

WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – DAVID G. ARGALL, CHAIRMAN

Sunday, June 4, 2017

There were no final passage votes taken in the Senate on Sunday.

Monday, June 5, 2017

[Senate Bill 1](#) (Corman) amend Title 24 (Education), Title 51 (Military Affairs), and Title 71 (State Government) of the Pennsylvania Consolidated Statutes to modify the retirement benefits of new and certain current members of the Public School Employees Retirement System (PSERS) and the State Employees Retirement System (SERS). The measure would:

New Side-by-Side Hybrid Pension Plans

- Establish new side-by-side hybrid defined benefit/defined contribution plans for new PSERS employees effective July 1, 2019 and for new SERS employees effective January 1, 2019. New members would have the ability to elect one of three retirement benefit options, either one of two side-by-side hybrid defined benefit/defined contribution plans or a stand-alone defined contribution plan. Current SERS and PSERS members, including elected officials, could opt into one of the new plans within 90 days from the effective date of the respective plan;
- Exempt future state police, corrections officers and other state law enforcement and public safety officers from participating in the new side-by-side hybrid plans. These individuals would continue to be members of the SERS defined benefit plan. The final average salary calculation for “hazardous duty” employees hired after January 1, 2019 would be changed to limit voluntary overtime to 10 percent of base salary;

Post Act 120 Member Benefit Changes

- Establish “shared-gain” provisions like the existing “shared-risk” provisions for post Act 120 members. Under these provisions, for every percentage point in earnings realized in excess of the assumed rate of return, the employee contribution requirement would be reduced by 0.5 percent up to two percent below the initial contribution rate;
- Provide for an actuarially neutral Option 4 lump sum withdrawal of contributions;

Additional Provisions

- Establish the Public Pension and Asset Investment Review Commission to study and make recommendations on various issues, including investment fees, to the General Assembly and the Governor;

- Maintain provisions allowing employees of the state-owned universities, Pennsylvania State University and the Department of Education to choose an alternative retirement plan (TIAA-CREF);
- Add the Secretary of Banking and Securities to both the PSERS and the SERS boards;
- Provide for a “plow-back” of savings to accelerate funding of SERS. Under this provision, in any year when there is projected to be a savings as a result of the legislation, the amount of savings would be assessed as a percentage of defined benefit and defined contribution compensation;
- Require PSERS and SERS board members to obtain eight hours of relevant training annually; and
- Provide for the PSERS and the SERS legal counsel to serve independently from the Governor’s Chief Counsel, the General Assembly and the Attorney General.

Passed: 40-9.

[Senate Bill 353](#) (Rafferty) would authorize the Department of General Services, with the approval of the Governor and the Department of Military and Veterans Affairs, to convey 3.83 acres in East Vincent Township, Chester County to the Pennhurst Memorial Preservation Alliance for \$1. Costs and fees incidental to the conveyance would be borne by the grantee. If the conveyance is not fully executed within two years of the effective of the legislation, the authorization for the conveyance would expire. **Passed: 49-0.**

[Senate Bill 497](#) (Vogel) would amend the Solid Waste Management Act to remove current generation blast furnace iron and steel slag, as defined in the legislation, from the definition of residual waste if it is used on site as a waste processing liming agent in acid neutralization or in place of aggregate. The slag could also be sold and distributed for consumption, use or further processing into another desired commodity as long as it is managed as an item of commercial value in accordance with industry practices to ensure commercial value. Nothing in the act could be construed to affect the duty of the Department of Environmental Protection over a natural resource or residual waste in the Commonwealth. **Passed: 49-0.**

[Senate Resolution 135](#) (Leach) designates June 3, 2017 as “Alex’s Lemonade Stand Day” in Pennsylvania and encourages all residents to contribute to the Alex’s Lemonade Stand Foundation other pediatric cancer research programs. **Adopted by Voice Vote.**

Annex Disposition Report No. 1 of 2017 (Resolution A). **Adopted: 49-0.**

Executive Session

Nominations to Various Boards and Commissions, and Paul Richard Books as Sheriff of Blair County. **Confirmed: 49-0.**

Tuesday, June 6, 2017

[Senate Bill 434](#) (Argall) would amend Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes to establish a new timeline and procedure for claiming title to real property by adverse possession. Under the change, title to real property could be acquired after no less than 10 years (rather than the current 21 years) of “actual, continuous, exclusive, visible, notorious, distinct, and hostile possession of the real property.” A person asserting possession could include a contiguous lot that has been used regularly as part of the real property for at least 10 years, as long as the contiguous lot does not exceed a total area of one-half acre when combined with the real property. The legislation would establish the actions that would have to be taken to quiet title to the property, including notice to the record owners and their heirs. If no ejection action is filed by the record owners within one year, the court could enter judgment and grant to the possessor title to the real property by adverse possession. The new provisions would not apply to real property that is part of a common interest ownership community or owned by a governmental entity. **Passed: 49-0.**

[Senate Bill 589](#) (Langerholc) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to make a number of changes. Among other modifications, the measure would:

- Update Section 4906 (relating to fire apparatus and emergency vehicles) to clarify that the weight requirements under Chapter 49 (relating to size, weight and load) would not apply to emergency vehicles as defined by 23 U.S.C. §127 (r)(2) (relating to vehicle weight limitations-Interstate System). In lieu of the weight requirements of Chapter 49, the requirements of 23 U.S.C. § 127 (r)(2) would apply to emergency vehicles;
- Permit an automobile transporter, which does not exceed 45 feet, to transport cargo or general freight on a backhaul if the automobile transporter complies with the weight limitations for a truck tractor and semitrailer;
- Amend the size of a stinger-steered auto or boat transporter combination by increasing the length from 75 feet to 80 feet, exclusive of the overhang;
- Permit a stinger-steered automobile transporter to transport cargo or general freight on a backhaul if the stinger-steered automobile transporter complies with the weight limitations for a motor vehicle;
- Stipulate that the overall length of a towaway trailer transporter combination as defined in the section could not exceed 82 feet; and
- Enable a vehicle that is operated by an engine fueled primarily by natural gas to exceed the maximum gross vehicle limit of 80,000 pounds by an amount, not to exceed 2,000 pounds, that is equal to the difference between the weight of the vehicle attributable to the natural gas tank and fueling system carried by the vehicle and the weight of a comparable diesel tank and fueling system. **Passed: 49-0.**

[Senate Bill 624](#) (Scarnati) would amend the Bituminous Mine Subsidence and Land Conservation Act to provide that planned subsidence in a predictable and controlled manner, which is not predicted to result in the permanent disruption of existing or designated uses of water of the Commonwealth, could not be considered presumptive evidence that a bituminous coal mine subject to the act has the potential to cause pollution as defined under the Clean Streams Law. This provision would only apply if a bituminous coal mine subject to the act submits a plan to the Department of Environmental Protection that provides for the mitigation of predicted subsidence-induced impacts and the plan is approved by the Department. The new provisions would apply retroactively to all permits issued under the act that were subject to an appeal heard by the Environmental Hearing Board after June 30, 2016. [Passed: 32-17.](#)

[Senate Resolution 33](#) (Yudichak) establishes a Senate task force on lead exposure and the hazards of lead poisoning. The resolution also directs the Joint State Government Commission to establish an advisory committee to the task force with the individuals delineated in the legislation to conduct a comprehensive review of lead exposure as a public health concern and to report its findings and recommendations to the Senate within 18 months. [Adopted: 49-0.](#)

[Senate Resolution 76](#) (Vulakovich) directs the Legislative Budget and Finance Committee to conduct a study of the feasibility of providing two additional passenger rail trips daily between Pittsburgh and Harrisburg and its impact on existing rail service. [Adopted by Voice Vote.](#)

[Senate Resolution 136](#) (Vulakovich) designates the week of June 11 through 17, 2017 as “State Veterans’ Homes Week” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 137](#) (Rafferty) commemorates the 73rd anniversary of D-Day on June 6, 2017. [Adopted by Voice Vote.](#)

[Senate Resolution 138](#) (Schwank) commemorates the 50th anniversary of the Reunification of the City of Jerusalem. [Adopted by Voice Vote.](#)

[House Bill 202](#) (Turzai) would amend the Public School Code of 1949 to provide that, in any year when demonstration of proficiency on a Keystone Exam is required for graduation from high school, a “CTE concentrator” would be deemed proficient, provided the student completes grade-based requirements for academic content areas associated with each Keystone Exam on which the student did not achieve proficiency and completes one of the following: (1) attains an industry-based competency certification related to their program of study; or, (2) demonstrates high likelihood of success on an industry-based competency assessment or readiness for continued meaningful engagement in their program of study. A “CTE concentrator” would be defined as a student who completes at least 50 percent of the minimum technical instructional hours required annually for vocational education students. An additional change would eliminate the requirement that Department of Education develop and implement certain Keystone Exams. [Passed: 49-0.](#)

Wednesday, June 7, 2017

There were no final passage votes taken in the Senate on Wednesday.

(2017-088)