

# WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – DAVID G. ARGALL, CHAIRMAN

## Monday, June 3, 2019

[Senate Bill 275](#) (J. Ward) would amend Title 18 (Crimes and Offenses), Title 23 (Domestic Relations) and Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes to ensure that a strangulation conviction is considered in sentencing for subsequent crimes and in custody proceedings. **Passed: 48-0.**

[Senate Bill 538](#) (Regan) would authorize the Department of General Services, with the approval of Shippensburg University of Pennsylvania and the Governor, to convey a permanent easement from lands at Shippensburg University to the Cumberland Valley Rails to Trails Council to establish and maintain a parking lot for the general public utilizing the Cumberland Valley Rails Trail for \$1. The conveyance would be under terms and conditions to be established in an easement agreement. The easement agreement would have to contain a provision requiring the easement to be used for the parking lot for the general public using the trail or it would automatically be extinguished. Costs and fees incidental to the conveyance would be borne by the grantee. In the event the parties have not entered into an easement agreement with two years, the authorization for the conveyance would expire. **Passed: 48-0.**

[Senate Bill 617](#) (Corman) would authorize the Department of General Services, with the approval of the Governor and the State Fire Commissioner, to convey a permanent easement from lands at the State Fire Academy to Mifflin County to establish and maintain a recreational hiking trail, together with parking for the benefit of the general public for \$1. The conveyance would be under terms and conditions to be established in an easement agreement. The easement agreement would have to contain a provision requiring the easement to be used for the hiking trail and parking for the general public using the trail or it would automatically be extinguished. Costs and fees incidental to the conveyance would be borne by the grantee. In the event the parties have not entered into an easement agreement with two years, the authorization for the conveyance would expire. **Passed: 48-0.**

[Senate Resolution 141](#) (Santarsiero) congratulates Jayson Stark, a resident of Newtown, Pennsylvania, who was elected the 2019 winner of the J. G. Taylor Spink Award in balloting by the Baseball Writers' Association of America. **Adopted by Voice Vote.**

[Senate Resolution 142](#) (Sabatina) designates the month of June 2019 as "Alzheimer's and Brain Awareness Month" in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 143](#) (Leach) designates June 3, 2019 as "Alex's Lemonade Stand Day" in Pennsylvania and encourages all residents to contribute to the Alex's Lemonade Stand Foundation and other pediatric cancer research programs. **Adopted by Voice Vote.**

[Senate Resolution 144](#) (Street) recognizes the week of June 3 through 9, 2019 as “Hemp History Week” in Pennsylvania to acknowledge industrial hemp’s role in our cultural heritage and to promote its uses and benefits. [Adopted by Voice Vote.](#)

[House Bill 275](#) (Mehaffie) would amend the Municipalities Financial Recovery Act to change the name of the Early Intervention Program to the Strategic Management Planning Program. [Passed: 48-0.](#)

### **Tuesday, June 4, 2019**

[Senate Bill 115](#) (Killion) would amend the Public School Code to require the Department of Education, in conjunction with the Department of Health and a certified cardiopulmonary resuscitation (CPR) training organization, to identify or develop a model curriculum and curriculum guidelines for instruction on CPR for public school students in grades nine through twelve. The model curriculum and guidelines would have to be posted on the Department’s publicly accessible Internet website; be age appropriate; be revised regularly to remain current with national standards; provide guidance for integration into health courses or other appropriate curriculum requirements; be made available to all school entities; include recommended guidelines and educational materials from organizations with expertise in CPR and emergency care; and include information on the purpose of an automated external defibrillator.

A school entity that offers instruction could utilize the model curriculum or develop its own. A teacher, instructor or community volunteer, with the participation of a professional educator with a Pennsylvania certification, including a professional educator certified in physical education or health education or a school nurse, could provide, facilitate or oversee the instruction offered by a school entity and need not be a certified CPR trainer. An individual who in good faith provides instruction in CPR to a student under the section would not be liable for any civil damages as a result of any act or omission relating to the instruction, except for an act or omission intentionally designed to harm or a grossly negligent act or omission that results in harm to an individual to whom the student administers CPR. A cyber charter school could provide the instruction through the internet or other electronic means. [Concurrence in House Amendments: 48-0.](#)

[Senate Bill 139](#) (J. Ward) would amend the Price Gouging Act to authorize the Governor to impose, following the declaration of a state of disaster emergency, a price restriction on the sale of consumer goods or services necessary for use or consumption in the affected geographic area as a direct result of the state of disaster emergency. The Governor would have to expressly state in a declaration of a state of emergency that the provisions of the act are applicable. The price restriction would be limited to 15 days but could be renewed for up to three additional 15-day periods. It would be a violation of the act for any party within the chain of distribution of consumer goods or services, or both, to sell or offer to sell the affected goods or services within the geographic region that is subject to the declaration for an amount which represents an unconscionably excessive price. Whether a price is an unconscionably excessive price would be a question of law. The court would be required to consider all relevant factors, including whether there is a gross disparity between the seller’s price immediately before the price restriction was imposed and the price following the declaration and whether the seller’s price

substantially exceeds those prevailing on the date and in the locality in question. A price would not be unconscionably excessive if it is:

- 10 percent or less above the seller's price immediately before the price restriction was imposed;
- 10 percent or less above the sum of the seller's cost and normal markup for the good or service;
- Consistent with price fluctuations in applicable commodity, regional, national or international markets or with seasonal price fluctuations; or
- A contract price, or the result of a price formula, established before the price restriction was imposed.

It would be prima facie evident that a price is an unconscionably excessive price if none of these factors applies to the price.

The bill would clarify that the penalty provided for under the law would be the sole penalty for conduct in violation of the act. Nothing in the section could be construed to create or imply a private cause of action for a violation of the act. [Passed: 31-17.](#)

[Senate Bill 589](#) (Regan) would amend Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes to establish the Military Family Education Program. The bill would also make changes to the current Military Educational Assistance Program, including a provision that the Pennsylvania State System of Higher Education could not charge an eligible Pennsylvania National Guard member more than the in-state tuition rate. In order to be eligible for the new Military Family Education Program (MFEP), a family member of a Pennsylvania National Guardsman would have to meet the following criteria:

- 1) The eligible member is in good standing with the Pennsylvania National Guard (PANG), or has received an other than dishonorable discharge, has honorably completed the initial contractual military service obligation and has been a satisfactory participant in the PANG activities for a minimum service period established by the Adjutant General;
- 2) The eligible member accepts an obligation to serve in the PANG for a period of six years;
- 3) The eligible member has assigned the benefit to one or more family members;
- 4) The family member has enrolled as a student in an approved program of education at an approved institution of higher learning;
- 5) If the family member is a spouse of an eligible member or former eligible member, and the spouse has enrolled in an approved program of education not more than six years after the eligible member or former eligible member's date of separation, medical discharge or death, and the obligation of serving in the Guard for six years has been fulfilled, the Adjutant General may for good cause extend the six-year deadline in cases of extenuating circumstances; and

- 6) When an eligible member is ordered to serve on active duty for more than 30 consecutive days, including active duty for training, a family member who is the spouse could withdraw from a program of education and would have to be granted an educational leave of absence.

A family member of an eligible member who is discharged for medical disability would remain eligible to receive a Military Family Education Program grant if the eligible member's medical disability meets certain criteria outlined in the bill. A family member of an eligible member who died while serving their contractual military service obligation would remain eligible to receive a Military Family Education Program grant if the eligible member met certain eligibility criteria at the time of death as listed in the bill. An eligible member would be required to sign a promissory note obligating the eligible member to repay the full amount of the family member's MFEP grant if the eligible member fails to satisfactorily fulfill his or her obligation.

Grants awarded to full-time or part-time students would be determined by the Pennsylvania Higher Education Assistance Agency (PHEAA) without regard to financial need. The grant would be equal to the lesser of the in-state tuition rate charged by the State System of Higher Education or the cost for the program in which the member is enrolled at any approved post-secondary educational institution in Pennsylvania. PHEAA could not reduce the amount of any other grants or aid received by family members due to their eligibility for an MFEP grant. An approved institution of higher learning would have to consider any federal tuition assistance received by the family member to determine if that family member requires additional financial assistance in the form of an MFEP grant. An eligible member would be limited to assign no more than five academic years or their equivalent to a family member. A member is liable to the Commonwealth for repayment of all or part of MFEP grants payments made if they fail to meet the six-year service obligation unless they meet certain criteria listed in the bill. The Military Family Education Program Fund would be established as a special non-lapsing fund in the State Treasury and all funds deposited would have to be used only for the purpose provided under the chapter. **Passed: 48-0.**

**[Senate Resolution 146](#)** (Street) observes June 4, 2019 AS "Eid al-Fitr Day" in Pennsylvania. **Adopted by Voice Vote.**

**[Senate Resolution 147](#)** (Baker) designates the week of June 1 through 7, 2019 as "Cardiopulmonary Resuscitation and Automated External Defibrillator Awareness Week" in Pennsylvania. **Adopted by Voice Vote.**

**[Senate Resolution 148](#)** (Killion) recognizes and celebrates July 19, 2019 as "Pennsylvania Park and Recreation Professionals Day" in the Commonwealth. **Adopted by Voice Vote.**

**[House Bill 223](#)** (Pickett) would authorize the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to convey 22.83 acres and improvements, known locally as French Azilum Historic Site, to French Azilum, Inc., in Asylum Township, Bradford County for \$1. The conveyance could only be used for the purposes authorized under Section 20(b) of the Project 70 Land Acquisition and Borrowing Act. The property would also be subject to the restrictive covenants outlined in the legislation.

Further, no portion of the conveyance could be used for a licensed gaming facility or it would revert to the Commonwealth. Costs and fees incidental to the conveyance would be borne by the grantee. If the conveyance is not completed within one year, the authority for the transfer would expire. [Passed: 48-0.](#)

#### *Executive Session*

Robert Torres – Secretary of Aging. [Confirmed: 48-0.](#)

Dennis M. Davin – Secretary of Community and Economic Development. [Confirmed: 47-1.](#)

John E. Wetzel – Secretary of Corrections. [Confirmed: 47-1.](#)

Patrick W. McDonnell – Secretary of Environmental Protection. [Confirmed: 46-2.](#)

Teresa D. Miller – Secretary of Human Services. [Confirmed: 48-0.](#)

Robert Evanchick – State Police Commissioner. [Confirmed: 48-0.](#)

#### **Wednesday, June 5, 2019**

[Senate Bill 500](#) (Baker) would amend the Pennsylvania Commission on Crime and Delinquency Law to establish the County Adult Probation and Parole Advisory Committee within the Commission. Among other duties, the committee would review and comment on grant applications for county intermediate punishment programs. The committee would also develop a funding plan for county adult probation and parole departments. Within one year of the effective date of the legislation, the committee would absorb the County Probation Officers' Firearm Education and Training Commission, appoint a subcommittee with expertise similar to the County Probation Officers' Firearm Education and Training Commission, and assume responsibility and oversight for firearm education and training of county adult and juvenile probation and parole officers. The committee would be required to report annually to the Governor and General Assembly on the distribution and use of funding.

The legislation would further provide for the use of the Justice Reinvestment Fund to support programs and activities to improve the delivery of criminal justice services. The legislation would revise the Justice Reinvestment funding to account for savings expected from the enactment of other legislation and to distribute funding for increased victim compensation (\$250,000 annually), to provide funding (\$400,000 annually) to the Sentencing Commission for risk assessment and Justice Reinvestment Initiative sentencing features, and to provide resources to improve county adult probation and parole. The proposal would also make appropriations to the Pennsylvania Commission on Crime and Delinquency for the purpose of formula funding to county probation and parole departments. [Passed: 48-0.](#)

[Senate Bill 501](#) (Killion) would amend Title 42 (Judiciary and Judicial Procedure) and Title 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes to make changes related to

sentencing of defendants and parole as part of the Justice Reinvestment Initiative – Phase 2. Among other provisions, the legislation would:

- Change the name of the State Intermediate Punishment program to the State drug treatment program;
  - Make multiple amendments to remove county probation from the responsibilities of the Board of Probation and Parole, and to rename it the Parole Board, in connection with another bill, which creates the County Adult Probation and Parole Advisory Committee;
  - Provide new authority for parole agents to detain a parolee for up to five days, and allow for use of video technology for parole process interactions. The bill would not change existing law requiring that all interactions by the Parole Board with victims take place in person;
  - Revise sentencing laws and the direction that the General Assembly gives to the Pennsylvania Commission on Sentencing to conduct more extensive examination of criminal history scoring as a factor in their guidelines and provide more guidance for different features of sentencing, such as terms of probation and split sentences;
  - Eliminate State Intermediate Punishment and County Intermediate Punishment as separate sentencing options, updating the purposes for total confinement and establishing a uniform list of probation conditions;
  - Provide new authority governing short-sentence parole; and
  - Change the motivational boot camp selection so that the judge can prevent placement in the program by the DOC, rather than having to affirmatively determine eligibility.
- Passed: 48-0.**

[Senate Bill 502](#) (Bartolotta) would amend the Crime Victims Act to establish that victims of crime have the right to be notified of the Address Confidentiality Program (relating to domestic and sexual violence victim address confidentiality). The responsibility for notifying the victim of his or her rights would be shifted from a law enforcement agency to an individual officer. The agency would still be required to ensure the officer provides the information. The bill would make the home addresses of employees of the Office of Victim Advocate private and confidential and not subject to the Right-to-Know Law. In addition, all records pertaining to the victim in the possession of the Office of Victim Advocate would be private and confidential and not subject to the Right-to-Know law, subpoena, discovery, or introduction as evidence. An employee of the Office of Victim Advocate would not be permitted to testify or otherwise disclose confidential communications unless a victim waives the privilege. The legislation would require the victim advocate to ensure that victims are informed of the Address Confidentiality Program and advocate for the interests of victims of crimes committed by juveniles.

For victim compensation, the bill would change the statute of limitations for making a claim from two to three years, allow for a good faith extension and decrease the minimum loss from \$100 to \$50. Flexibility would be granted in the amount of emergency awards, crime scene clean-up for motor vehicles would be included and victims under age 18 would be excused from the requirement to use insurance in certain circumstances. The reporting requirement to be eligible for compensation would be clarified and the Crime Victims Compensation Fund and the Victim Witness Services Fund would be merged into a single, non-lapsing fund known as the Crime Victim Services and Compensation Fund for payment to claimants, victim-witness services and technical assistance. The bill would require that all funds in the County Supervision Fee Restricted Receipts Account be maintained by each county consistent with the relevant provisions of the County Code. **Passed: 48-0.**

**Senate Resolution 149** (Regan) remembers the sacrifices of the brave men and women in our armed forces. **Adopted by Voice Vote.**

**Senate Resolution 150** (Corman) designates the month of September 2019 as “Suicide Prevention Awareness Month” in Pennsylvania to promote suicide prevention and raise greater awareness of the problem of suicide. **Adopted by Voice Vote.**

**Senate Resolution 151** (Haywood) designates June 7, 2019 as “Gun Violence Awareness Day” in Pennsylvania in recognition of this public safety and public health issue in commemoration of the lives lost to gun violence in the Commonwealth. **Adopted by Voice Vote.**

**Senate Resolution 152** (Killion) commemorates the 75<sup>th</sup> anniversary of D-Day on June 6, 2019. **Adopted by Voice Vote.**

(2019-054)