

WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – DAVID G. ARGALL, CHAIRMAN

Monday, November 23, 2015

[Senate Bill 482](#) (Brewster) would amend the Real Estate Tax Sale Law to authorize counties to impose, by ordinance, a fee not to exceed ten percent of the purchase price of a property sold for delinquent taxes in accordance with this Act. A county that imposes the fee would have to establish a county demolition and rehabilitation fund which meets the requirements outlined in the legislation. The funds collected would be used for the demolition or rehabilitation of blighted property located in the county and owned by a government entity. The fee would not apply to a property sold for delinquent real property taxes to a nonprofit entity, land bank or government entity. **[Passed: 47-0.](#)**

[Senate Bill 735](#) (Vogel) would amend the Retail Food Facility Safety Act to authorize a statewide license for mobile retail food facilities, excluding Philadelphia. The legislation would:

- Provide definitions, including a definition for a “mobile retail food facility” as a movable retail food facility, such as a stand, vehicle, cart, basket, box or similar structure from which food is stored, prepared, processed, distributed or sold, which physically locates at one site or location for no more than 14 consecutive days, in one calendar year, regardless of whether or not the facility operates continuously during that time period, and is not issued a temporary retail food facility license;
- Clarify that retail food facilities exempt from licensure would remain subject to penalties for violation of the Retail Food Facility Safety Act;
- Clarify that a retail food facility in compliance with the Honey Sale and Labeling Act would be exempt from licensure if it sells only products regulated by that Act;
- Require a mobile retail food facility license to conspicuously display its license at any location where the mobile facility is in operation; and
- Prohibit an entity, except for the health authority for Philadelphia, from charging an inspection fee for mobile retail food facilities with a Pennsylvania operating base unless the inspecting entity is also the licensor. **[Passed: 47-0.](#)**

[Senate Bill 859](#) (Greenleaf) would amend Title 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes to consolidate the Department of Corrections and the Board of Probation and Parole into a single agency (the Department of Corrections and Rehabilitation), and provide for the appropriations for the Office of Victim Advocate. The measure would:

- Change the name of the State Board of Probation and Parole to the “Pennsylvania Parole Board” and establish it as a departmental administrative board within the new Department of Corrections and Rehabilitation;

- Provide that the Board would function independently of the Department regarding all of its decision making functions, as well as any other specified powers and duties;
- Give a chief administrator, deputy superintendent or corrections officer of a state correctional facility the powers of a peace officer, under certain conditions;
- Add various definitions, including “parole violator center” and provide that the Department could establish such a center to house an offender who is detained or recommitted for a technical parole violation;
- Require the Department to immediately report any crime committed within a community corrections center, community corrections facility or community contract facility to the appropriate law enforcement agency with jurisdiction over the entity;
- Allow members of the Board to attend and participate in meetings via videoconferencing or similar virtual presence technology;
- Remove the power to appoint the Secretary of the Board from the members of the Board and give it to the Department;
- Establish that the legal counsel for the Board would be appointed in accordance with the Commonwealth Attorneys Act;
- Transfer the duties of supervising and training of parole agents from the Board to the Department;
- Transfer the Board’s power to “supervise and make pre-sentence investigations and reports” and the duties of compiling statistical information about offenders to the Department;
- Provide for the powers and duties of the Department in the supervision of offenders;
- Require the appropriation for the Office of Victim Advocate to be a separate line item and under the jurisdiction of the Victim Advocate;
- Require the appropriation for the Pennsylvania Parole Board to be in a separate line item; and
- Require the Pennsylvania Commission on Crime and Delinquency to conduct and complete a study on certain aspects of recidivism. [Passed: 37-10.](#)

[Senate Bill 860](#) (Greenleaf) would amend the Crime Victims Act to make technical changes related to the consolidation of the Department of Corrections and the Board of Probation and Parole into a new entity, the Department of Corrections and Rehabilitation. Under the legislation, the Office of Victim Advocate would operate within the new Department, which

would furnish office space, as well as clerical, technical and profession staff. The Office would function independently of the Department regarding all of its decision making functions, as well as any other powers and duties specified in law. In addition, the Office's legal counsel would be appointed in accordance with the Commonwealth Attorneys Act and could be removed for cause by the Governor, by and with the advice and consent of the Senate. All reports, records or other information in the possession of or maintained by the Office would be confidential and privileged and not subject to subpoena or discovery or to the provisions of the Right-To-Know Law. The information could not be used for a purpose other than to advocate for the interests of crime victims or, except as provided by law, be introduced into evidence in a judicial or administrative proceeding. A person who has access to the reports, records or other information would be prohibited from disclosing the information or testifying in a judicial or administrative proceeding without written consent. However, the provision could be construed to preclude or limit introduction of the contents of a report, record or other information in an investigation, prosecution or judicial proceeding or in communications with the prosecutor's office regarding restitution. **Passed: 37-10.**

Senate Resolution 215 (Argall) directs the Joint State Government Commission to complete a comprehensive review and study of the best practices used by private businesses and other public entities in leasing, acquisition and management of office, warehouse and other types of space and to issue a report to the Senate with its recommendations by November 30, 2016. **Adopted by Voice Vote.**

Senate Resolution 249 (Wozniak) extends sympathies and heartfelt condolences to the families of those killed and injured in the terrorist attack in Paris, France. **Adopted: 48-0.**

Tuesday, November 24, 2015

Senate Bill 912 (Browne) would appropriate \$224,816,000 to the Pennsylvania State University for general support for the 2015-2016 Fiscal Year and \$19,584,000 for the Pennsylvania College of Technology. The measure would also authorize the appropriation of funds from the Agricultural College Land Scrip Fund for agricultural research and extension services, including the sum of \$2 million to increase capacity to address avian flu and other animal disease outbreaks. **Passed: 48-2.**

Senate Bill 913 (Browne) would appropriate \$29,400,000 to the University of Pennsylvania for veterinary activities and \$274,000 for the Center for Infectious Diseases for the 2015-2016 Fiscal Year. **Passed: 48-2.**

Senate Bill 914 (Browne) would appropriate \$146,913,000 to Temple University for general support for the 2015-2016 Fiscal Year. **Passed: 48-2.**

Senate Bill 915 (Browne) would appropriate \$140,693,000 to the University of Pittsburgh for general support for the 2015-2016 Fiscal Year and \$2,500,000 for rural education outreach. No funds appropriated by the act could be used for the costs of personnel and operations of the environmental law clinic. **Passed: 48-2.**

[Senate Bill 916](#) (Browne) would appropriate \$14,084,000 to Lincoln University for general support for the 2015-2016 Fiscal Year. **[Passed: 48-2.](#)**

[Senate Bill 984](#) (Bartolotta) would amend Title 53 (Municipalities Generally), Title 66 (Public Utilities) and Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, to regulate Transportation Network Companies (TNCs), such as Uber and Lyft. The bill would:

- Add definitions including “transportation network company,” “transportation network company driver,” and “transportation network service;”
- Permit a limousine service provider operating pursuant to an authority-issued certificate of public convenience and a filed tariff permitting the provider to charge mileage-based rates to continue to charge mileage-based rates and to be regulated in the same manner as traditional limousine service providers;
- Direct the Public Utility Commission to issue temporary regulations for taxis and limousines, provide a timeframe, and outline what is to be addressed in the regulations;
- Exclude “transportation network service” as defined in Title 66 from the definition of taxicab service, limousine service, call or demand service, common carrier, motor carrier or ridesharing arrangement or ridesharing operator;
- Authorize the Public Utility Commission (PUC) to license TNCs;
- Prohibit a TNC from operating in the Commonwealth unless licensed by the PUC;
- Outline the requirements for obtaining and maintaining a TNC license;
- Direct the PUC to adopt regulations outlining the conditions and requirements for the operation of TNCs and for TNC drivers;
- Provide for the confiscation, impoundment or sale of a vehicle;
- Outline vehicle safety and insurance requirements;
- Provide for driver requirements, background checks and disqualification;
- Prohibit discrimination in service;
- Provide for vehicle requirements and inspections;
- Direct that a TNC, except under certain conditions, could not disclose personally identifiable or financial information of a passenger;
- Require the PUC to assess TNCs for the cost of implementation and enforcement;

- Permit the PUC to impose civil fines, penalties, license suspensions and revocations and other appropriate remedies for violations;
- Provide that a TNC licensed by the PUC, in order to operate in Philadelphia, would have to apply to the Philadelphia Parking Authority for an operating certificate; and
- Require a TNC operating in Philadelphia to pay an assessment to the Authority and provide for the annual distribution of the funds collected by the assessment.

Passed: 48-2.

Senate Bill 1065 (Scavello) would amend Title 34 (Game) of the Pennsylvania Consolidated Statutes to permit hunting with the use of birds of prey commonly known as falconry on Sundays. **Passed: 50-0.**

Senate Resolution 248 (Rafferty) urges the Governor of the Commonwealth of Pennsylvania, the President of the United States and the Secretary of the United States Department of Homeland Security to discontinue the resettlement of Syrian refugees in the Commonwealth until such time as systems are in place to conduct effective and thorough security and background checks on Syrian refugees and to send a report detailing increased measures to the states that are under consideration to receive Syrian refugees. **Adopted: 37-13.**

Senate Resolution 250 (Mensch) designates January 1 through 8, 2016 as “First Responder Appreciation Week” in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 251 (Alloway) designates the month of November 2015 as “Food Pantry Donation Month” in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 252 (Brooks) recognizes the month of November 2015 as “National Caregiver Month” in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 253 (Brooks) designates the month of November 2015 as “Alzheimer’s Disease Awareness Month” in Pennsylvania. **Adopted by Voice Vote.**

House Bill 477 (Hickernell) would create the Activities and Experiences for Children in Out-of-Home Placements Act. Under the provisions of the legislation, caregivers would have the authority to provide or withhold permission for children in their care to participate in activities and experiences. Caregivers would be required to use the reasonable and prudent parent standard outlined in the bill when exercising their authority, but would not be required to receive prior approval from a county agency, private agency or the court for children in their care to engage in activities. A caregiver, county agency and private agency would not be liable for harm caused to a child while engaged in an activity or experience approved by the caregiver if: 1) the caregiver has completed the required training related to the reasonable and prudent parent standard; 2) the caregiver has made a good faith effort to use the reasonable and prudent parent standard in approving the activity; and 3) the approval does not conflict with any applicable court order or service plan.

The Office of Children, Youth and Families would be required to: 1) require, as a condition of licensure for county and private foster care agencies and facilities providing out-of-home placements, the development of standards and training related to the reasonable and prudent parent standard; 2) verify, at yearly licensure reviews, that county and private agencies providing out-of-home placement comply with certain requirements as outlined in the bill; 3) develop standards and a process by which individuals employed by facilities providing out-of-home placements are designated to make decisions for children based on the reasonable and prudent parent standard; 4) develop a template for the required training related to the reasonable and prudent parent standard in accordance with this Act; and 5) work with interested parties, including children, to develop age appropriate written materials that explain the requirements under the act.

A county agency would be required to: 1) ensure that all county-operated out-of-home placement settings, other than a resource family home, designate an individual to provide decision-making authority under the reasonable and prudent parent standard for children residing in their care; 2) ensure that contracts for purchased services between the county and a private agency include a requirement for the agency to designate an individual to provide decision-making authority under the reasonable and prudent parent standard for children residing in their care; 3) ensure that contracts for purchased services between the county and a private agency include a requirement for the private agency to provide training and monitoring of resource families regarding the application and use of the reasonable and prudent parent standard; 4) provide training and monitoring of county agency resource families regarding the application and use of the reasonable and prudent parent standard; and 5) consistent with its case and placement planning responsibilities under federal and state law, ensure that the child's service plan provides the opportunity to participate in appropriate activities and experiences.

Passed: 50-0.

House Bill 698 (Marshall) would amend Title 34 (Game) of the Pennsylvania Consolidated Statutes to provide for a lifetime permit to hunt from a motorized wheelchair outside of a vehicle for individuals with a permanent disability who otherwise qualify for a hunting license. Permittees would have to carry the permit upon their person while hunting. Any person named on the permit could use the motorized wheelchair to flush or locate game. A firearm could be loaded while the motorized wheelchair is in motion. **Passed: 50-0.**

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