurement organizations to apply for federal or private grants recommended by the organ procurement organizations;
- Increase the contribution an applicant for a driver's license or renewal vehicle registration may make to the Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund from \$1 to \$3;
- Direct the Department of Transportation to provide links on its website through which individuals may make voluntary contributions to the fund;
- Revise the membership of the Organ and Tissue Donation Advisory Committee;
- Establish the Department of Health as the lead Commonwealth agency responsible for promoting organ and tissue donation and coordinating activities among Commonwealth agencies and stakeholders;
- Establish a full-time position of Organ and Tissue Donation Awareness Program Coordinator within the Department of Health;
- Prohibit procurement organizations from divulging any individually identifiable information except for the purposes of facilitating organ, eye or tissue donation and transplantation unless expressly authorized to release information by the recipient, the donor or the next of kin of the donor;
- Enumerate prohibited activities by procurement organizations and funeral establishments;

- Establish procedures for the facilitation of an anatomical gift from a decedent whose death is under investigation including allowing the coroner or medical examiner to have the final authority to allow or disallow an anatomical gift;
- Require the Department of Education to ensure that information about organ donation is included in the standards for students in grades 9 through 12 beginning with the 2019-20 school year;
- Require public institutions of higher education, in collaboration with organ procurement organizations, to provide organ and tissue donation information to students;
- Direct the State Board of Medicine, the State Board of Osteopathic Medicine and the State Board of Nursing to promulgate regulations providing for physician and nurse training regarding organ and tissue donation and recovery;
- Require the Legislative Budget and Finance Committee to conduct a study and evaluation of the funding of certified organ procurement organizations operating in the Commonwealth, to be completed within one year of the effective date of the act ; and
- Repeal existing law relating to corneal transplants. **Passed: 43-6.**

Senate Bill 741 (Greenleaf) would amend Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes to:

- Extend the expiration date, from June 30, 2017 until June 30, 2022, for the senior judge operational support grants;
- Add two dollars (from \$10 to \$12) to the surcharges imposed on all court filings in the Commonwealth and make a corresponding increase in the amount that is deposited into the Access to Justice Account;
- Extend the sunset provisions, from December 31, 2017 to December 31, 2022, for the Judicial Computer System Augmentation Account; and
- Eliminate the sunset provision for the Access to Justice funding. **Passed: 49-0.**

Senate Resolution 146 (Browne) adopts a temporary rule of the Senate relating to amendments to the General Appropriation Bill and other appropriation bills for the fiscal year beginning July 1, 2017, including any amendments offered to or for supplemental appropriations for prior fiscal years. The temporary rule requires any amendment offered on the floor of the Senate to the 2017-2018 Budget that proposes spending from the General Fund or any special fund at a level different from the amount contained in the 2017-18 Budget as reported from the Appropriations Committee to contain sufficient revisions or reductions so that the amendment does not result in a net increase in total spending and yields a balanced budget based on current and projected revenues. The rule could be temporarily suspended only by a vote of the majority of the

members elected to the Senate. The rule expires upon enactment of a General Appropriation Act for the fiscal year beginning July 1, 2017. **Adopted: 49-0.**

Senate Resolution 149 (Fontana) congratulates the Pittsburgh Penguins hockey team as the 2016-2017 National Hockey League Stanley Cup Champions. **Adopted by Voice Vote.**

House Bill 168 (Saccone) would amend Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes to make it a third degree misdemeanor if, with the intent to obtain money, property or other benefit, a person fraudulently holds himself out to be a member or veteran of any branch of the armed forces of the United States or of any state, or the recipient of any decoration or medal authorized by Congress for the armed forces. **Passed: 49-0.**

House Bill 217 (Kauffman) would amend Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes to further provide for the offense of endangering the welfare of a child. Under the changes, an offense would be considered a third degree felony if the offender created a substantial risk of death or serious bodily injury. If the offender's conduct created a substantial risk of death or serious bodily injury and was part of a course of conduct, the offense would be upgraded to a second degree felony. The grading of an offense under the section would also be increased one grade if, at the time of the commission of the offense, the child was under six years of age. A court would be required to consider ordering an individual convicted of an offense under these provisions to undergo counseling. **Passed: 49-0.**

House Bill 1238 (Stephens) would amend Title 3 (Agriculture), Title 18 (Crimes and Offenses), Title 22 (Detectives and Private Police), Title 34 (Game) and Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes to make a number of changes related to animal cruelty. The legislation would repeal and restructure the animal cruelty provisions of Title 18 into a new Subchapter B (Cruelty to Animals) of Chapter 55 and update related provisions in the other Codes. Among other provisions, the measure would:

- Provide for the offense of “neglect” which would be defined as failing to provide an animal to which the person has a duty of care, whether belonging to himself or otherwise, necessary food and potable water, clean and sanitary shelter, or necessary veterinary care. The offense of neglect would be graded as a summary offense, or a misdemeanor of the third degree if the violation causes bodily injury to the animal or places the animal at imminent risk of serious bodily injury;
- Define “cruelty” as intentionally, knowingly, or recklessly ill-treating, overloading, beating, abandoning, or abusing an animal. The offense of cruelty would be graded as a summary offense, or a misdemeanor of the second degree if the violation causes bodily injury to the animal or places the animal at imminent risk of serious bodily injury;
- Provide for “aggravated cruelty” which would be defined as intentionally or knowingly torturing an animal or violating §5532 (relating to neglect of animal) or §5533 (relating to cruelty to animal) causing serious bodily injury to the animal or the death of the animal. The offense of aggravated cruelty would be graded as a felony of the third degree;

- Establish rebuttable presumptions and exemptions regarding the tethering of an unattended dog outdoors and whether the tethering is neglect;
- Provide licensed veterinarians, technicians and assistants with protection from liability for reporting suspected neglect or cruelty, as long as it is done in good faith and within the normal scope of business. Civil immunity for damages would also be provided for claims that arise from the conduct of humane society police officers in the normal course of business; and
- Require applicants for appointment as a humane society police officer to submit proof of qualification to the district attorney in addition to the court of common pleas, as currently required. The court would be given the discretion to make or decline the appointment after reviewing the district attorney's recommendation. **Passed: 49-0.**

Wednesday, June 21, 2017

Senate Bill 178 (Scavello) would amend Title 37 (Historical and Museums) of the Pennsylvania Consolidated Statutes to modernize the History Code regarding property on loan, state archives, and Commonwealth records. The changes to the Code would:

- Remove the requirement for the Historical and Museum Commission (HMC) to issue an annual report on the operation of the Conservation Center;
- Provide for the sale or disposition of abandoned property on loan to the commission;
- Give the HMC the power and duty to administer the State Archives which will be the official repository for the permanent and historically valuable public records of the Commonwealth;
- Provide the commission with the authority to demand the return of Commonwealth archival records, petitioning the court if necessary, if the removal of the record from Commonwealth possession was not authorized;
- Provide access to public records 75 years or older unless prohibited by law; and
- Remove historic properties no longer under HMC jurisdiction. **Passed: 50-0.**

Senate Bill 242 (Baker) would amend the Underground Utility Line Protection Law (Act 287 of 1974) to extend the sunset date of the act and update its provisions. Among other modifications, the measure would:

- Extend the sunset date from December 31, 2017 to December 31, 2022;
- Give oversight of the One Call System to the Public Utility Commission (PUC);

- Establish the lawful start date for a project as three through ten business days following notification to the One Call System;
- Add the following facility owner duties: 1) communicate directly with the excavator within two hours after re-notification with information about its facility location when the facility owner has failed to respond to a locate request or a re-notification from the One Call System, and go to the proposed work site to mark, stake or locate its underground lines or verify that the lines are not within the area of the proposed worksite; 2) submit a report of alleged violation to the PUC through the One Call System within 30 business days of the receipt of notice that the facility owner's lines have been damaged where the cost to repair the lines is over \$2,500 or there has been repeat damage by the same person; and 3) ensure participation in the One Call System's Member Mapping Solutions as determined by the One Call System's board of directors;
- Amend the following One Call System duties: 1) eliminate the requirement that the county recorder of deeds maintain municipal lists and make them available for public inspection; 2) require the One Call System to provide reports of alleged violations and related information per memoranda of understanding between the PUC and the One Call System which may also be made available to PEMA; 3) require notification to a facility owner as soon as possible when an excavator has identified an unmarked or incorrectly marked facility and provide information about the facility owner's responsibilities; 4) remove the Secretary of Labor and Industry as a member of the One Call System's board of directors; and 5) change the fee structure for excavator, designer or operator use of One Call services from a fee per service to an annual fee. Failure to pay the fee would result in a nonpayment enforcement action by the PUC;
- Add the following designer duties: 1) report an alleged violation to the PUC not more than 30 days after becoming aware of the violation; and 2) pay a request fee to the One Call System when requesting line and facility information;
- Modify the following excavator duties: 1) report, within 10 days, any incident where a facility owner's line is struck or damaged during excavation or demolition or belief that a violation of the act has been committed; 2) re-notify the One Call System of an unmarked or incorrectly marked facility; and 3) make a locate request to the One Call System prior to excavation or demolition and to pay the applicable fee;
- Repeal Section 7.2 of the act, regarding violations and penalties;
- Establish a damage prevention committee consisting of certain members outlined in the bill. The committee would review reports of alleged violations and the damage prevention investigator's findings and recommendations, issue warning letters, issue informal determinations that impose an administrative penalty, require a person to attend a damage prevention educational program and issue informal determinations;
- Require the One Call System to cause a financial audit to be performed annually by a qualified auditing firm with the Commonwealth;

- Authorize the PUC to issue subpoenas and compel the production of necessary materials; and
- Allow the enforcement costs to be included in the PUC's budget, subject to review and approval of the Governor and the General Assembly. **Passed: 50-0.**

Senate Bill 446 (McGarrigle) would amend the Administrative Code of 1929 to require the Department of Drug and Alcohol Programs to license or certify drug and alcohol recovery houses directly or through a contracted entity, as defined by Department guidelines, which would have to adhere to National Alliance for Recovery Residences, with modifications deemed necessary by the Department. All referrals from state agencies or state-funded facilities would have to be to licensed or certified recovery houses and only licensed or certified facilities would be eligible to receive federal or state funding to deliver recovery housing services.

The Department would be authorized to promulgate regulations as outlined in the legislation for the licensure or certification of drug and alcohol recovery houses that receive funds or referrals from a governmental agency. The Department would be required to establish a fee to be paid by each recovery house adequate to carry out the provisions of the legislation. Licensure or certification under the act would last for two years. The Department would also be required to establish a registry of all licensed or certified recovery houses in the Commonwealth. A person owning a recovery house receiving public funds that fails to attain and maintain licensure or certification would be required to pay a \$1,000 fine for each violation.

Passed: 50-0.

Senate Bill 639 (Fontana) would amend the Pennsylvania Infrastructure Investment Authority Act to allow a governmental unit to use financial assistance received under the act for the improvement, extension, repair or rehabilitation of private lateral water and sewer lines connected to public systems where the governmental unit determines that the activity will benefit the public sewer or water system. A governmental unit that has completed these activities would not be deemed to be the owner of the private lateral lines or to have any further responsibility to conduct these activities, unless the governmental unit makes an affirmative determination to accept the obligations. **Passed: 50-0.**

Senate Bill 656 (Fontana) would amend Title 52 (Municipalities Generally) of the Pennsylvania Consolidated Statutes to allow municipalities and municipal authorities to perform the replacement or remediation of private water and sewer laterals for the customers of the system if it is determined that these activities will benefit the public health, public water supply system or the public sewer system. No authority that has performed a replacement or remediation under these provisions would be deemed to be the owner of the private laterals or obligated to perform any other duties unless the authority makes an affirmative determination to accept any duties. The measure would authorize the use of public funds and authority employees for the work.

Passed: 50-0.

[Senate Resolution 150](#) (Aument) recognizes June 27, 2017 as “Post-Traumatic Stress Injury Awareness Day” and the month of June 2017 as “Post-Traumatic Stress Injury Awareness Month” in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 151](#) (Aument) designates July 13, 2017 as “Summer Learning Day” in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 152](#) (Killion) designates July 31, 2017 as “Heatstroke Prevention Day” in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 153](#) (Dinniman) designates the week of August 6 through 12, 2017 as “YMCA Advocacy Week” in Pennsylvania. **Adopted by Voice Vote.**

(2017-096)