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COMMONWEALTH OF PENNSYLVANIA  
HOUSE OF REPRESENTATIVES  
LOCAL GOVERNMENT COMMITTEE

RYAN OFFICE BUILDING  
ROOM 205  
HARRISBURG, PENNSYLVANIA

HOUSE BILL 1193  
LEGISLATION TO ALLOW POLICE OFFICERS TO  
RUN AND SERVE ON THEIR LOCAL SCHOOL BOARDS  
PUBLIC HEARING

MONDAY, JUNE 10, 2013  
10:00 A.M.

BEFORE:

HONORABLE KATE HARPER, MAJORITY CHAIRMAN  
HONORABLE MINDY FEE  
HONORABLE MAUREE GINGRICH  
HONORABLE R. LEE JAMES  
HONORABLE JERRY KNOWLES  
HONORABLE GREG LUCAS  
HONORABLE DAVID MALONEY  
HONORABLE DONNA OBERLANDER  
HONORABLE THOMAS SANKEY  
HONORABLE ROSEMARIE SWANGER  
HONORABLE TARAH TOOHL  
HONORABLE ROBERT FREEMAN, MINORITY CHAIRMAN  
HONORABLE PATRICK HARKINS  
HONORABLE SID KAVULICH  
HONORABLE PATTY KIM  
HONORABLE TIM MAHONEY  
HONORABLE DAN MCNEILL  
HONORABLE RICK MIRABITO  
HONORABLE JOSE P. MIRANDA  
HONORABLE MARK PAINTER  
HONORABLE KEVIN SCHREIBER

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1 ALSO PRESENT:

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3 ROB GAERTNER, MAJORITY RESEARCH ASSISTANT  
4 KAREN ZIVIC, MAJORITY ADMINISTRATIVE ASSISTANT  
5 JOHN FULTON, MINORITY EXECUTIVE DIRECTOR

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BRENDA J. PARDUN, RPR  
REPORTER - NOTARY PUBLIC

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|    | INDEX   |      |
|----|---|------|
|    | NAME  | PAGE |
| 1  |   |      |
| 2  |   |      |
| 3  | REPRESENTATIVE RICK SACCONI                   | 5    |
| 4  | PRIME SPONSOR                                 |      |
|    | HOUSE BILL 1193                               |      |
| 5  | JIM WALSH                                     | 15   |
| 6  | LEGISLATIVE LIAISON                           |      |
|    | FRATERNAL ORDER OF POLICE                     |      |
| 7  | JOHN A. FIORILL                               | 25   |
| 8  | CHIEF OF POLICE                               |      |
|    | SOUTHERN REGIONAL POLICE DEPARTMENT           |      |
|    | CONESTOGA TOWNSHIP, LANCASTER COUNTY          |      |
| 9  | BOARD MEMBER, FRATERNAL ORDER OF POLICE       |      |
| 10 | RONALD GRUTZA                                 | 31   |
| 11 | ASSISTANT DIRECTOR OF GOVERNMENTAL AFFAIRS    |      |
|    | PENNSYLVANIA STATE ASSOCIATION OF BOROUGHES   |      |
| 12 | AMY STURGES                                   | 48   |
| 13 | DIRECTOR OF GOVERNMENTAL AFFAIRS              |      |
|    | PENNSYLVANIA STATE ASSOCIATION OF             |      |
|    | TOWNSHIP COMMISSIONERS                        |      |
| 14 |   |      |
| 15 |   |      |
| 16 | WRITTEN REMARKS SUBMITTED                     |      |
| 17 | (See submitted written testimony and handouts |      |
|    | online.)                                      |      |
| 18 |   |      |
| 19 |   |      |
| 20 |   |      |
| 21 |   |      |
| 22 |   |      |
| 23 |   |      |
| 24 |   |      |
| 25 |   |      |

1 P R O C E E D I N G S

2 MAJORITY CHAIRMAN HARPER: Good  
3 morning. I call the hearing of the House Local  
4 Government Committee to order. And I'm going to  
5 ask Karen if she would please take the roll.

6 MS. ZIVIC: Harper.

7 MAJORITY CHAIRMAN HARPER: Here.

8 MS. ZIVIC: Farry's on leave.

9 Fee?

10 REP. FEE: Here.

11 MS. ZIVIC: Gingrich?

12 Hennessey's on leave.

13 James? Kampf? Knowles? Lucas?

14 REP. LUCAS: Here.

15 MS. ZIVIC: Maloney?

16 REP. MALONEY: Here.

17 MS. ZIVIC: Oberlander? Petri?

18 Sankey?

19 REP. SANKEY: Here.

20 MS. ZIVIC: Swanger? Toohil?

21 Freeman? Harkins? Kavulich?

22 REP. KAVULICH: Here.

23 MS. ZIVIC: Kim?

24 REP. KIM: Here.

25 MS. ZIVIC: Mahoney?

1 REP. MAHONEY: Here.

2 MS. ZIVIC: McNeill?

3 REP. MCNEILL: Here.

4 MS. ZIVIC: MIRABITO?

5 REP. MIRABITO: Here.

6 MS. ZIVIC: Miranda? Painter?

7 REP. PAINTER: Here

8 MS. ZIVIC: Schreiber?

9 REP. SCHREIBER: Here.

10 MAJORITY CHAIRMAN HARPER: All right.

11 I want to thank you all for coming. I know  
12 10:00 a.m. on a rainy Monday morning is difficult  
13 for people who live far from the capital, so I  
14 appreciate that you came.

15 Rep. Saccone has a bill that he is most  
16 interested in moving along for the committee, but I  
17 thought that the committee could benefit by having  
18 a hearing so that you can hear about it in advance  
19 and have your questions answered.

20 So, Rep. Saccone, you want to come on  
21 up and explain your bill and give us some testimony  
22 with respect to it?

23 REP. SACCONI: Yes. Thank you, Madam  
24 Chair. Thank you for allow me to go through this  
25 whole process and helping me push the bill

1 through. I appreciate it. And I know the police  
2 officers appreciate it also.

3 My bill's very simple. It's just  
4 bringing consistency to the law across all the  
5 municipal codes affecting what offices police  
6 officers can run for and hold.

7 So, if you're in a second-class  
8 township, if you're in a borough, if you're in a  
9 third-class city, police officers can run for the  
10 school board, but if you're in a first-class  
11 township, you cannot, according to the current law,  
12 which I think is an oversight. So, my bill would  
13 just add school board to the offices that -- in a  
14 first-class township that a police officer can  
15 hold, to make it consistent across all the  
16 municipal codes.

17 Now, I want to -- I want to highlight  
18 that this does not pertain to jobs in the  
19 municipality. Like, you can't run for borough  
20 council or borough commissioner. That would be a  
21 clear conflict of interest. But, you could run for  
22 school board. And police officers do serve  
23 honorably in school boards across the state, except  
24 if they're from a first-class township.

25 And it's really peculiar, because in my

1 school district, my home school district -- I have  
2 five school districts in my legislative district --  
3 but in my home school district, Elizabeth Forward,  
4 it's composed of three municipalities: a first-  
5 class township, a borough, and a second-class  
6 township. And, so, if the police officers were  
7 from either that borough or the second-class  
8 township within my school district, they could hold  
9 the office, no problem. But they happen to be from  
10 the first-class township part of the school  
11 district and so they can't.

12           Again, it's inherently unfair to them  
13 that there can be this inconsistency in the law.  
14 So, my bill simply tries to make it consistent by  
15 adding school board to the list of offices they can  
16 hold across all municipalities, since first-class  
17 townships are the only ones that they're not  
18 allowed to hold office in now.

19           So, I hope you'll consider that and  
20 vote favorably for it.

21           Thank you.

22           MAJORITY CHAIRMAN HARPER:

23 Representative, there's been an amendment proposed  
24 to your bill as well. Are you familiar with that?

25           REP. SACCONI: Yes. And if you need

1 counsel to do that, that's fine.

2 MAJORITY CHAIRMAN HARPER: 1611, I just  
3 would like you to explain --

4 REP. SACCONI: It also addresses the  
5 civil service --

6 MAJORITY CHAIRMAN HARPER: Hold on for  
7 one second. Which is the later? 1267 or 1611?

8 I think 1267 is the later of the two.  
9 Do you have that, Representative?

10 REP. SACCONI: I think I have it here.  
11 But, basically, what it does is -- and counsel can  
12 correct me if I'm wrong -- is, we also found we had  
13 to address the civil service code, because police  
14 officers -- some police officers are subject to  
15 that, too. So, this would change -- this would  
16 alter that portion of the code also. So, to make  
17 it consistent, so that everything would be  
18 consistent, the civil service regulations and the  
19 municipal codes.

20 MAJORITY CHAIRMAN HARPER: Well, right  
21 now, under the civil service code, a police officer  
22 can be removed for politicking.

23 REP. SACCONI: That's right.  
24 Politicking of any kind. I think that's going to  
25 be another issue that's going to come up in a



1 separate -- in a separate piece of legislation in  
2 the future, that depending on what class they're  
3 from -- you can see in the civil service code, in  
4 the chart that I passed out, they cannot engage in  
5 any type of politicking. And what this does is  
6 change it to that they can do it if they're not in  
7 uniform, they're not using township property,  
8 they're not using anything that pertains to their  
9 work. They're doing it specifically on their own.

10 MAJORITY CHAIRMAN HARPER: Right. So,  
11 the amendment would actually make possible what  
12 you're enabling in the legislation without  
13 subjecting somebody to discipline for running for  
14 school board.

15 REP. SACCONI: Exactly.

16 MAJORITY CHAIRMAN HARPER: Okay. Are  
17 there any questions?

18 REP. MCNEILL: I have one.

19 MAJORITY CHAIRMAN HARPER: Sure.  
20 Representative, go ahead.

21 REP. MCNEILL: Did they make a  
22 change --

23 MAJORITY CHAIRMAN HARPER: Hold on for  
24 one second. Since we're recording, I'd appreciate  
25 everybody using a mic. Thanks.

1                   REP. MCNEILL:  If they make a change  
2 just for police officers in this civil service,  
3 will that create --

4                   MAJORITY CHAIRMAN HARPER:  That doesn't  
5 sound as if it's on.  You have the little green  
6 light?

7                   REP. MCNEILL:  Yeah, it's on.

8                   MAJORITY CHAIRMAN HARPER:  Okay.  Go  
9 ahead.

10                  REP. MCNEILL:  Can you hear me now?

11                   If they would change -- well, what are  
12 they going to do?  Change the civil service code  
13 just for police officers?

14                  REP. SACCONI:  Currently, what I see --  
15 and counsel can correct me -- is police officers  
16 and firefighters are mentioned, and we're only  
17 changing it for police officers.  So, if the  
18 firefighters raise an objection in the future and  
19 wanted to come back, we could add firefighters to  
20 it, but --

21                  REP. MCNEILL:  But what about everybody  
22 else that works under the civil service?  They can  
23 challenge this in a court of law and then it costs  
24 a whole lot more money for this?

25                  REP. SACCONI:  I'll defer to counsel on

1 that one.

2 MS. SNADER: I guess I'm not clear on  
3 your question. You're saying for those -- those  
4 police officers who are under civil service could  
5 challenge -- I'm not sure.

6 REP. MCNEILL: No, I mean, other  
7 people, like, say counties and that that work for  
8 civil service that aren't police officers or  
9 firemen, could they challenge this law?

10 MS. SNADER: As far as -- like, in --  
11 I'm not sure.

12 REP. MCNEILL: And say, I want to be  
13 eligible to run, too.

14 MS. SNADER: Well, I don't know that  
15 they could challenge the law. They could, you  
16 know, contact their legislative member to have the  
17 law relating to them changed as well. I don't  
18 think that they could -- you know, unless there's  
19 some sort of basis for challenging it as far as  
20 that it wasn't --

21 REP. MCNEILL: Could they call it  
22 discrimination?

23 MAJORITY CHAIRMAN HARPER: Rep.  
24 Mirabito, I think probably you're asking whether  
25 they could file a lawsuit.

1 REP. MCNEILL: Yeah.

2 MAJORITY CHAIRMAN HARPER: And  
3 counsel's trying to explain that it would be a  
4 political process. Instead, it would be much like  
5 what we're doing right now.

6 REP. MCNEILL: Okay.

7 MAJORITY CHAIRMAN HARPER: And the  
8 reason that it would be much like that is, Rep.  
9 Saccone's first argument is other township codes  
10 allow this and the first-class doesn't. And that's  
11 essentially a political argument, and, I mean, the  
12 base question is whether we're comfortable having  
13 police officers act in dual roles and necessarily  
14 politic to get there.

15 REP. MCNEILL: Right. Okay.

16 MAJORITY CHAIRMAN HARPER: And under  
17 what circumstances.

18 Rep. SACCONI, you can speak for  
19 yourself, but I think you've narrowly drawn your  
20 bill just to allow school board as a potential  
21 office. Is that correct? You want to answer his  
22 question --

23 REP. SACCONI: Exactly right. Right  
24 now, it just provides -- it just applies for school  
25 boards. It doesn't apply to any other office that

1 could pose a conflict of interest, because,  
2 obviously, we don't want that.

3 REP. MCNEILL: Okay. That's fine.  
4 Thank you.

5 MAJORITY CHAIRMAN HARPER: I do think  
6 that there are some offices that are -- still  
7 remain incompatible with that of police officer,  
8 and -- and his bill only changes it with regard to  
9 school board.

10 REP. MCNEILL: Okay. Thank you.

11 REP. SACCONI: And that's a very  
12 important distinction, so thank you for raising  
13 that.

14 REP. MCNEILL: Thank you.

15 MAJORITY CHAIRMAN HARPER: Anybody else  
16 have a question or comment?

17 Representative.

18 REP. MAHONEY: Rep. Saccone, thanks for  
19 bring this to our attention, but I believe that if  
20 anybody wants to serve for a political job that  
21 doesn't pay anything, for all the grief that goes  
22 along with the job, have the right to do it.

23 My only concern is, if a policeman  
24 would run, he could not politic in a uniform or  
25 that type of thing. Is that my understanding?

1                   REP. SACCONI: That's right. And  
2 that's in the amendments. He could -- he'd be able  
3 to -- he'd still be able to go to the polls. He'd  
4 still be able to go door to door, just not in  
5 uniform and not on duty time. He wouldn't be able  
6 to use his township time. No different than  
7 anybody else, really, that if you're an accountant  
8 or you're some other employee, you can't use  
9 government time to do those types of political  
10 activities. So, it would -- the same thing would  
11 pertain to police officers. They wouldn't be able  
12 to do it in uniform because that would be  
13 intimidating. They're standing at the polls in a  
14 police uniform politicking for their own job.

15                   REP. MAHONEY: And your bill just  
16 levels the playing field across the first-class,  
17 second-class, and borough situations; right?

18                   REP. SACCONI: Exactly.

19                   And the irony is, again, back in my  
20 school district, which has three different types of  
21 municipalities, in the part of my school district  
22 that has a second-class township, the chief of  
23 police is on the school board of another school  
24 district already. So, even within my own school  
25 district, we already have police officers on school

1 boards. It's just that they're -- if they're from  
2 the first-class township, they can't do it. That's  
3 the --

4 REP. MAHONEY: Well, thank you for your  
5 effort.

6 MAJORITY CHAIRMAN HARPER: Anyone else?  
7 All right. Thank you, Representative.

8 REP. SACCONI: Thank you, Madam Chair.

9 MAJORITY CHAIRMAN HARPER: Why don't  
10 you stick around so in case you have any comments  
11 after the testimony of the other witnesses, we can  
12 call you back up.

13 REP. SACCONI: Thank you very much.

14 MAJORITY CHAIRMAN HARPER: Our next  
15 witness who's going to be testifying is Jim Walsh,  
16 legislative liaison for the Fraternal Order of  
17 Police.

18 Come on up, Jim.

19 We don't have a court reporter. We're  
20 not going to swear you in, but we are recording  
21 this, so tell the whole truth, nothing but of  
22 truth. Okay?

23 MR. WALSH: I have done that before.

24 MAJORITY CHAIRMAN HARPER: Okay.

25 MR. WALSH: Chairman Harper and members

1 of the House Local Government Committee, my name is  
2 Jim Walsh, and I'm a member and officer in York  
3 County Lodge -- FOP Lodge 73 and presently serve as  
4 -- on the legislative committee of the PA State  
5 Lodge Fraternal Order of Police.

6 I am representing the state lodge today  
7 in support of House Bill 1193, introduced by Rep.  
8 Rick Saccone. This bill will amend Public Law 1206  
9 number 331 to allow police officers of first-class  
10 townships to be candidates for the position of  
11 school board member. House Bill 1193 will add  
12 first-class townships to second-class townships and  
13 boroughs, who already have this right.

14 We consider that police officers, who  
15 frequently have school-aged children, should have  
16 the ability, just as any other citizen of the  
17 commonwealth, to participate in the important  
18 decisions that are made by the school boards.  
19 These decisions directly affect their own children  
20 and those of the community in which they serve.

21 Police officers and their families are  
22 vital members of their respective communities, and  
23 to limit, unnecessarily, their participation in  
24 civic life is a loss both to the police officers  
25 and the citizens and the community.



1                   Our first president, George Washington,  
2 recognized that his soldiers, like today's police  
3 officers, are still citizens when he said: When we  
4 assume the soldier, we did not lay aside the  
5 citizen. That was a speech by George Washington to  
6 the NY state legislature, June 16, 1775.

7                   To digress from my written testimony, I  
8 would just like to mention the fact that we have  
9 real estate agents who serve on school boards.  
10 Certainly, there's a possible conflict with a  
11 listing that they may have that the school board  
12 may wish to purchase, and they simply recuse  
13 themselves from that particular consideration.

14                   The same could be said for police  
15 officers. If there's any possible conflict, they  
16 would do the same as any other citizen of the  
17 commonwealth and recuse themselves.

18                   Thank you very much for having me  
19 testify on this bill.

20                   MAJORITY CHAIRMAN HARPER: Thank you,  
21 Jim.

22                   I'll start with the questions, if you  
23 don't mind.

24                   I have a concern that a police officer  
25 may come into information regarding a child in the

1 school system as a result of their school board  
2 duties that might involve law enforcement earlier  
3 than it would otherwise happen.

4                   What would you say to that? You know,  
5 I'm afraid that they might become privy to some  
6 misbehavior or something that doesn't rise to the  
7 level of what the school would normally report to  
8 the local authorities. How would you think that  
9 the police officer who is also a school board  
10 member would handle such an issue?

11                   MR. WALSH: I think they would simply  
12 recuse themselves, as they would in any other  
13 matter where there would be conflict, and step out  
14 of the proceedings at that time. I think that's  
15 the simplest answer. Police officers make those  
16 types of decision on a daily basis, sometimes ten  
17 times a day. So, I don't think -- I think they're  
18 capable of understanding that there's a possible  
19 conflict and to recuse themselves.

20                   MAJORITY CHAIRMAN HARPER: I don't know  
21 that they can unring the bell. In other words, if  
22 they become aware of information regarding a child  
23 because of their position, even if they recuse  
24 themselves, they're not going to forget what  
25 they've heard or know. I mean, how is that going

1 to work in the real world?

2 MR. WALSH: I can could only say what  
3 Rep. Saccone had said. We do have a number already  
4 serving in those positions. I've never heard of an  
5 instance like that coming up. And to -- and there  
6 are -- in the second -- in the second-class  
7 townships and the boroughs and the cities, they're  
8 already capable of doing this, so I don't see where  
9 it would be any different in the first-class  
10 townships.

11 MAJORITY CHAIRMAN HARPER: All right.  
12 The second question that I've had is -- that I  
13 wanted to address actually the representative of  
14 the FOP. And I agree with Rep. Mahoney, somebody  
15 who signs up to run for an unpaid, terrible job,  
16 that of school board member, should be encouraged,  
17 under any circumstances. So, I actually do agree  
18 about that.

19 But, in our country, we have had a  
20 strong tradition of separating the military -- and  
21 the police are a component of that, a civil  
22 component of that -- from government, for fear that  
23 there could be perceived coercion or something  
24 else. It's just not something we normally do. And  
25 I have to tell you, most police officers I know

1 would not want to be involved in politics in any  
2 way.

3 So, I guess I'm asking whether the FOP  
4 has considered that aspect of it, the view of the  
5 public with regard to somebody who is a police  
6 officer by day and a elected politicking person by  
7 night.

8 MR. WALSH: Well, as you know, school  
9 board members can cross file. It's, essentially,  
10 the closest PA has to a -- to a nonpartisan  
11 election, since you can cross file. And simply  
12 because they run as a Democrat and also run as a  
13 Republican, I think that, alone, in itself, would  
14 show that it's not really partisan politics, that  
15 this is someone who wants to serve on a community  
16 board that oversees the welfare of children. I  
17 don't see it as a -- they don't pass laws. They  
18 don't do anything that would affect the average  
19 citizens. So --

20 MAJORITY CHAIRMAN HARPER: Schools  
21 affect the average citizen. But I hear what you're  
22 saying, that the role of a school board member is  
23 different than the role of a state rep or a mayor  
24 or something like that; right?

25 MR. WALSH: That's my testimony.

1 MAJORITY CHAIRMAN HARPER: Yeah, I  
2 thought so. All right. Thanks.

3 Does anybody else have questions or  
4 comments?

5 Look they're already intimidated.

6 Go ahead.

7 REP. MALONEY: Thank you, Madam Chair.

8 I really just have more of a comment  
9 than I do a question.

10 I served on a school board. I sat on  
11 many executive sessions that were really, quite  
12 frankly, totally confidential. My only comment to  
13 the concern about -- I think that Chairman Harper  
14 had a concern about with the conflict there, I'm  
15 trying to think if there would have been any -- any  
16 order in which that would have been a problem. But  
17 it was my experience that, pretty much, the police  
18 had already known of any kind of serious issue that  
19 a student would have had before we even went into  
20 the executive session. So, I'm not so sure that  
21 there would be a conflict, because when it gets to  
22 that level, the police had already known about it.  
23 And, sometimes, they were brought into those  
24 meetings.

25 So, to the concern, I don't know that

1 there is one. So, I offer that for the sake that  
2 I've been in many of them. I saw the interaction  
3 back and forth. So, I would support it  
4 wholeheartedly. I don't know that there would be a  
5 concern.

6 MAJORITY CHAIRMAN HARPER: I appreciate  
7 that. My question, though, was the other way.  
8 That something that was not enough of a concern to  
9 involve the police yet -- minor, first offense,  
10 something, something like that -- that the police  
11 officer would then be aware of. And,  
12 theoretically, at least, since he lives in the same  
13 school district, he could be the relevant police  
14 officer, juvenile officer, whatever, for the  
15 township in which the child lives.

16 REP. MALONEY: Yeah. True.

17 MAJORITY CHAIRMAN HARPER: My concern  
18 worked the other way. But I appreciate what you're  
19 saying is that, in practice, you haven't seen it be  
20 a problem.

21 REP. MALONEY: Not at all, no.

22 MAJORITY CHAIRMAN HARPER: Thanks.

23 REP. MALONEY: So, thank you.

24 MAJORITY CHAIRMAN HARPER: And I think  
25 we have -- Rep. Mirabito has a question or comment?

1                   REP. MIRABITO: I guess I just wanted  
2 to follow-up on both of those and ask you what, in  
3 the training that police officers have -- I mean,  
4 conceptually, I think is absolutely fair and  
5 equitable. Let's say that school board members are  
6 sitting there, talking, and they're, you know, "We  
7 think that this kid is dealing drugs. We don't  
8 have any hard evidence. We don't have any -- we  
9 just have a suspicion. His brother was involved  
10 with drugs. You know, that family." Right? This  
11 is how conversations often go in communities.

12                   So, what does the police officer do  
13 with that information? That, I think, is what the  
14 chairwoman was getting at. In other words, it  
15 isn't -- it's too late to recuse themselves. Do  
16 they put on their hat outside -- and I'm asking you  
17 more as -- to try to educate me in terms of the  
18 police officer's training, what they would feel an  
19 obligation to do sort of ethically, as training as  
20 an officer, and also what they would do as a board  
21 member.

22                   MR. WALSH: The answer to your  
23 question, it would vary from department to  
24 department what actions they would or would not  
25 take at any given time. So, you can say it's

1 general for the entire commonwealth.

2           Secondly, the decision whether to bring  
3 charges or not bring charges ultimately belongs to  
4 the district attorney, not to that police officer.  
5 Normally, if a police officer is seeking a  
6 warrant -- at least in York County, where I'm  
7 familiar with, that I was a county detective there  
8 for five years -- is that the information would be  
9 brought to the district attorney, if, in fact, they  
10 have evidence, and the district attorney would make  
11 the decision based on his knowledge and his  
12 discretion as to whether to bring changes or not.

13           REP. MIRABITO: I guess I wasn't even  
14 thinking so much to the level of bringing charges  
15 as much does the officers say, "Okay, we're going  
16 to watch this kid more"? Does he say to his other  
17 officers that he serves with, "Look, we have some  
18 concerns about this -- this student"? And, I mean,  
19 you -- you're right. I guess it would vary from  
20 person to person. And I guess I've wandered if  
21 there's anything in the protocol of training for  
22 officers, or whether there needs to be something --  
23 if this, in fact, does happen, whether there should  
24 be something in the protocol that says, Look, you  
25 need to separate.



1                   One of the great things that's happened  
2 in the House is we are going through ethics  
3 training. And we're required to do it. I mean,  
4 I'm dead serious. Not only us but our staff. And  
5 I think it's making us a stronger institution. And  
6 I guess what I'm suggesting is maybe there needs to  
7 be some component where it just -- the issue gets  
8 raised. Because one wouldn't necessary know. I  
9 wouldn't necessarily know what to do with the  
10 information. That's my only concern.

11                   MR. WALSH: And I have really no  
12 comment to that other than that fact that I can  
13 agree with you on what you said, that -- but we  
14 have to rely on the discretion of the police  
15 officer and, certainly, in a summary offense.

16                   And this is Chief Fiorill.

17                   MAJORITY CHAIRMAN HARPER: Chief  
18 Fiorill, you have something you want to add to Rep.  
19 Mirabito's comment?

20                   CHIEF FIORILL: Actually, I think  
21 I can answer all of these questions.

22                   First of all, I was on a school board  
23 for six years for a catholic school, as president  
24 of the school board, so I have little experience  
25 with school boards.

1                   First and foremost, I think when  
2 someone runs for a political office, a lot of  
3 people are going to say, "How can you separate  
4 yourself, as a police officer, and still fulfill  
5 the job as a member of the school board?" He's  
6 going to have to answer that question right away or  
7 he's not going to get elected. And the first thing  
8 he should be able to do is realize that you're  
9 separating those two duties. When you're a school  
10 board member, you're a school board member, and you  
11 resolve the issues associated with that school  
12 board at that time. You're not a law enforcement  
13 officer. And he has to understand that before  
14 he takes that position on that board.

15                   MAJORITY CHAIRMAN HARPER: Okay. So, I  
16 think the answer that you're giving, if we wrote it  
17 large, is that the individual candidate and the  
18 voting public are going to have to make the  
19 decision based on how he answers that question,  
20 which is likely to be in a lot of voters' heads.

21                   CHIEF FIORILL: I think that's the  
22 first thing that a lot of voters are going to ask  
23 that individual because he is a police officer.  
24 But the other thing you have to take into  
25 consideration is, is police officers are very

1 intelligent. They know when, in fact, something  
2 should stay confidential. We deal with  
3 confidential informants all the time. They tell us  
4 of criminal activity that we can immediately go out  
5 and make that arrest or conduct an investigation  
6 but we don't do it because we don't have enough  
7 information, based on what's been told to us, to  
8 take any type of action.

9           So, if, in fact, something like that  
10 would transpire in a school board meeting,  
11 certainly he can keep it in the back of his head,  
12 but he's not going to take it anywhere until he can  
13 substantiate that.

14           In addition to that, because I'm an  
15 active police officer, most school boards do not  
16 notify the police of anything that transpires until  
17 they try to resolve that themselves through their  
18 own social entities, their guidance counselors,  
19 victim witness services, or whatever social  
20 agencies out there. If they can't resolve those  
21 issues, unless it's a very serious offense, like  
22 carrying a knife or a gun in that school, police  
23 departments aren't even notified about these  
24 things. And most law enforcement officers know  
25 that.

1                   So, going back to the original  
2 question, how can we differentiate the two, we're  
3 not involved in a lot of those issues in the first  
4 place because the schools resolve them themselves,  
5 and cops know that.

6                   MAJORITY CHAIRMAN HARPER: Thanks. I  
7 appreciate your adding that testimony. I think  
8 that was very helpful.

9                   Rep. Mirabito, finished?

10                  REP. MIRABITO: In some ways, it may  
11 also be a moot conversation because they're allowed  
12 to run in all these other places. As you were  
13 talking and I was listening to you, you know,  
14 you've been on for six years, and, so, maybe  
15 it's -- maybe it's not as much of a concern as  
16 we're thinking.

17                  MAJORITY CHAIRMAN HARPER: Rep.  
18 Knowles.

19                  REP. KNOWLES: Thank you, Madam Chair.  
20                   And I thank you for your testi-  
21 phoney -- testi-phoney? Testimony.

22                   I just want to elaborate on what the  
23 chief said. I served as a local, full-time police  
24 officer back in the '70s, for about seven, eight  
25 years. And I can tell you that, as a responsible

1 police officer, we need to do that. We need to  
2 separate this from that. And, you know, there's no  
3 other profession that you need to be more cognizant  
4 of confidentiality. So, you know, my feeling is  
5 that the police officer knows enough to -- you  
6 know, this is this and that is that. He knows  
7 that. I have no problem with that.

8           And when you talk about possibility of  
9 conflict of interest, I mean, I have friends who  
10 are school teachers that serve on school boards.  
11 Not -- not necessarily on the board in which they  
12 teach, but they -- you know, they serve on school  
13 boards. And my feeling would be the same in this  
14 situation as it is there. Let the voters judge as  
15 to whether or not they believe that that teacher  
16 can do the job as a school board member.

17           And I feel -- simply believe -- I feel  
18 the same way here. I think -- I'm a co-sponsor of  
19 the bill. And I thank you for your testimony.

20           And, Madam Chair, I thank you for the  
21 opportunity to comment.

22           MAJORITY CHAIRMAN HARPER: Thank you,  
23 Rep. Knowles.

24           Rep. Fee.

25           REP. FEE: Thank you, Madam Chair.

1 I guess I just wanted to echo that if  
2 police officers are already allowed to run in  
3 second-class townships, I mean, unless there's an  
4 instance you can tell me about, it's kind of a moot  
5 point for me where -- do I have that correct?

6 MAJORITY CHAIRMAN HARPER: You're  
7 correct. But that hasn't been the law for very  
8 long.

9 REP. FEE: Okay.

10 MAJORITY CHAIRMAN HARPER: That's  
11 actually not -- I don't know, maybe Rep. Saccone  
12 knows. But that has not been the law for a long  
13 time. It's just a few years. We don't have that  
14 much experience with that.

15 REP. FEE: Okay. I mean, I just  
16 thought, if they are already allowed to do it and  
17 if they're already sitting on school boards  
18 somewhere, and it's never been an issue before, but  
19 -- okay. Thank you.

20 MAJORITY CHAIRMAN HARPER: Okay.  
21 Anybody else, questions or comments?

22 Thank you very much.

23 Our next testifier is Ron Grutza from  
24 the boroughs' association. As I said to the other  
25 witnesses, we don't have a stenographer. We're not

1 swearing people in. But you better tell the  
2 truth.

3 MR. GRUTZA: I don't know about that.  
4 I'll give it my best try.

5 Thank you, Chair Harper. Thank you,  
6 Chair Freeman and members of the Local Government  
7 Committee.

8 My name is, again, Ron Grutza. I serve  
9 as the assistant director of government affairs for  
10 the PA State Association of Boroughs. I think all  
11 of you know a little bit about our association.  
12 We're a nonprofit, nonpartisan local government  
13 association, comprised of over nine hundred  
14 boroughs and over ten thousand elected and  
15 appointed borough officials. Been around for a  
16 little over a hundred years.

17 And, in that time, we've worked with  
18 the general assembly and the various governors over  
19 the years to help shape the laws which affect all  
20 boroughs and municipal officials.

21 So, with that, I'd like to thank Chair  
22 Harper for inviting the boroughs' association to  
23 present our perspectives on House Bill 1193, which  
24 we're discussing this morning, which would amend  
25 the first-class township code to specifically allow

1 noncivil service police officers to serve as school  
2 directors. And I guess I stated that before I saw  
3 the amendment, but, of course, we can discuss that  
4 a little bit later.

5 Many of you may be asking yourselves  
6 why PSAB is commenting on a first-class township  
7 code bill. While I may feel like Admiral  
8 Stockdale, I'll give you a couple reasons why we're  
9 here this morning.

10 First, as -- first, we, in the borough  
11 code and the first-class township code and other  
12 codes, we do share similar provisions in our codes,  
13 especially the first-class township and the borough  
14 code, which -- because we do have civil service  
15 provisions, and many times that language does track  
16 each other, so that's the first reason.

17 Second reason, last year, as we did the  
18 re-enacted or revised borough code, Act 43 of 2012,  
19 some -- a few of the provisions changed in terms of  
20 the incompatibility police officers serving as  
21 elected officials. So, I just wanted to go over  
22 that and talk about some of the civil service  
23 versus noncivil service treatment in boroughs with  
24 political activity. So, we thought that that would  
25 be useful to your deliberations here on this bill.



1                   However, I would like to make the  
2 important point is that PSAB does not have an  
3 official position on the bill.

4                   Before I begin to describe how the  
5 borough code treats police officers in this  
6 situation, I'd like to explain the important  
7 distinction between police -- between police  
8 officers in terms of their status. Some can be  
9 hired through the civil service process and others  
10 can be hired outside of the civil service process.  
11 And, as many of you know, the purposes and the  
12 benefits of a civil service process is you get  
13 merit-based hiring and it affords the police  
14 officers protection in terms of removals and due  
15 process. So, it -- the police officer does get  
16 some protection there.

17                   Prior to Act 43 -- I'll just give you a  
18 little overview of what the -- how the borough  
19 code --

20                   MAJORITY CHAIRMAN HARPER: Hold on for  
21 a second.

22                   MR. GRUTZA: Sure.

23                   MAJORITY CHAIRMAN HARPER: Of 2012. I  
24 knew it was a pretty recent bill.

25                   Okay. Ahead.

1 MR. GRUTZA: Yeah. Prior to Act 43 of  
2 2012, the borough code provided, in terms of  
3 noncivil service police officers, no prohibitions  
4 on police officers serving in elected positions in  
5 borough or outside of the borough; however, how it  
6 treated civil service police was that they were  
7 strictly prohibited from participating in any  
8 political campaigning except for exercising their  
9 right to vote. So, we did have a similar provision  
10 as was -- as is currently in the first-class  
11 township code.

12 The police officers in that situation  
13 who did have civil service protections could not --  
14 they could not attend fund raisers. They couldn't  
15 campaign for anyone. They couldn't put yard signs  
16 on their lawn. They couldn't run for office.  
17 Everything was off limit or you could -- or you  
18 could be subjected to discipline by suspension  
19 without pay, removal, or reduction in rank.

20 Now, under Act 43 of 2012, the borough  
21 code altered political activity of the civil  
22 service police officers, and -- so it did two-fold  
23 things. We altered how we treated civil service  
24 police officers with campaigning and the  
25 incompatibility of all police officers with elected

1 borough positions.

2                   Specifically, under Section 1104 sub F,  
3 all police officers are strictly prohibited from  
4 holding an elective office of the borough that  
5 employs the police officer. Now, this provision  
6 also extends to regional police departments and  
7 police who are servicing that community and any  
8 other of the communities.

9                   It should also be noted that it was an  
10 oversight that was left out, but we believe that it  
11 should be included, a prohibition on police  
12 officers who are from another municipality, who  
13 service the borough through a police services  
14 contract, that they should be not be able to hold  
15 elected office in the borough.

16                   Let me now turn to how the new borough  
17 code treats civil service police officers. As  
18 stated earlier, the old prohibition against all  
19 political activity was slightly modified. Instead  
20 of a civil service police officer being subject to  
21 discipline by suspension without pay, removal, or  
22 reduction in rank for participation in any  
23 political activity, Section 1190 now allows a  
24 borough to remove the said civil service officer  
25 for only two reasons related to political activity.

1           First, an officer -- a civil service  
2 officer could be disciplined for engaging or  
3 participating in any political election campaign  
4 while on duty or in uniform or while using borough  
5 property. This is what was similar to, was  
6 discussed earlier as an amendment to the first-  
7 class township code.

8           Second, an officer could now be  
9 disciplined through the various means by  
10 participation in any -- any participation  
11 political -- in political -- in political election  
12 campaigns for any elected office of the borough.  
13 And that's basically the prohibition that extends  
14 to all of them. But, this -- while the prohibition  
15 for all police officers is for holding the office,  
16 this one, for civil service, it extends to holding  
17 the office or campaigning for the borough office.  
18 And, so, that's an important distinction there.

19           What does "elected borough office"  
20 mean? And what -- what, at least, my opinion is,  
21 is that -- well, of course, this is new language in  
22 the borough code, and it hasn't been litigated --  
23 of the borough, is -- my opinion is that -- that it  
24 is an office of the borough and it's established by  
25 the borough code. So, it wouldn't include other

1 offices like school director. They would include  
2 mayor, council person, tax collector, auditor, and  
3 controller. A more expansive interpretation could  
4 include other offices, but that remains to be seen  
5 if it would include school director.

6           So, you know, I'd like to -- and let me  
7 back up there, because you may be wondering why  
8 the -- why the borough code now includes some of  
9 these, and the total prohibition for civil service  
10 officers were -- was modified in our code. A few  
11 years ago, the FOP had a proposal to completely  
12 take those out. So, that would mean that a civil  
13 service officer would be able to participate in any  
14 political election campaign for any office  
15 anywhere.

16           We felt that that -- we, naturally,  
17 opposed that, but, as it was in the second chamber,  
18 we did negotiate to at least protect the -- the  
19 borough in which that officer was employed. We  
20 felt that that was kind of the firewall right  
21 there. So, that's kind of how that compromise took  
22 place.

23           Turn now to some of the policy  
24 considerations. I've gone over how to code treats  
25 the political activity there. Some of the things,

1 I think, that the committee should consider when  
2 allowing police, or, even worse, civil service  
3 police, to get involved in partisan political  
4 campaigns, and notwithstanding Act 43, PSAB has  
5 always taken the position opposing the allowance of  
6 police with civil service protections to run or  
7 even participate in any political campaign except  
8 for allowing their -- exercising their right to  
9 vote.

10 The basic premise behind the civil  
11 service system is not only to protect the employee  
12 from political retribution but also to have the  
13 hiring of important figures such as police to be  
14 based on merit and not politics. We believe that  
15 the enforcement of the law should be above politics  
16 and removed from even the appearance of  
17 impropriety.

18 Allowing police officers to run for  
19 school director could produce scenarios where  
20 citizens could feel intimidated or believe that the  
21 discharge of law enforcement is unjust.

22 The legitimate regulation of political  
23 activities by police officers by state legislators  
24 across this country has been recognized since the  
25 beginning of the 20th century. Courts as high as

1 the U.S. Supreme Court have affirmed this as a  
2 worthy protection of both the police officer and the  
3 citizen. Government has a preeminent interest in  
4 ensuring the public's confidence in impartial law  
5 enforcement.

6 Do we want the possible appearance of  
7 impropriety with regard to the integrity of the  
8 administration of police protection? The  
9 favoritism of partisan -- the favoritism of  
10 partisan support inherent in a political campaign  
11 can create an atmosphere for the improper  
12 distribution of police services and inject  
13 political influences into the internal  
14 administration of the police force. It is this  
15 appearance of impropriety that -- I believe, that  
16 the current law is designed to protect.

17 It is true that due to Act 43, the  
18 prohibitions against political activity have been  
19 modified in the borough code. However, we believe  
20 that police officers should not be allowed to hold  
21 elected positions in the communities in which they  
22 enforce the laws impartially. If there is any  
23 inconsistencies in the municipal codes with regard  
24 to this matter, PSAB suggests the general assembly  
25 clarify universal prohibition against police

1 officers holding any type of elected office which  
2 covers the municipality in which they are employed  
3 or service.

4 In addition, there should be further  
5 protections on political activity of any kind in  
6 municipalities that employ or are serviced by a  
7 police officer, regardless of the elected office.  
8 Once again, the theory of the firewall.

9 As stated earlier, elections and  
10 campaigns bring with them a dynamic which could  
11 lead to the partial enforcement of the law, and  
12 this is something that we strongly urge this  
13 committee to guard against.

14 I have included in my testimony, for  
15 you convenience, a -- just a little primer on how  
16 the old code and the new code jive with noncivil  
17 service and civil service police officers. And  
18 there was a lot of discussion earlier about -- more  
19 so on the incompatibility of the offices of police  
20 officer and school director.

21 I would, as is evident in my testimony,  
22 I would suggest that you focus in on the aspect of  
23 allowing police officers to get involved in  
24 partisan political campaigns, especially here in  
25 the first-class township code.



1 MAJORITY CHAIRMAN HARPER: Okay.

2 MR. GRUTZA: And, so, I thank you,  
3 Chair Harper and Chair Freeman and members of the  
4 committee this morning, for allowing me to share  
5 with you some of our perspectives. And I'd be happy  
6 to answer any questions that the committee members  
7 may have.

8 MAJORITY CHAIRMAN HARPER: I just want  
9 to ask about the chart that you referenced that all  
10 the members have in front of them. If you could  
11 turn to that. I'm a little confused about the  
12 section that says, civil service police, the old  
13 code, campaigning of any kind strictly prohibited.  
14 And then under new code, it says, campaigning now  
15 restricted to borough offices of the employee  
16 borough. You mean prohibition of campaigning I  
17 think; right?

18 MR. GRUTZA: That is correct. Right.  
19 Right.

20 MAJORITY CHAIRMAN HARPER: Okay. And  
21 if I hear your testimony correctly, you're talking  
22 about the appearance of a police officer engaging  
23 in partisan activity, even if the office of school  
24 director is not incompatible.

25 MR. GRUTZA: Is not incompatible.

1 Right. Because, as I stated in my testimony and as  
2 all of you know -- you all have to run -- that  
3 politics has -- partisan campaigns have a level of  
4 competitive nature, and there are certain dynamics  
5 there which could lead to impartial enforcement of  
6 the law or intimidation, which we feel that -- and  
7 that's why we'd strongly suggested that when these  
8 bills had come up in the past -- not this bill in  
9 particular -- but to take -- especially for civil  
10 service, that we opposed.

11 MAJORITY CHAIRMAN HARPER: Thank you.  
12 Okay. We'll take questions from the  
13 members.

14 Rep. Lee -- James. I get it wrong  
15 every time. James, Lee.

16 REP. JAMES: Thank you, Madam Chair.  
17 Just one quick question with regard to  
18 Rep. Saccone's original proposal. Do we have to  
19 distinguish between civil service and noncivil  
20 service police officers? Is that an issue here?

21 MAJORITY CHAIRMAN HARPER: Under the  
22 first-class township code, it is an issue. And the  
23 bill that Rep. Saccone has is a first-class  
24 township bill because some -- I don't know if all,  
25 maybe the FOP could tell me -- but certainly some

1 police officers in first-class townships are  
2 protected by civil service. So --

3 MR. GRUTZA: Right. As currently the  
4 bill is drafted, I would say that it only would  
5 apply to noncivil service. But with the proposed  
6 amendment, that would amend the civil service  
7 provisions of the first-class township code to  
8 allow the civil servant to run and to serve on the  
9 school board without being suspended pay, removed,  
10 or reduced in rank.

11 MAJORITY CHAIRMAN HARPER: Right. The  
12 amendment that you have in your packet would  
13 address that issue, that -- that an officer who was  
14 protected by civil service could actually be fired  
15 for politicking if we don't fix that to allow for  
16 the politicking necessary to get on the school  
17 board. You know, if we're going to go with it, we  
18 got to fix both pieces.

19 Any other questions, comments?

20 Chairman.

21 MINORITY CHAIRMAN FREEMAN: Thank you,  
22 Madam Chairman.

23 Ron, thank you for your testimony.

24 Since the change in the borough code --  
25 and I realize it's been a very short span of

1 time -- have you been made aware of any problems  
2 that have arisen because of that change?

3 MR. GRUTZA: No anecdotal evidence.  
4 No.

5 MINORITY CHAIRMAN FREEMAN: Nothing's  
6 come back to the association.

7 MR. GRUTZA: No. I think we're  
8 about -- we're less than a year into implementation  
9 now.

10 MINORITY CHAIRMAN FREEMAN: We are,  
11 though, in a very local election-driven cycle right  
12 now, and I was wondering whether you have  
13 encountered any kind of feedback or problems that  
14 we --

15 MR. GRUTZA: I have not heard of any.

16 MINORITY CHAIRMAN FREEMAN: Thank  
17 you.

18 MAJORITY CHAIRMAN HARPER:

19 Representative, go ahead.

20 REP. KIM: Thank you, Ron, for your  
21 testimony.

22 With Rep. Saccone's, you know, bill, it  
23 just seemed like kind of common sense, but you're  
24 making me pause a little bit, thinking of a likely  
25 or unlikely scenario. I'm not worried when the

1 police officer does get on the school board. I'm  
2 worried about when he doesn't get on the school  
3 board, holds a grudge against somebody who supports  
4 somebody else, you know, and retaliation in his  
5 power as a law enforcement officer.

6 Just thinking, you know, our -- not  
7 rushing into this, but could we use the borough as  
8 a pilot program, watch them, and then expand? Or  
9 sunset it? Just in case people do abuse this.

10 I -- police officers are always  
11 upstanding folks, I know that, but just in case  
12 that there is, because it is a very powerful  
13 position, and if you hold a grudge against  
14 someone -- I'm just concerned about intimidation,  
15 like you were bringing up.

16 MR. GRUTZA: Right. And that's what I  
17 was hitting on, is that partisan political  
18 campaigns are, you know, the -- there's winners,  
19 there's losers. There's so many different subplots  
20 in there, and that, unfortunately, can lead to hard  
21 feelings. that's just something that we've always  
22 tried to make the general assembly aware of. You  
23 know, obviously we support our police officers, but  
24 we also want to protect them in certain instances  
25 like this.

1 MAJORITY CHAIRMAN HARPER: Questions,  
2 comments?

3 Rep. Mahoney.

4 REP. MAHONEY: Thank you, Madam  
5 Chairman.

6 When it comes to conflict of interest,  
7 I'm not going to -- I'm not going to really comment  
8 on that right now, and I'll tell you why. I'll  
9 probably save that till later. But I guess I'm  
10 somewhat unclear about what your position really  
11 is. I think you said that, in the past, you've  
12 opposed it, but you don't have a position.

13 MR. GRUTZA: Right. We don't have a  
14 position on this bill in particular because it is a  
15 first-class township bill.

16 In the past, we have opposed allowing  
17 police officers, in particular civil service police  
18 officers, who have the protection of they could  
19 only be removed for certain reasons, and one of  
20 them, of course, is political activity.

21 So, when the -- when the legislature  
22 had considered removing that entirely, that's when  
23 we brought that up that we would oppose that. And,  
24 of course, because, as I stated before, partisan  
25 political campaigns have certain types of dynamics

1     which we think that the police force should be  
2     immune to.

3                     REP. MAHONEY:   Okay.   Thank you.

4                     MAJORITY CHAIRMAN HARPER:   Anybody  
5     else?   Questions, comments?

6                     Sure.

7                     MR. FULTON:   Ron, just curious.   You  
8     might not have this number, but what is the  
9     breakdown between civil service and noncivil  
10    service police officers generally in boroughs?  
11    Percentages or --

12                    MR. GRUTZA:   Well, in boroughs, it  
13    ranges.   I'd have to guess.   Of course, we can get  
14    you whatever numbers that we have.   Some of our  
15    smaller are -- are noncivil service.   Generally, in  
16    the code -- well, in the code, the rule is three  
17    members of the force would trigger -- on the third  
18    member, it would trigger the civil service  
19    proceedings and hiring procedures.   You have to  
20    establish a civil service commission and go through  
21    the hiring processes for that.

22                    Now, in boroughs, in particular, we  
23    have a little bit of a difference here is that,  
24    once you do get to the third member -- and we do  
25    count heads, so it doesn't matter if they're part

1 time or full time -- but the next full timer does  
2 have to be -- go through the civil service  
3 proceedings.

4 There is some gray area that we can  
5 hire officers from time to time, might call them  
6 part timer, if we don't have a set schedule outside  
7 of civil service.

8 So, I can circle back with you and get  
9 you some numbers on that.

10 MAJORITY CHAIRMAN HARPER: Anybody  
11 else?

12 Okay. Thank you very much. And thank  
13 you for your testimony.

14 And we're going to hear from Amy  
15 Sturges, who is director of governmental affairs of  
16 the PA State Association of Township Commissioners,  
17 who are the first-class townships. And this bill  
18 is a first-class township bill.

19 Amy.

20 MS. STURGES: Good morning. Chairman  
21 Harper, Chairman Freeman, and members of the  
22 committee, thank you for inviting me to provide  
23 testimony today on House Bill 1193.

24 My name is Amy Sturges. I'm the  
25 director of governmental affairs for the state



1 association of township commissioners or PSATC.  
2 PSATC is a non-profit, non-partisan local  
3 government association that serves first-class  
4 townships through their membership. We have a  
5 majority of the first-class townships of the  
6 ninety-two first-class townships within the  
7 membership base.

8           And I'd like to clarify my testimony  
9 today, in light of Ron's testimony on the borough  
10 code. I wrote this testimony from the perspective  
11 of a civil service, that the police officers in  
12 first-class townships are covered by civil service.

13           The first-class township code does say  
14 that if there's three or less officers, that civil  
15 service is not a requirement. So -- but in our  
16 first-class townships, we are the larger  
17 townships. We have full-time officers -- full-time  
18 police, full-service police, and I think for the  
19 most part -- and I will check on this when I get  
20 back to the office -- the members do have civil  
21 service within their townships. So, that is the  
22 perspective of my testimony today.

23           So, the bill amends the first-class  
24 township code to authorize police officers that  
25 serve in first-class townships to run for the

1 office and serve as a school board director. We're  
2 opposed to this bill, and we request that the  
3 committee forego any further consideration or  
4 consideration of amendments to the legislation. We  
5 ask that the language stay as in the first-class  
6 township code.

7                   Since the 1940s, police officers in  
8 first-class townships that employ three or more  
9 officers have enjoyed the protection of civil  
10 service rules and regulations. Employees hired and  
11 working under civil service are protected from  
12 political influences that could otherwise impact  
13 their hiring, promotion, dismissal, or other  
14 employment actions against them.

15                   As part of these protections, Section  
16 644 of the code prohibits suspension, removal, or  
17 reduction in rank except for a handful of  
18 situations, including engaging or participating in  
19 conducting of any political or election campaign  
20 otherwise than to exercise his own right of  
21 suffrage. Additionally, Section 1401 states that:  
22 No policeman shall at the same time hold any public  
23 office other than constable or health officer.

24                   PSATC's opposition to a police officer  
25 running for and serving on a school board lies in

1 the political influence that this overlap will have  
2 on the performance of police duties, the possible  
3 use or influence of police status on citizen voting  
4 and politics, and the impediments the dual role  
5 will have on police involvement in schools.

6 PSATC believes that the integrity and  
7 efficiency of a police department is compromised  
8 when politics is intentionally brought into the  
9 picture, even at the school board level.

10 For example, if a police officer also  
11 serves as a school board director and school  
12 budgetary cuts negatively impact the children and  
13 spouses of his fellow officers, how would that play  
14 out in the day-to-day operations of the department?  
15 It could easily cause animosity and hinder the  
16 public safety operations of that department.

17 Similarly, police officers are known  
18 and recognizable in their communities. A police  
19 officer campaigning for a position of school board  
20 will certainly be associated with his occupation.  
21 He may even use it to his advantage when  
22 campaigning for support from voters.

23 Such actions are in direct conflict  
24 with the intent and protections of the civil  
25 service laws protecting the officer and his job

1 from political decisions. Employees should not be  
2 able to utilize a law to protect them from politics  
3 in the workplace one day and then bring politics  
4 into the workplace the next.

5           Moreover, in today's schools, police  
6 officers are prominent as role models and  
7 counselors. Community resource officers build  
8 relationships with students, gain their trust, and  
9 mentor students both during and after school.  
10 PSATC is concerned that a police officer placed in  
11 a school who is also a member of the school board  
12 will hinder that valuable relationship and trust,  
13 with the complicating level of authority that a  
14 school board member will introduce into that  
15 relationship.

16           Additionally, placing officers in  
17 schools requires agreements with municipalities.  
18 These agreements require the negotiation of terms  
19 involving the compensation to the municipality for  
20 police time, staffing, officer assignment, and  
21 removal. These are municipal management decisions  
22 that police officers should not be involved in  
23 making under the guise of also being a school board  
24 director. An officer and school board member could  
25 use her school board vote to affect the outcome of

1 an agreement. It is a conflict of interest that  
2 can interfere with the provision of optimum public  
3 safety in a school.

4 The issue of police political activity  
5 was tested in the 1990s in a first-class township  
6 case, Wilkins Township in Allegheny County. In  
7 this case, a township police chief challenged the  
8 language of the first-class township code in  
9 federal court by seeking to have the township  
10 enjoined from disciplining him if he decided to run  
11 for district justice.

12 The U.S. District Court upheld the  
13 government's interest in proscribing the political  
14 activities of public employees. In its opinion,  
15 the Court made the following points: The chief was  
16 not prohibited from running for office but rather  
17 was faced with the decision to resign in order to  
18 run for office, that there are no constitutional  
19 rights to be able to remain employed while running  
20 for office, and that the authority of government to  
21 regulate political activity of police officers has  
22 been recognized for many years from both the U.S.  
23 Supreme Court and the PA Supreme Court.

24 PSATC believes that its position to  
25 leave the code language unchanged is supported by

1 this court decision.

2           Recent changes to the borough code's  
3 service article to curtail an employee's (sic)  
4 ability to remove an officer for political activity  
5 to -- while on duty or in uniform or while using  
6 borough property, should not impact the committee's  
7 decision in this particular -- on this particular  
8 bill.

9           The decision to allow these changes in  
10 the borough code in no way indicates that they are  
11 positive and should be extended to first-class  
12 townships.

13           As stated, PSATC believes that there is  
14 a legitimate and practical need to keep politics  
15 out of police forces and to concentrate on  
16 efficient public safety.

17           PSATC respectfully requests that the  
18 committee not entertain HB 1192 --excuse me, 1193  
19 or amendments.

20           On behalf of the members of PSATC,  
21 thank you. And I'll be happy to answer your  
22 questions.

23           MAJORITY CHAIRMAN HARPER: Thank you,  
24 Amy.

25           Are there questions?

1 Rep. Mahoney.

2 REP. MALONEY: Thank you, Madam Chair.

3 And thank you for your testimony.

4 I do have some questions. There's a  
5 lot of examples given here today and a lot of  
6 conflict of interest comes up. And I mentioned  
7 that with the last testifier and you're the lucky  
8 one that I will ask the questions to.

9 Just for clarification, though, Rep.  
10 Saccone, I believe, referenced a school district  
11 that has three different entities within its  
12 district; correct?

13 Okay. So, I guess what's troubling to  
14 me about that is that some of those people can  
15 served but some can't.

16 Do I understand that right?

17 Okay. So, I guess when I think of  
18 representation, that troubles me there.

19 I just recently recognized a police  
20 officer back home for forty-some years of service.  
21 He started out as a truancy officer in my high  
22 school when I was in school. He also worked part  
23 time as a police officer. I'm not so sure that,  
24 what I'm hearing today, that that wouldn't have  
25 been a conflict. I personally don't think it was.

1 He ended up to be the chief of police and served  
2 for many years in a very commendable fashion.

3 He had confidential information as a  
4 truancy officer and went out on the streets as an  
5 officer.

6 You talked about budgetary problems or  
7 conflicts. Rep. Knowles mentioned earlier that  
8 teachers can serve on school boards. They can,  
9 typically -- or, I think, legally, it cannot be  
10 within the school district that they're employed.  
11 However, their spouses can, their children can.

12 I was in several executive sessions  
13 where this conflict was brought up with total  
14 disregard to the budget. So, I'm a little  
15 embarrassed that we would be using these  
16 comparisons when we already have some of these  
17 conflicts taking place.

18 A township supervisor can also serve as  
19 road master, a serious conflict of interest, in my  
20 opinion.

21 I've had coaches -- I chaired student  
22 activities. I've had coaches that served in  
23 multiple capacities that I had to question and/or  
24 make decisions about what our children would do or  
25 how we would have budgetary decisions made within



1 the school process that, to me, could have been  
2 perceived as a conflict. I don't think it was,  
3 however, could have been.

4 So, I guess what's problematic to me is  
5 that when we talk about a conflict of interest, I  
6 think it's very obvious today it's taking place. I  
7 have a school district that had a realtor, which  
8 was mentioned earlier, that was on the board. They  
9 made a decision to buy a piece of property that he  
10 would have benefited from. Serious conflict of  
11 interest, in my opinion.

12 We have legislators that serve as  
13 township officials. In my opinion, the  
14 constitution is somewhat clear about that.  
15 Conflict of interest.

16 So, I guess I'm going to end with -- I  
17 might have stepped on somebody's toes -- but I'm  
18 going to end with, I really have a problem when we  
19 use "conflict of interest" when it is so, so  
20 obvious today already. And I've experienced most  
21 of the concerns that were raised today, and I  
22 didn't see them as a problem but some I did. And  
23 didn't happen to be police officers.

24 So, thank you.

25 Thank you, Madam.

1 MAJORITY CHAIRMAN HARPER: Thank you.  
2 Chairman Freeman.

3 MINORITY CHAIRMAN FREEMAN: Thank you,  
4 Madam Chairman.

5 And thank you, Amy, for your  
6 testimony.

7 I understand, of course, that you and  
8 the association are opposed to the bill, but you do  
9 raise an interesting point in your testimony about  
10 human resource officers. If this bill were  
11 advanced out of committee, would you see it  
12 appropriate to have an amendment that if a police  
13 officer was serving in the capacity of a school  
14 board director, they could not serve in the  
15 capacity of a community resource officer? Because  
16 that would potentially create a conflict.

17 MS. STURGES: I think that would most  
18 definitely be appropriate, but I think there's  
19 still the concern that a police officer that's also  
20 a school board director, regardless of whether  
21 they're the community resource officer as well,  
22 there're still going to be issues with the  
23 placement of any voting or -- the voting on the  
24 placement, the pay, et cetera, of that community  
25 resource officer, whether the school board member

1 is that officer or not.

2 MINORITY CHAIRMAN FREEMAN: But you  
3 would see it as a positive step if we were to amend  
4 the legislation to say: You can't serve in that  
5 capacity.

6 MS. STURGES: I think that would be  
7 helpful, yes, but I can't say that it would  
8 alleviate the --

9 MINORITY CHAIRMAN FREEMAN: I  
10 understand. Thank you.

11 MAJORITY CHAIRMAN HARPER: Rep.  
12 Mahoney.

13 REP. MAHONEY: Thank you for your  
14 testimony today.

15 Thank you, Madam Chairman.

16 What I don't understand, what's the  
17 difference -- we're talking about the politics.  
18 What's the difference of a policeman being able to  
19 run for constable or health officer, where you are  
20 getting paid, and when you want to run for a school  
21 board director, where you're not getting paid and  
22 all you want to do is serve the community the best  
23 of your ability? I just -- I don't understand how  
24 your group could be -- have any, one way or the  
25 other, on having people that probably have the most

1 common sense in your communities serve on a board  
2 that needs to create young people in the right  
3 direction as far as education and as far as a  
4 budgetary aspect of it. And I just think, you  
5 know, if -- if -- if you have the right to run and  
6 serve, I think -- I don't understand how anyone  
7 could be against that.

8 MS. STURGES: I can't answer,  
9 Representative, how the term "constable" and  
10 "health officer," how they were placed in the  
11 code. The code is rather old and is in need of  
12 revision. And I don't have the background to tell  
13 you how constable and health officer came to be  
14 incompatible offices or -- but, from the  
15 association's perspective, there is a real concern  
16 that having a police officer also serve as a school  
17 board director will affect the efficiency,  
18 integrity of the department, of the police  
19 department, and that because there are several  
20 service protections in the code for police officers  
21 to protect them from political decisions that would  
22 harm them in their employment, that we should not  
23 have, on the other hand, the ability to use  
24 politics and be involved in politics on the other.

25 REP. MAHONEY: Taking all politics out

1 of the equation, I have a real estate company and a  
2 restaurant and I'm a politician. And you have to  
3 wear different hats at different venues. And you  
4 keep bringing it back to politics, and I think  
5 that's what's wrong with school boards. There's  
6 too much politics in it. I think, you know, not  
7 having people that are probably the most respected  
8 people in the community not being able to serve on  
9 the school board, I just think it just stinks.

10 MS. STURGES: Well, I appreciate your  
11 position. I think you have helped me be -- there  
12 are a lot of politics locally with school boards,  
13 and that's where the issue comes in for our  
14 association. There's a tremendous amount of  
15 politics. Even at the school board level, there  
16 are local politics that can be very divisive. And  
17 to -- and to add -- and for the police officer to  
18 add himself or herself to that political atmosphere  
19 and to be a police officer during the day and a  
20 school board director in the evening is -- is  
21 unhealthy for the police department.

22 And we have to -- we have to talk about  
23 civil service and the police department here,  
24 because that's where -- that is how these  
25 officers -- that is how they serve during the day.

1 And they're protected by civil service laws when  
2 they were hired, and that's how they are protected  
3 in their job.

4 REP. MAHONEY: But it goes back to, you  
5 know -- it goes back to the voter electing whoever  
6 they think is the most responsible, common sense  
7 person to school board, and I just think that we  
8 need to give the voter the choice to whoever wants  
9 to run for school board.

10 Thank you.

11 MAJORITY CHAIRMAN HARPER: Thank you,  
12 Representative. That's actually the purpose of the  
13 hearing, so that we can air out the concerns. So,  
14 I appreciate that you raised them, and I appreciate  
15 Amy's handling of the concerns as you did.

16 Follow-up on that, Rep. Saccone had  
17 mentioned school board directors run on both  
18 ballots. Does that change any of your thoughts on  
19 this, Amy? They can cross file. Does that change  
20 your feeling about the partisan nature of this  
21 particular office that he's seeking to add as  
22 compatible?

23 MS. STURGES: No, it does not, because  
24 the bottom -- the bottom line issue for the  
25 association is the political nature of putting

1 politics into the police force. That is the  
2 concern of the association. So, no.

3 MAJORITY CHAIRMAN HARPER: Thank you.  
4 I think, Rep. Mirabito, question,  
5 comment?

6 REP. MIRABITO: One thought that occurs  
7 to me, when the representative was discussing that  
8 oftentimes elected officials have other position is  
9 the difference is that there's power here. There's  
10 power of the state.

11 In other words, if someone is an  
12 elected official and they also happen to have a  
13 real estate business or a restaurant, it doesn't  
14 rise to the same level of concern as the power of  
15 the state, which is what a police officer has. And  
16 I know they exercise it properly. The question,  
17 though, is, will it create a problem? And I  
18 appreciate your testimony. I don't know the answer  
19 to that right now. I'm glad we're having the  
20 hearing.

21 But I think what you're also pointing  
22 out, which is important, is that the civil service  
23 rules were put in there to protect police officers  
24 from politicians who would use their position in a  
25 corrupt manner to force a police officer to do

1 something he didn't want to do.

2 MS. STURGES: That's right.

3 REP. MIRABITO: And that the whole  
4 point of the civil service system was to try to  
5 protect the integrity of the police officer. So, I  
6 don't know.

7 But I do appreciate your testimony  
8 and -- as I do the others, and we'll have to --  
9 have to hash this out.

10 MAJORITY CHAIRMAN HARPER: Thank you,  
11 Rep. Mirabito.

12 Rep. Knowles.

13 REP. KNOWLES: Thank you, Madam Chair.  
14 Amy, thank you for your testimony.

15 A comment more than a question. And  
16 it's along the lines of what Rep. Mahoney said. I  
17 think of all of the entities, when you talk about  
18 politics, I think the least political of any entity  
19 in government are school boards. I don't know why  
20 anybody in their right mind would want to be on  
21 one. It's a very difficult job. It's a very  
22 difficult job that you don't get compensated for.  
23 And I don't think that we should do anything to  
24 discourage any responsible citizen from being a  
25 part of the school board.



1                   I think that -- I think that we are  
2     treating police officers like second-class  
3     citizens, and I believe -- as Rep. Mahoney stated,  
4     I believe -- listen, I know the people that I  
5     talked to that are not crazy about the fact that  
6     teachers can be on school boards. They're not  
7     crazy about the fact. I, on the other hand,  
8     believe that the electorate will make a decision.  
9     If, indeed, a school board -- or a school teacher  
10    or if a police officer decides to run for office,  
11    you can bet your bippy that everybody in the town  
12    is going to know what he is, what he does, what his  
13    reputation is, and the police officer, and I think  
14    they'll make the right decision. And I honestly,  
15    respectfully, disagree with you and your  
16    organization. I just think that, to me, it's a  
17    no-brainer.

18                   Thank you, Madam.

19                   MAJORITY CHAIRMAN HARPER: None of this  
20    is a no-brainer, Representative, otherwise, we  
21    wouldn't need a hearing to air out the issues.  
22    Okay. That's why we're here.

23                   All right. Thank you for your comments  
24    and thank you for your testimony.

25                   I want to give Rep. Saccone the last

1 word -- well, not actually. I get the last word.  
2 But I will give you -- I will give you a moment to  
3 comment on the testimony and the discussion that  
4 we've had this morning.

5 I do appreciate all the testifiers. I  
6 think we got -- I think we got the issues out  
7 there. What we do with them is something we're  
8 going to have to vote on eventually.

9 Go ahead, Rep. Saccone.

10 MAJORITY CHAIRMAN HARPER: Thank you.

11 REP. Saccone: Thank you very much for  
12 letting me comment again.

13 I want to address a couple things. One  
14 was Rep. Kim's concern, and I wouldn't judge.  
15 Although the borough code is relatively new, the  
16 other codes aren't. Third-class city codes,  
17 second-class township codes have been around for a  
18 long time, so it's not like we don't have any data  
19 or we don't have any history of this going on or a  
20 police officer serving in those areas. So, I  
21 wouldn't, you know, put everything on the borough  
22 code because it is newer.

23 So, of the necessary -- necessity for a  
24 pilot program or something, we've had third-class  
25 cities, second-class townships, we know what goes

1 on. This has been going on for a long time.

2 And I want to remind you, again, that  
3 police officers have -- they're already serving.  
4 They have served honorably for a long time. We  
5 really don't have any cases where we've had  
6 problems. And the other areas, the third-class  
7 cities, second-class townships, if they were here,  
8 they would tell you the same thing, that -- that  
9 they probably don't have any instances that --  
10 because I couldn't find any -- that -- where this  
11 was a problem.

12 I've got these numbered all over my --  
13 okay. We talked about the ability to cross file.  
14 I do think that makes a difference. The fact that  
15 you can run as a Republican and Democrat takes some  
16 of the political calculation out of it, because  
17 people -- let's face it, people know what the party  
18 of the police officer is anyway, but the fact that  
19 he's running on both tickets, it does take some of  
20 the political partisanship out of it during the  
21 campaign and so forth.

22 I was on the school board. I had  
23 conflicts of interest, and I wasn't a police  
24 officer at the time. I mean, if -- you know, if  
25 people came up -- for example, if my neighbor's kid

1 was in trouble, you know, I knew I shouldn't vote  
2 on that disciplinary measure; I would recuse  
3 myself.

4           We have the real estate example. We  
5 have lots of other examples where there are  
6 conflicts of interest that arise, and it's the duty  
7 of those members to recuse themselves in those  
8 situations.

9           It is -- school board director is, I  
10 think, the most thankless job in America. And the  
11 fact that it is, basically, in that sense,  
12 nonpartisan and unpaid, I think should be -- that  
13 police officers should be given due consideration.

14           I wouldn't oppose the idea of a  
15 community resource officer being amended to that.  
16 I think that you could make the argument that that  
17 might pose a conflict, and, certainly, we don't  
18 want any conflicts of interest. That's not the  
19 purpose of this.

20           The testimony of the first-class  
21 township, I mean, I thought the argument was -- she  
22 was trying to make was more for the police  
23 department. She said it would be unhealthy for the  
24 police department. It wasn't for the first-class  
25 townships. She made a comment that it would be

1 unhealthy for the police departments to have this  
2 happen. Well, I think the FOP is the expert there,  
3 and I think they testified that the police  
4 departments, you know, are -- and the police  
5 officers don't see that as being unhealthy.

6           And, then, finally, we have the idea  
7 that the electorate will decide. If they have a  
8 police officer in their township that -- that they  
9 don't think is -- there might be a conflict of  
10 interest or, you know, or some undue purpose there,  
11 that they wouldn't elect him.

12           And, as far as the police officer doing  
13 anything untoward or retaliation or something when  
14 he's on the school board, there are already ethical  
15 guidelines for that. That would be a violation of  
16 ethics for a police officer. And there are  
17 remedies to be taken there against a police office  
18 for unethical conduct already, so he cannot use his  
19 position for -- to take retaliation, I guess, no  
20 matter what. Whether he was on the school board or  
21 not, he can't -- if he doesn't like his neighbor,  
22 his fence is overlapping on his property of his  
23 brother or whatever, he can't use his office to go  
24 and retaliate against them. It's unethical  
25 conduct. He might, but he could get in trouble for

1 it. So, it's -- the same thing would apply if he's  
2 on the school board.

3 So, I think, to do nothing and to let  
4 this code exist as it is right now where first-  
5 class townships are the only municipality that  
6 police officers can't serve on a school board would  
7 be a travesty. I think, in that sense, it's clear  
8 that the law should be consistent across all the  
9 municipal codes. And I hope that you will consider  
10 that and vote favorably for this legislation.  
11 Thank you.

12 MAJORITY CHAIRMAN HARPER: Thank you,  
13 Rep. Saccone.

14 Couple points of law.

15 Chairman Freeman, you got something you  
16 want to raise?

17 MINORITY CHAIRMAN FREEMAN: If you want  
18 to go first, that's quite fine. I just had a  
19 question.

20 MAJORITY CHAIRMAN HARPER: You can ask  
21 your question.

22 MINORITY CHAIRMAN FREEMAN: Not  
23 necessarily to the representative, but I will throw  
24 this out, I guess, to the chair and the  
25 representative.

1                   It's my understanding that committee  
2 staff did make an effort to contact the school  
3 board association and they declined to testify  
4 today. Do we know if they've taken a position one  
5 way or the other on the bill?

6                   REP. Saccone: I do know that. The PA  
7 School Board Association visited me in my office  
8 and said they had no position on it. They've  
9 looked at it. They've talked about it. And they  
10 -- they took a neutral position.

11                   MAJORITY CHAIRMAN HARPER:  
12 Representative -- recognize Wanda Snader, our  
13 executive director, for enhancement.

14                   MS. SNADER: I did talk with the  
15 legislative director -- or liaison with the school  
16 boards association, and they did decline to testify  
17 today.

18                   MINORITY CHAIRMAN FREEMAN: So, no  
19 indication whatsoever about how they feel. They  
20 just want to stay neutral at this point.

21                   REP. Saccone: They told me that they  
22 would stay neutral.

23                   MINORITY CHAIRMAN FREEMAN: Thank you,  
24 Madam Chair.

25                   MAJORITY CHAIRMAN HARPER: Okay. Two

1 points of law.

2 On the issue of the realtor who gets a  
3 commission on a land deal, that's probably already  
4 a violation of the ethics law and conflict of  
5 interest if it was worth more than five hundred  
6 bucks. So, we already have a law against those  
7 types of conflicts of interest. Whether or not  
8 everybody's following it, I don't know. But, I  
9 mean, where I'm from, they sure do know that law.

10 REP. MALONEY: Well, I appreciate that,  
11 but it was more of my point of bringing it up that  
12 it does happen.

13 MAJORITY CHAIRMAN HARPER: That other  
14 people have conflicts or other types of professions  
15 might have conflicts.

16 REP. MALONEY: Yes.

17 MAJORITY CHAIRMAN HARPER: I hear what  
18 you're saying, but I don't want anybody watching  
19 this to think that you're allowed to do that and  
20 benefit yourself personally. It's already against  
21 the law.

22 REP. MALONEY: And I think the other  
23 part of that, too, is, Madam Chair, is the fact  
24 that it -- it's not so easy to hold accountability  
25 to that if, A, it's in gray area -- and that's one



1 of the reasons why I brought up the family members,  
2 because, you know, there are conflicts that are  
3 obvious to some of us that are close within our  
4 community, but it may not be worth or somebody may  
5 not have the energy to follow through with that.

6 MAJORITY CHAIRMAN HARPER: Right. But  
7 under the conflict of law, the actual law, your  
8 immediate family's covered. Now, that wouldn't  
9 stop the spouse of a teacher from running for  
10 school board, which I think was your point.

11 REP. MALONEY: Well, that is part of my  
12 point. I did challenge the school board  
13 association on something that they did not do when  
14 I was in that circumstance. So, I'm not surprised  
15 they weren't here today, because it does clearly  
16 happen, and -- and those decisions are made, it's  
17 just that who's going to push it.

18 MAJORITY CHAIRMAN HARPER: Right. And  
19 I think the reality of it is, most of the  
20 associations in the room today and -- like to get  
21 along with the FOP, and they're in favor of this  
22 bill. So, I think it takes some courage on the  
23 part of other testifiers to advance a contrary  
24 position, but that's what a hearing's all about.  
25 And that's what we need to do.

1           I'll recognize you, Rick, but I also  
2           want to recognize our legislative aide, Rob  
3           Gaertner, who has information regarding the federal  
4           Hatch Act that might be relevant to some of the  
5           people in the room.

6           Go ahead.

7           MR. GAERTNER: Some of the comments  
8           that have been raised about the boroughs and how  
9           long the change. Up until last year, the federal  
10          Hatch Act prohibited any police officers that were  
11          directly, indirectly, or partially funded by the  
12          federal government from running for the position of  
13          school, or any elected office for that matter. It  
14          was amended last year to just remove the --  
15          partially remove the restriction. So, any police  
16          officer that is directly funded from the federal  
17          government is no longer -- still not allowed to run  
18          for federal office.

19          So, up until last year, the borough  
20          code mirrored the federal Hatch Act. Same with the  
21          first-class township.

22          MAJORITY CHAIRMAN HARPER: And the  
23          Hatch Act might have provided some guidance on this  
24          matter at the local level that the other codes  
25          didn't. So, I think that's important information.

1                   Okay. I think we had a good hearing,  
2 and I appreciate you being here.

3                   You had something else you wanted to  
4 add?

5                   REP. Saccone: One more thing that I  
6 forgot to mention, Madam Chairman, that was that  
7 the civil service code does recognize exceptions,  
8 and -- for offices that are incompatible. So, it's  
9 just a matter of whether the office is incompatible  
10 or not. And constable isn't in some places and  
11 health officer isn't and school director isn't.  
12 And, in fact, it isn't incompatible in every place  
13 except the first-class township.

14                   So, I think the civil service code  
15 already recognizes exceptions, and we would just be  
16 adding just one more exception to it. So --

17                   MAJORITY CHAIRMAN HARPER: All right.  
18 Thank you.

19                   And thank you for the members for  
20 coming and having a good discussion.

21                   And we will see you Wednesday. I want  
22 you all to know that we've moved the committee  
23 meeting back an hour -- forty-five minutes. It's  
24 now 10:30, members. It's 10:30 on Wednesday,  
25 because the Republican caucus has an off-site

1 meeting. So, we are going to try to do it at  
2 10:30. Thank you.

3 (Whereupon, the hearing concluded at  
4 11:20 a.m.)

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REPORTER'S CERTIFICATE

I HEREBY CERTIFY that the foregoing is  
a true and accurate transcript, to the best of my  
ability, produced from audio on the said  
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BRENDA J. PARDUN, RPR  
Court Reporter  
Notary Public