

WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – JOHN PIPPY, CHAIRMAN

Monday, June 22, 2009

[House Bill 1342](#) (Stevenson) would amend the Cigarette Fire Safety and Firefighter Protection Act to extend the July 1, 2009 deadline that restricts Pennsylvania retailers from selling non-fire safe cigarettes until July 1, 2010. Retailers would only be permitted to sell their existing inventory of non-fire safe cigarettes as long as the inventory was purchased or stamped before January 1, 2009. **[Passed: 49-0.](#)**

Tuesday, June 23, 2009

[Senate Bill 572](#) (Rafferty) would amend the Administrative Code of 1929 to modify the provisions governing the Pennsylvania State Police. The bill would increase the complement of the State Police from 3,940 members to 4,310 officers and enlisted men. State police officers and enlisted men assigned to duty with the Pennsylvania Turnpike Commission, the Delaware River Toll Bridge Commission, Gaming Enforcement and Liquor Control Enforcement would not be counted in determining the total number of State Police. An additional change would repeal the language which mandates that the Pennsylvania State Police include two underwater search teams. The legislation would also repeal Act 100 of 2001, which repealed Section 205 (b) of the Administrative Code to the extent that it limited the aggregate number of Pennsylvania State Police members to less than 4,310 persons. **[Passed: 49-1.](#)**

[Senate Bill 574](#) (Earll) would amend Title 30 (Fish) of the Pennsylvania Consolidated Statutes to establish that no one may fish in the waterways that flow into the tributaries of Lake Erie or Presque Isle Bay without first obtaining an annual permit. The measure would also extend the provision providing for the proceeds of the Lake Erie permits and the combination trout/salmon Lake Erie permits to be placed into the restricted revenue account within the Fish Fund through December 31, 2014. An additional change would permit the proceeds of the permits to be used to protect and improve fish habitat on or at Lake Erie, Presque Isle Bay, and their tributaries, including waters that flow into those tributaries. **[Passed: 50-0.](#)**

[Senate Bill 921](#) (Tomlinson) would amend the Board of Vehicles Act to further address business relationships between Pennsylvania car dealers and the manufacturers of the motor vehicles they sell, with regard to decisions by dealers to offer for sale an additional line of new vehicles. Section 2 of the Act would be amended to add new definitions for:

- “dual” or “dualing”, defined as a new vehicle dealership having two or more line-makes of new vehicles in the same dealership facilities; and
- “line-make”, defined as groups of vehicles offered for sale under a common trademark or brand name.

Section 11 of the Act would also be amended to provide that “mandatory mediation” would not be required when a dealer seeks to “dual” two or more manufacturing franchises, or seeks a relocation involving a request to “dual”, unless another dealer of one of the line-makes involved has the right to file a protest under Section 27 of the Act.

In addition, the bill would amend Section 12 of the Act, regarding unlawful acts by manufacturers or distributors, to clarify that a dealer must maintain a reasonable line of credit for each make or line of new vehicles he is offering for sale or lease, and that he must continue to comply with reasonable terms of his franchise agreement, including facilities requirements, but not including any “exclusive” non-dualing requirements. This section would be further amended to establish procedural steps for the filing of complaints, petitions or protests by either the dealer or the manufacturer. The burden of proof that a relocation or dualing request is unreasonable would be upon the manufacturer. An additional change would prohibit a dealer from unreasonably expanding, constructing or modifying his facilities for the sale or service of a new “line-make” of a new vehicle if economic conditions do not clearly justify a separate facility.

Finally, Section 17 of the Act, regarding requirements for the repurchase of dealer inventory by manufacturers and distributors when the dealer’s franchise has been terminated, would be amended. Existing law authorizes reimbursement for the return of any new, undamaged inventory received by the dealer within 120 days prior to receipt of the franchise termination notice. The new language would extend that time period to 18 months, and require manufacturers to repurchase these vehicles whether they were originally from the manufacturer or from another dealer of the same “line-make.” In addition, the amendments to this section would redefine a “new vehicle” as one with less than 750 miles on it. The existing law establishes this figure at 500 miles. [Passed: 50-0.](#)

Executive Session

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

Wednesday, June 24, 2009

[Senate Bill 901](#) (Scarnati) would amend the Biofuel Development and In-State Production Incentive Act to exempt diesel fuel produced from 100 percent Pennsylvania crude by a small refiner from the requirements for biodiesel content in diesel fuel sold for on-road use through December 31, 2010. [Passed: 50-0.](#)

[Senate Resolution 30](#) (Leach) designates the week of September 21 through 27, 2009 as “Mitochondrial Disease Awareness Week” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 58](#) (Tomlinson) congratulates the Turning for Home program established by the Pennsylvania Thoroughbred Horsemen’s Association at Philadelphia Park. [Adopted by Voice Vote.](#)

[Senate Resolution 141](#) (Greenleaf) recognizes June 28, 2009 as “German-American Day” in Pennsylvania. [Adopted by Voice Vote.](#)

[House Bill 718](#) (Melio) would amend the Public Safety Emergency Telephone Act to extend the \$1 wireless E-911 fee from June 30, 2009 to June 30, 2014. [Passed: 50-0.](#)

Executive Session

Nominations to the Pennsylvania Turnpike Commission. (Two-Thirds Vote Required)

[Confirmed: 50-0.](#)

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

Thursday, June 25, 2009

[Senate Bill 55](#) (Piccola) would amend the Public School Code to expand the list of offenses that prohibit a person from being employed in a public or private school, intermediate unit or area vocational school. Offenses that would be added include:

- Luring a child into a motor vehicle or structure;
- Sexual intercourse with an animal;
- Incest;
- Concealing the death of a child;
- Endangering the welfare of children;
- Dealing in infant children;
- A felony relating to promoting prostitution;
- Selling and disseminating obscene and other sexual materials and performances to minors;
- Corruption of minors;
- Sexual abuse of children;
- Unlawful contact with a minor;
- Sexual exploitation of children; and
- Institutional sexual assault.

The legislation would preclude employment for ten years from the expiration of the sentence for any person convicted of a felony of the first, second or third degree that is not enumerated in the law; and precludes employment for five years from the expiration of the sentence for those convicted of a misdemeanor of the first degree. Employment would also be precluded for three years from the expiration of the sentence for a person convicted more than once for a drug or DUI related offense and the offense is graded as a misdemeanor of the first degree.

In addition, employees under 21 years of age, temporary employees and employees in job training programs would no longer be exempt from criminal background checks. The bill would also allow a school administrator to require an employee to submit a current criminal background check; and require school employees to notify the school verbally and in writing of an arrest or conviction for an enumerated offense or other felony or misdemeanor occurring within the last

ten years and to report arrests or convictions within 72 hours. Employees not disclosing convictions required to be reported would be subject to discipline. **Passed: 50-0.**

Senate Bill 56 (Piccola) would amend the Public School Code to add provisions relating to school violence. The measure would require the Department of Education's Office of Safe Schools to convene an advisory committee of law enforcement and school personnel to develop standard forms and a model memorandum of understanding for use by schools districts. Among other provisions, the bill would also:

- Require school entities to submit annual school violence statistics to the Office of Safe Schools no later than July 30, while expanding the list of criminal offenses that must be reported.
- Require each chief school administrator to enter into a memorandum of understanding with police departments with jurisdiction over the school's property. This memorandum must address emergency and nonemergency response by the police, notification of the police department for offenses that occur on school property, the procedures for police department review of reports required to be filed with the Office of Safe Schools, and the procedures for the resolution of school violence data discrepancies.
- Require school administrators to consult with local law enforcement regarding the content of school violence reports so that discrepancies can be resolved before submission.
- Permit disciplinary actions against school officials for failure to make a required report or for failure to enter into a required memorandum of understanding, in addition to civil penalties ranging from \$2,500 to \$5,000.
- Establish new criteria for awarding safe schools grants so that funds are targeted to persistently dangerous school entities.
- Require the Office of Safe Schools to biennially verify that each school has executed a memorandum of understanding with local law enforcement and to post an annual school safety report on the Department's website. **Passed: 46-4.**

Senate Bill 569 (Pileggi) would create the Development Permit Extension Act to extend the expiration date of an approval by a government agency relating to development until July 1, 2013. Nothing in the bill would shorten the term or duration an approval would have had in the absence of the extension or prohibit the granting of additional extensions as provided by law. Further, a law, regulation, or policy enacted or adopted by a government agency during the extension period would not have the effect of prohibiting or limiting an approval during the extension period. An approval under Section 508 of the Municipalities Planning Code and the conveyance of rights in the beds of the navigable waters of the Commonwealth would also be extended during the period. The holder of an approval could seek written verification from the issuing government agency for the existence of the valid approval and the expiration of the approval. The government would have to respond in writing within 30 days. A failure to

respond would result in a deemed affirmation of the existence of the approval. An agency could charge up to \$100 for verification of a residential approval and up to \$500 for a commercial approval. The failure of the holder of an approval to seek verification would not be grounds for termination, revocation or other invalidation of an approval. Within 30 days of the effective date of the act, each affected Commonwealth agency would have to publish notice of applicability of the extension period to approvals granted by Commonwealth agencies in the *Pennsylvania Bulletin*. Among other exclusions, the act would not apply to an approval issued by an agency of the United States government. **Passed: 50-0.**

Senate Bill 731 (Wonderling) would designate the section of Bushkill Drive, State Route 2019, in Northampton County from the intersection with State Route 1002, known as Tatamy Road to the intersection with 13th Street in the City of Easton, as the Victor W. Anckaitis Memorial Highway. Mr. Anckaitis was the first Commonwealth Secretary of Transportation. The bill would also designate State Route 2017, Brookside Road in Lower Macungie Township, Lehigh County, from the intersection with State Route 2021, Buckeye Road, to the intersection with State Route 222 as the Sgt. Ashly L. Moyer Memorial Road. Sgt. Moyer was killed in Iraq on March 3, 2007. **Concurrence in House Amendments: 50-0.**

Senate Bill 783 (M. White) would amend the Hazardous Sites Cleanup Funding Act to change the due date of the annual report required under the act from August 31 of each year to December 31. An additional change would require all civil and criminal penalties, response costs and natural resource damages assessed under the act to be deposited in the Hazardous Sites Cleanup Fund. **Passed: 50-0.**

Senate Bill 958 (Scarnati) would authorize the turn back of Old Possessions Road in Ward Township, Tioga County from Mountain Road to River Road to Ward Township. In order for the turn back of the road to take effect, the governing body of Ward Township would have to approve it by ordinance or resolution and agree to assume the expense of the maintenance and improvement of the road. A copy of the ordinance or resolution would have to be submitted to the Secretary of Conservation and Natural Resources with a request for an order of turn back. If the Secretary determines that the township has complied with these requirements, he would give public notice of the request by advertising three times in one newspaper of general circulation within the township and by posting a copy of the request in a conspicuous place along the road. The Secretary would also be required to notify the township of any determination of noncompliance and to give the township an opportunity to take corrective action. The Secretary would be required to publish a notice of compliance in the *Pennsylvania Bulletin* on the date the turn back takes effect. If the township vacates the roadway, it would return to the Commonwealth. The ownership of real property underlying the road would continue to be retained by the Department of Conservation and Natural Resources in regard to state forest land and by private property owners for those portions of road crossing privately owned property. **Passed: 50-0.**

Senate Resolution 140 (Pippy) supports Taiwan as an economic partner and a meaningful participant in the World Health Organization. **Adopted by Voice Vote.**