

Senate of Pennsylvania

SENATE DEMOCRATIC WRAP-UP FOR THE 2001- 2002 LEGISLATIVE SESSION

FOR EDITORIAL BACKGROUND

With solid majorities in the House and Senate and a Republican in the Governor's office, the 2001-2002 legislative session could have been an unfettered opportunity for Republicans to tackle critical issues like property tax reform, the worsening senior citizen prescription drug crisis and medical malpractice reform.

Largely ignoring those issues, Republicans instead flexed their political muscle to limit the incoming Democratic governor's ability to fill vacancies on boards and commissions (see House Bill 1331, State Government) capture patronage jobs in Philadelphia (see House Bill 780, Local Government; Senate Bill 1100, Local Government); and Senate Bill 640, Education); and redraw bizarre legislative district maps to enhance their own numbers (see House bill 2545, State Government).

On the state's financial front, Republicans overlooked small businesses and spent the state's waning prosperity in 2001 on a state budget (see Senate Bill 1, Budget and Finance) that provided another massive tax cut to a very small percentage of the state's biggest corporations.

With the economy faltering in 2002, majority Republicans balanced the budget (see Senate Bill 5, Budget and Finance) by tripling cigarette taxes (see House Bill 1848, Budget and Finance), raising landfill fees (see House Bill 2044, Environmental Resources and Energy) and nearly emptying the Rainy Day Fund. Ominously, several one-time-only expenditures were exhausted to balance the books. Even though the budget shortchanged schoolchildren, homeowners, senior citizens, the disabled and their families, Republicans found room in their desperate financial maneuvering to push through another \$45 million tax cut for big corporations.

After eight years of absolute Republican control during some of the most prosperous years in Pennsylvania history, incoming Gov. Ed Rendell now faces an estimated \$2 billion tidal wave of red ink.

In trying to stave off the worsening medical malpractice crisis, lawmakers passed several stopgap measures that helped doctors pay for malpractice insurance (see House Bill 1802, Banking and Insurance); stopped "venue shopping" (see Senate Bill 138, Judiciary); and protected defendants found by a jury to be only fractionally responsible for damages from paying entire judgements (see Senate Bill 1089, Judiciary).

Some of the highlights of the two-year legislative session included: the tobacco settlement spending plan (See House Bill 2, Public Health and Welfare); the statewide referendum that provided a \$100 million funding program for volunteer firefighters (see House Bill 1848, Budget and Finance); legislation that made public records more accessible to citizens (see House Bill 2100, State Government); and a measure to protect senior citizens from losing their Lottery-funded PACE prescription benefits due to very small Social Security cost of living increases (see House Bill 2860, Aging and Youth).

In a telling and embarrassing conclusion to the legislative session, Republicans literally lost the crucial bill extending the PACE benefits for seniors. Calling the mandatory signatures in the House and Senate "unnecessary," the governor enacted the legislation anyway.

In all, legislators approved 353 bills that became law during the two-year session – 142 more than the 1999-2000 legislative session.

January, 2003

Legislation is coded as follows: a single asterisk indicates Senate passage, two asterisks indicate Senate and House passage and three asterisks indicate the measure became law. A "V" means the measure was vetoed by the governor.

Aging and Youth

*** **Background Check Exemption - Senate Bill 611**, approved unanimously, adds volunteers of rape crisis centers and domestic violence shelters to the current list of individuals exempt from a \$10 fee the state charges to conduct background checks on prospective child-care workers.

The bill was signed into law as **Act 112 of 2001**.

*** **Long-term Care Families Reimbursed** -- Legislation creating the Elder Care Payment Restitution Act was approved unanimously by the Senate and signed into law as **Act 171 of 2002**. The measure (**House Bill 2055**) requires senior living and/or care facilities to reimburse the family or estate of a resident any unused payments within a 30 to 60 day period after the client's death.

*** **PACE Extended for COLA Recipients** -- The moratorium for current PACE recipients who will lose benefits due to a Social Security COLA has been extended until December 31, 2003 under legislation approved unanimously by the Senate and signed into law as **Act 149 of 2002**. **House Bill 2860** was amended to remove both the state Treasurer and the Treasurer's appointee from the Tobacco Settlement Investment Board, reducing the number of members from 11 to nine.

* **Elderly Home Care** - The Senate voted 48-0 to approve legislation that would have created the Home and Community-Based Care Act. The provisions of **Senate Bill 65** were adopted as part of the Tobacco Settlement act.

The House never acted on the bill.

* **Caretaker Abuse - Senate Bill 533**, unanimously approved, would have amended the Domestic Relations law by defining abuse as the occurrence of one or more abusive (physical or sexual) acts by a person who is a caretaker to a care-dependent person. The bill also would have allowed a protection from abuse (PFA) order to be filed on behalf of a care-dependent person by anyone who has reasonable cause to believe abuse is present. The legislation would have provided immunity from liability to the person reporting the abuse.

The House never acted on the bill.

Agriculture and Rural Affairs

*** **Farmland Preservation** -- Under legislation signed into law as **Act 14 of 2001**, counties may, under certain conditions, purchase agricultural easements that cross county lines. **House Bill 101** also eliminates the \$10,000 per acre cap of state funds that counties are eligible to spend, and transfers the Land Trust Reimbursement Grant Program and the Long Term Installment Purchase Program from the Administrative Code to the Agricultural Area Security Act, removing the June 30, 2001 sunset date and allowing the programs to continue to encumber their funds until exhausted or new funds are appropriated.

*** **Animal Cruelty** -- The Senate unanimously approved **House Bill 1139**, which adds transportation of horses in a cruel manner to the state's animal cruelty law. The bill was signed into law as **Act 64 of 2001**.

*** **Agricultural Vandalism** – **House Bill 1492**, which makes the destruction of an agricultural crop a second-degree felony was unanimously approved by the Senate and signed into law as **Act 27 of 2001**. The measure also provides for damages in civil actions concerning damaged field crops.

*** **Hate Crimes** – The House concurred in Senate amendments to **House Bill 1493**, which amends the state's ethnic intimidation law to include intimidation with malicious intention toward actual or perceived race, ancestry, mental or physical disability, sexual orientation, gender or gender identity. The Senate's amended version passed by a 32-15 vote in June 2001. The governor signed the bill into law as **Act 143 of 2002**.

*** **Livestock Definition** -- The Senate unanimously approved legislation adding goats to the definition of livestock under state law. **Senate Bill 363** was signed into law as **Act 40 of 2001**.

*** **Agricultural By-Products** – **Senate Bill 549**, which changes the name of the Anaerobic Manure Digesters Act to the "Agricultural By-Product Management Technology Act" passed the Senate unanimously and was signed into law as **Act 32 of 2001**. The new Agricultural By-Product Management Technology Board within the Department of Agriculture, replacing will review and evaluate technology and specific regional by-product reduction needs, and make recommendations.

*** **Drought Relief** -- The Senate unanimously concurred in House amendments to **Senate Bill 793**, amending the Drought, Orchard and Nursery Indemnity and Flood Relief Act of 1999. In order to qualify for drought relief, producers were required to secure crop insurance for the years 2000 and 2001; \$5.6 million was appropriated to pay up to 10 percent of the costs of premiums and fees for the crop insurance. The law allows any remaining funds to be used in subsequent years. Also, any funds encumbered but not allocated for drought relief were to be transferred to the crop insurance assistance program.

The bill was signed into law as **Act 51 of 2001**.

*** **Biological Assault** – The Senate unanimously approved **Senate Bill 816**, which criminalizes the intentional, knowing or malicious exposure of an animal, fowl or honey bees to any virus, bacteria, prion or other agent that causes infectious disease, including foot and mouth disease and mad cow disease.

The bill was signed into law as Act 54 of 2001.

*** **Fertilizer Regulation** – The Senate unanimously passed **House Bill 437**, which amends Title 3 to add Chapter 67, Fertilizer and Chapter 69, Soil and Plant Amendment, which rewrite current law on those topics. The bill also establishes the Agronomic Regulatory Account.

The bill was signed into law as **Act 97 of 2001**.

*** **'Erin's Law'** -- The Senate unanimously concurred in House amendments to **Senate Bill 1325**, legislation virtually identical to a House proposal known as "Erin's Law." The law establishes sanitation standards for petting zoos and other animal exhibitions and requires that incidents of E. coli infection be reported to the state Health Department. It was inspired by the personal crisis endured when four-year-old Erin Jacobs of Montgomery County contracted the E. coli virus from a petting zoo in 2000. Erin eventually required a kidney transplant.

The law also expands the definition of animal exhibitions to include an event sponsored by or authorized by a recognized dog or cat breed association, dog or cat club or recognized kennel association. Also included are events performed or authorized by an animal rescue organization, a humane society, or association for the prevention of cruelty to animals.

The bill was signed into law as **Act 211 of 2002**.

*** **Small Business Loan Eligibility** -- The Senate unanimously approved **Senate Bill 1045**, which adds agricultural producers to those eligible for loans under the "Small Business First Program." Loans would be used to improve or expand normal agricultural operations. The Senate removed a proposed House amendment appropriating \$2 million in 2002-03 for the Small Business First Fund, administered by the Department of Community and Economic Development.

Simultaneously, the Senate unanimously adopted **House Bill 2398**, which adds agricultural producers to those eligible for loans under the Small Business First Program. The law is similar to Senate Bill 1045 (above) but does not include a proposed budget appropriation for the Small Business First Fund.

Senate Bill 1045 was signed into law as **Act 120 of 2002**. House Bill 2398 was signed into law as **Act 115 of 2002**.

* **Elk and Red Deer** – The Senate voted 47-2 to approve **Senate Bill 1156**, which would have amended existing state law to incorporate elk and red deer raised and maintained inside fences within the definition for livestock. By the identical vote, the Senate also adopted **Senate Bill 1157**, which would have amended existing state law to incorporate elk and red deer raised and maintained inside fences within the definition for agricultural

animals. The bills' provisions were incorporated into **House Bill 2842** (see below), which was signed into law as **Act 146 of 2002**.

*** **Farmer Cleanup Costs/Elk and Red Deer** -- The Senate voted 46-2 to approve **House Bill 2842**, which allows the Department of Agriculture to make payments to a farmer for cleanup costs and disposal costs whenever a condemned domestic animal, domestic animal product or other condemned property is slaughtered or destroyed by order of the Department to eradicate or prevent the spread of dangerous transmissible disease or contamination by a hazardous substance. The bill also expands representation on the Food Employee Certification Advisory Board and includes cervidae livestock operations (farm-raised elk and red deer) as farm operations. Cervidae operations must be licensed by the Department of Agriculture, which also will issue regulations on keeping and handling these animals. The cervidae provisions incorporated elements from Senate Bills 1156 and 1157 (see above) and Senate Bill 1158 (Game and Fisheries).

The bill was signed into law as **Act 190 of 2002**.

* **Right to Farm** – The Senate voted 48-2 to approve **Senate Bill 1413**, which would have amended the Right to Farming Act to prohibit local regulations from unfairly discriminating against agricultural operations. The measure also would have outlined legal remedies for those who believe their rights under this act have been violated.

The bill's provisions were incorporated within **Senate Bill 406** (Judiciary), which passed both houses, but then was "lost" at the end of the session and was neither signed nor submitted to the governor.

*** **Conservation Easement Fund Deposit** -- The Senate voted 48-0 to approve **Senate Bill 1528**, which deposits \$16.5 million into the Agriculture Conservation Easement Purchase Fund from landfill disposal fee (tipping fee) revenues. The deposit is authorized for fiscal year 2004-05.

The bill was signed into law as **Act 233 of 2002**.

*** **School Cafeterias** -- The Senate unanimously approved **House Bill 2350**, which authorize the Department of Agriculture to inspect school cafeterias and to train cafeteria personnel. The bill was signed into law as **Act 179 of 2002**.

***Next Generation' Loan Extension** -- The Senate unanimously adopted **Senate Bill 1552**, which would have amended existing law to give the Next Generation Farmer Loan Program statutory authorization within the Job Enhancement Act. The loan program, established administratively in 1999, provides beginning farmers with financial assistance to assist in land, farm equipment, farm buildings, and breeding livestock purchases. The bill's provisions were incorporated within **Senate Bill 1370** (Community and Economic Development), which was signed into law as Act 213 of 2002.

Banking and Insurance

*** **Mortgage Satisfaction** – The Senate unanimously approved **Senate Bill 14**, which creates a uniform procedure for satisfying mortgages, modernizing present procedures and creating an alternative for satisfying mortgage records at the county level.

The bill was signed into law as **Act 197 of 2002**.

*** **Letters of Credit** -- The Senate voted 47-0 to approve an omnibus bill revising portions of the Uniform Commercial Code to embrace modern business practices and emerging e-commerce procedures. **Senate Bill 330** addresses specific sections of the code dealing with Letters of Credit and Secured Transactions, and reflects language that strengthens fraud and consumer protection provisions in current law.

The governor signed the bill as **Act 18 of 2001**.

*** **Mortgage Lending** – By a 43-4 vote, the Senate approved legislation that provides uniform, statewide standards as the sole way to regulate mortgage lending practices in Pennsylvania. **Senate Bill 377** regulates, and in some instances forbids, various lending practices, such as balloon payments, call provisions, negative amortization, increased interest rates on default, penalties for prepayment and other acts and practices. It permits, under certain conditions, an additional licensing exemption for nonprofit corporations making 12 or less mortgage loans per year.

The measure was signed into law as **Act 55 of 2001**.

*** **Check Cashing** – The Senate unanimously passed **Senate Bill 460**, which exempts eating and drinking establishments that receive less than 1 percent of their gross revenue from cashing checks from the licensing provisions of the Check Cashier Licensing Act.

The governor signed the bill as **Act 200 of 2002**.

*** **Life Insurance Settlements** – **Senate Bill 462**, which regulates viatical settlements, or the sale of a life insurance policy to a third party in return for an immediate lump sum payment to the original purchaser for a percentage of the face value, received unanimous approval in the Senate.

The governor signed the bill as **Act 107 of 2002**.

* **Health Investment Insurance** - Early in the session, the Senate unanimously approved **Senate Bill 503**, the Health Investment Insurance Act, which would have provided basic health insurance benefits for qualified, low-income working adults. The benefits were to include preventive care, physician visits, diagnosis and treatment services, inpatient and outpatient hospitalization, and emergency accident and medical care. The bill's language was later included as part of **House Bill 2**, the Tobacco Settlement Act.

The governor signed that bill into law as **Act 77 of 2001**.

* **Medical Malpractice Insurance** – **Senate Bill 556**, which passed the Senate unanimously, would have provided for the privatization of the Medical Professional Liability Catastrophe Loss Fund (CAT Fund), and would have created the Medical Professional Liability Authority to assume the responsibility of managing the Fund. The bill would also have set the primary coverage limits of liability for non-hospital health care providers and hospitals conducting business in Pennsylvania. The CAT Fund would have been phased out in six years by increases in primary coverage limits and corresponding decreases in CAT Fund limits.

The bill language was later adopted as a provision of **House Bill 1802**, which was signed into law as **Act 13 of 2002**.

*** **Securities Commission** -- The Senate unanimously passed **Senate Bill 893**, which amends the Pennsylvania Securities Act to grant supplemental power to the Pennsylvania Securities Commission while redefining definitions and terms and standardizing hearing limitations and administrative assessments.

The governor signed the bill as **Act 108 of 2002**.

*** **Credit Unions** -- **Senate Bill 1222**, which expands the authority of state-chartered credit unions, in keeping with federal legislation dealing with federally chartered credit unions, passed the senate unanimously. The bill was signed into law as **Act 207 of 2002**.

*** **Banking Code** -- The Senate unanimously passed legislation making significant changes to the Banking Code. **Senate Bill 1258** clarifies the ability of the Department of Banking to share examination and regulatory information with other agencies, grants the department the authority to receive criminal histories from the State Police, and increases the Department's enforcement authority.

The bill was signed as **Act 209 of 2002**.

*** **Insurance Licensing** -- Legislation establishing the Producer Licensing Model Act passed the Senate unanimously. **Senate Bill 1416** creates a new single license known as an "Insurance Producer" license that would replace the two separate licenses presently granted to insurance "agents" and "brokers." The law also establishes license reciprocity among all states and creates uniform definitions to guide the licensing process.

The governor signed the bill as **Act 147 of 2002**.

*** **Mastectomy Reconstruction** - The Senate unanimously approved legislation to bring Pennsylvania law into compliance with the federal Women's Health & Cancer Rights Act of 1998. **Senate Bill 1417** removes a six-year deadline on reconstructive surgery following a mastectomy. The governor signed the bill as **Act 81 of 2002**.

V CHIP Notification -- A bill that would have required school districts to notify parents about the existence and eligibility requirements of the Children's Health Insurance Program was amended in the Senate to require criminal background checks of prospective employees. **House Bill 412**, which passed the Senate unanimously, also would have repealed the Professional Teacher Assessment Act and prohibits the waiver of certain mandates dealing with bidding for contracts.

The governor vetoed the bill.

***** Fraternal Benefit Societies** -- The Senate unanimously approved **House Bill 599**, repealing the Fraternal Benefit Societies Code, moving its language to the Insurance Company Law of 1921 to regulate the licensing of agents, providing for clarifying language and prohibiting certain insurance transactions in the event of underground mine damages.

The bill was signed as **Act 110 of 2002**.

***** Medical Malpractice Reform** -- The Senate unanimously approved an amended version of the Medical Care and Reduction of Error Act, designed to enhance patient safety, reduce medical errors and reduce medical malpractice insurance premiums paid by physicians. Highlights of **House Bill 1802**, signed into law as **Act 13 of 2002**, include:

Tort Reform

- The Collateral Source Rule will prohibit claimants from recovering damages for past medical expenses or past lost earnings that were paid or reimbursed by another source prior to trial.
- Periodic Payments will be authorized for future medical and related expenses in excess of \$100,000. The payments will be made through an annuity, which will cease if the claimant dies. Periodic payments are authorized only in cases involving a verdict, not a settlement.
- Reduction to Present Value will require all other expenses, including past medical and related expenses, past and future loss of earnings and non-economic losses to be paid in a lump sum after being reduced to present value. For example, if a claimant's future earnings total \$1 million, the jury would reduce the future earnings award to a current amount that should equal \$1 million if invested in a reasonably secure fixed income investment.
- A statute of repose will bar adults from instituting medical malpractice actions after seven years.
- Courts will be required to hold hearings on the motion of either party to determine if a verdict is excessive. Moving parties will not be required to post a bond in excess of insurance coverage.

Medical Professional Liability CAT Fund

- The MedCAT fund will be transferred to the Department of Insurance and renamed the Medical Care Availability and Reduction of Error Fund (MCARE Fund). A Third Party Administrator will administer the fund until it is phased out in 2009.
- Mandatory reductions will lower MCARE premiums 5 percent the first year. Premiums will drop an additional 10 percent in **each** of the next two years.

Reduced minimum coverage limits

- Beginning in January 2003, the minimum coverage limit will be reduced to \$1 million. The current minimum coverage is \$1.2 million.

Unfunded CAT fund liability

- The unfunded liability in the MCARE fund, estimated at more than \$2 billion, will be reduced in part by money from the AutoCAT fund. Beginning January 1, 2004, collections for the AutoCAT fund will be sent to the MCARE fund. Those collections are expected to total approximately \$400 million. The unfunded liability will also be reduced by surcharges paid by doctors and health care facilities. Half of the transfers from the AutoCAT fund will be directed to hospitals and the top four physician classes.
- Also, 25 percent of any punitive damage awards will to the MCARE Fund.

Patient Safety

- A Patient Safety Authority will be created to serve as a clearinghouse for reports of "serious events" or "incidents" at health care facilities. Health care workers will be required to report serious events or incidents to Patient Safety Committees in each facility, and will be protected against employer retaliation.

*** **Credit Card Late Fees** – Legislation that deregulates the late fee that Pennsylvania-based retailers can assess delinquent credit card customers using proprietary (store-issued) cards, passed the Senate by a vote of 41-9. **House Bill 1118**, was signed into law as **Act 44 of 2001**.

*** **Consumer Protection** -- The Senate unanimously passed **House Bill 2599**, which would clarify and modernize the "Motor Vehicle Sales Finance Act" by providing significant enforcement authority to the Department of Banking and significant consumer protections to purchasers of motor vehicles.

The governor signed the bill as **Act 186 of 2002**.

Budget and Finance

*** **2001-2002 Budget** -- The Senate adopted a conference committee report on **Senate Bill 1** by a vote of 44-4. Pennsylvania's \$20.7 billion 2001-2002 budget, which the Governor signed on June 22 as **Act 6A of 2001**, represents an overall spending increase of 3.6 percent. It includes:

- a 4.5 percent increase (a total of approximately \$4 billion) for basic education subsidies.
- a 21 percent increase (about \$75 million) in support for local libraries.
- approximately \$84.7 million (about \$65 million more than Gov. Ridge proposed) for the "community revitalization" grant program.
- an \$11.4 million allocation for acute-care hospitals which Gov. Ridge had proposed cutting.
- an increase in spending for community colleges of 5.4 percent (a total of about \$188 million). Ridge had requested a slightly smaller increase.
- \$3 million to subsidize bonds to install fire sprinklers in college dorms.

Several Democrats found fault with the budget because it did not include funding for early childhood education, did not address inequity in funding for poor and rural school districts, eliminated grants for volunteer emergency companies and failed to provide adequate help for senior citizens struggling with the costs of prescription drugs.

*** **Tax Cuts** -- The companion tax bill, **House Bill 334**, passed the Senate unanimously. Most of the \$217 million in tax cuts were for businesses: \$172 million in the second phase of the capital stock and franchise tax reduction; two tax "holidays" on computer products that were to save consumers \$11 million (Aug. 5-12, 2001 and Feb. 17-24, 2002); an \$18 million expansion of the personal income-tax forgiveness program, exempting a family of four earning less than \$30,000 from state income taxes; and the repeal of the marriage-license tax and other nuisance taxes worth nearly \$2 million.

The legislation, signed into law as **Act 23 of 2001**, also changed the name of the Organ Donation Awareness Trust Fund to the Governor Robert P. Casey Memorial Organ and Tissue Fund.

* **Help for Working Families** -- A measure aimed at helping working families by raising the dependent allowance by \$1,000 under the tax forgiveness credit, passed the Senate unanimously. **Senate Bill 616** would have allowed a family of four (a married couple with two children) with an income of \$30,000 to save \$840 annually due to not having to pay state income tax.

The measure passed as part of **House Bill 334**, the budget's companion tax bill.

*** **2002-2003 Budget** -- With all Democratic senators firmly opposed, the Senate adopted a conference committee report on **Senate Bill 5**, the 2002-2003 state budget, by a vote of 29-21. The \$20.7 billion budget represented a stark contrast in priorities between the two parties, shortchanging schoolchildren, homeowners, senior citizens, the disabled and their families. At the same time, the budget tripled cigarette taxes, raised landfill fees and emptied the Rainy Day Fund.

The bill was enacted as **Act7A of 2002**.

*** **School Funding** -- Even though the spending plan cuts business taxes by another \$45 million, the Senate adopted by a 29-21 vote the conference committee report on **House Bill 4**, which slashes by 75 percent the school subsidy approved in the Senate nearly unanimously a month ago. The Democratic proposal for a 13 percent hike in school funding, 40 percent of which would go to lower property taxes, was chopped away to a paltry 3 percent. The governor signed the bill as **Act 88 of 2002**.

*** **Budget Transfers** -- **Senate Bill 1366**, introduced as a mechanism for expediting the sale of unclaimed properties, expanded into the Republican majority's instrument for gaining ready access to the Rainy Day, Tobacco Settlement, and Underground Storage Tank Indemnification funds. A conference committee report on SB 1366 offered amendments to the broad-based state law "relating to the finances of the state government," which served as a legal safe harbor for these financial maneuvers. The final vote on the conference committee report was 28-22. The governor signed the bill Act 91 of 2002.

Act 91 repeals the Tax Stabilization Fund, which created the Rainy Day Fund, and replaces it with the Budget Stabilization Reserve Fund, which will hold about \$300 million left from what had been the more than \$1 billion Rainy Day Fund. The other \$750 million was deposited into the state budget's general fund. Repealing the Tax Stabilization Act enabled the Republican majority to circumvent the law's requirement that two-thirds of the Senate and House approve spending Rainy Day money. Language guiding creation, maintenance, and use of the Budget Stabilization Reserve Fund is virtually identical to that used for the Rainy Day Fund. In fact, a two-thirds majority is required to access the Budget Stabilization Reserve Fund.

Another provision of Act 91 redirects Tobacco Settlement Fund money lapsed from 2001-02 and 2002-03 and interest earned in 2002-03. The resulting \$196 million instead will fund long-term care under the state's medical assistance program. Funds affected by this change had been specifically earmarked for other health care programs under the original Tobacco Settlement legislation. Act 91 also transfers \$100 million from the Underground Storage Tank Indemnification Fund into the general fund. This fund is to be repaid from the general fund over a 10-year period beginning July 1, 2004. Each year's repayment will be presented as part of the governor's annual budget.

Per the original intent of SB 1366, reducing dormancy periods for disposing of unclaimed property is expected to provide a nearly \$198 million boost to general fund revenues this year.

*** **Cigarette, business franchise taxes** -- The Senate voted 26-24 to accept a conference committee report on **House Bill 1848**, which amends the Tax Code. The original intent of House Bill 1848 was to extend the research and development tax credit, but the measure was amended extensively before final passage to include a stiff increase in cigarette taxes and a continued (albeit more moderate) decrease in the capital stock and franchise tax. The governor signed the bill into law, as **Act 89 of 2002**, on June 29.

Under Act 89, the tax on a pack of cigarettes increased from 31 cents to \$1; the increase is expected to generate revenues exceeding \$590 million.

The capital stock and franchise tax will continue to decrease into an eventual phase-out, but Act 89 slows the rate reduction. New rates are 7.24 mills for calendar year 2002, instead of 6.49, and 6.99 mills for 2003, instead of 5.49. The 2001 rate was 7.49 mills. Act 89 also suspends a dedicated transfer of .25 mills of the tax to the Hazardous Sites Cleanup Fund. Instead, the equivalent of .25 mills will be transferred from the general fund to the Cleanup Fund, if the latter's balance falls below \$5 million.

Another of the act's requirements was a statewide referendum, held in November's general election, to ask voters whether the state should incur indebtedness of up to \$100 million to improve delivery of volunteer fire and emergency services. The referendum succeeded.

*** **Landfill Tipping Fees** -- By a 29-21 party-line vote, the Senate accepted a conference committee report on **House Bill 2044**, raising tipping fees at landfills by \$4 per ton to plug the hole in the General Fund. Only 10 percent of the money will go to fund safe drinking water projects and wastewater treatment projects. More than \$40 million of the \$92 million expected to be generated by the increase will go into the General Fund. The measure is expected to cost the average household \$20 a year.

The legislation was signed as **Act 90 of 2002**.

* **Philadelphia Wage Tax** -- The Senate voted twice to approve reducing the wage tax in Philadelphia. **Senate Bill 1372** was first approved unanimously, but on reconsideration (45-4) lost a few of its original supporters. The bill would have reduced the current tax by .21 percent beginning in 2003 if the wage tax growth is at least 3.1 percent in 2002. If the high range growth is not met, the tax would have been reduced by .1 percent. It is estimated that an individual with an annual income of \$20,000 would have saved \$43 in the first year of tax reduction and \$213 by the fifth year of cuts. The measure would have superceded rates as set forth in the Sterling Act.

The bill died in the House Appropriations Committee.

*** **Alternative Method for Delinquent Tax Collection** – **Senate Bill 978**, which unanimously passed the Senate, allows counties, in lieu of creating a Tax Claim Bureau, to use an alternative method (i.e. private sector entities) to collect delinquent real estate property taxes. The law does not apply to first or second class counties. Two or more counties are allowed to enter into a joint agreement to provide for an alternative form of tax collection.

The bill was signed into law as **Act 16 of 2002**.

* **Sterling Act** -- The Senate voted 32-17 to approve legislation that amends Pennsylvania's Sterling Act (Philadelphia Wage Tax). **Senate Bill 1423** would have amended the act so that Philadelphia no longer has first claim on wages earned in the city by non-Philly residents. Instead, the bill would have allowed for a wage tax to be levied by municipalities outside of Philadelphia before the city wage tax could be deducted.

The bill died in the House Appropriations Committee.

*** **Capital Budget** -- The Senate unanimously passed **House Bill 1215**, the Capital Budget Act of 2002-03, which sets the maximum principle amount of additional debt to be incurred during the 2002-03 fiscal year. The bill was signed as **Act 126 of 2002**.

The amount of debt in each project category is as follows:

Public Improvement	
Buildings and Structures	\$250,000,000
Furniture and Equipment	40,000,000
Transportation Assistance	150,000,000
Redevelopment Assistance	260,000,000
<u>Flood Control</u>	<u>6,000,000</u>
Total	\$706,000,000

*** **Pension Increases** -- A measure passed by the Senate and signed into law as **Act 9 of 2001** will increase the retirement benefits of state workers, teachers and legislators. **House Bill 26** will increase state workers' and teachers' retirement benefits by 25 percent. The increase will allow a retiring state worker with an average salary of \$40,000 and 30 years of service a \$6,000 annual benefits boost, raising his or her annual pension from \$24,000 to \$30,000.

Teachers will see a similar increase. A teacher retiring with 35 years of service and an average salary of \$50,000 could see an annual pension increase of \$8,750, raising his or her annual pension from \$35,000 to \$43,750.

State legislators will receive a 50 percent increase in their pension plan, with rank-and-file members seeing an average increase of \$12,400 after serving 20 years in office with a salary of \$62,000.

The new law raises the pension multiplier rates from 2 to 2.5 percent for teachers and state workers; and from 2 to 3 percent for legislators. Employee contribution rates will rise by the same percentages to help pay for the higher pensions.

Along with the rate increase, the legislation will reduce the vesting, or eligibility, requirement from 10 years to five. Retired teachers will also see an increase in their monthly medical allowance from \$55 to \$100.

The measure passed the Senate 41-8.

*** **Taxpayers Bill of Rights Extended** --In an effort to treat Pennsylvania taxpayers fairly and give clear notice of their rights and responsibilities, legislation signed into law as **Act 47 of 2001** makes the Taxpayers

Rights Advocate a permanent part of the Department of Revenue. **House Bill 200** also requires the board of Finance and Revenue to report to the General Assembly every six months. The report will contain recommendations from the board on how the Taxpayers Bill of Rights is performing and how it could be improved.

*** **Occupational Assessment Tax Options** -- School boards and municipalities will be given the option of ending the occupational assessment tax and replacing it with an earned income tax under **House Bill 550**, which passed the Senate by a vote of 26-23 and was signed into law as **Act 24 of 2001**. The new law also calls for a referendum to be put before the voters and approved before such an action can take place.

*** **Allegheny County Retirees** --The Senate unanimously approved **House Bill 869**, which provides for a COLA for retired county employees based upon an actuarial indicator, determined by the Total Funded Status Ratio (TFSR) under the system's actuary. Under **Act 80 of 2001**:

- If a Second Class County (Allegheny) or a political subdivision chooses to adopt an ordinance or resolution using a tax-neutral assessed value on the owner-occupied home of a resident following a countywide reassessment effective in the year 2000, the resolution or ordinance must be adopted prior to June 30, 2002, and may be retroactive to no earlier than Jan. 1, 2001. Any overpayments of real estate taxes arising from a retroactive adoption of the tax-neutral assessed valuation shall be refunded by the political subdivision.
- Juvenile detention centers are placed under the jurisdiction of the Allegheny County chief executive office. This was previously the responsibility of the county commissioners to oversee.
- Rooms will be furnished for meetings of certain veterans and sons of veterans.

*** **Tax Assessments for Allegheny County Seniors** -- Senior citizens in Allegheny County who qualify for the Senior Citizens Rebate Act will not see their property tax assessments go up after a county-wide assessment under legislation unanimously passed by the Senate and signed into law as **Act 16 of 2001**. **House Bill 23** will allow seniors' properties to remain tax neutral, unless the property is transferred to a person other than a spouse.

*** **Rainy Day Fund Capped** – **Senate Bill 976**, signed into law as **Act 74 of 2001**, will reduce the percentage of the budget surplus deposited in the "Rainy Day" fund from 15 percent to 10 percent and change the cap on the fund from 3 percent of revenues to 6 percent.

* **Small Games of Chance Act Amended** -- A measure that would have amended the Local Option Small Games of Chance Act by clarifying the definition of daily drawings for clubs was unanimously passed by the Senate. **Senate Bill 49** died in the House State Government Committee.

*** **Out-of-State Corporate Investment Reporting** -- The Senate unanimously concurred in House amendments to **Senate Bill 958**, which clarifies provisions requiring out-of-state corporations that invest in Pennsylvania-based unincorporated business entities to file reports and pay taxes in Pennsylvania. The provision does not apply to a corporation's interest in a business trust that qualifies as a real estate investment trust or is a qualified real estate investment trust subsidiary or a business trust that qualifies as a regulated investment company and is registered with the SEC. The adopted version completely rewrote the original bill, which proposed to exclude pure wood pellets from the state sales tax. The bill was signed into law as **Act 232 of 2002**.

*** **Innocent Spouse Protections** -- The Senate unanimously approved **Senate Bill 33**, which provides remedies to be pursued by the "innocent spouse" when a joint tax return is filed and one partner submits erroneous or understated items, unknown to the other -- or "innocent" -- partner. The governor signed the bill as **Act 87 of 2002**.

* **Retirees and Extracurricular Activities** -- **Senate Bill 1272**, approved unanimously in the Senate, would enable a retired member of the Public School Employee Retirement System to serve as a school coach, director, instructor or sponsor of an extracurricular activity without paying a penalty against his or her annual retirement benefit. The bill's provisions were incorporated into **Senate Bill 315** (see entry below), which was signed into law as **Act 234 of 2002**.

*** **Service Credits** -- The Senate unanimously approved **Senate Bill 315**, which grants active members of the Delaware River Joint Toll Bridge Commission eligibility for state service credits while they were employed by the Commission's predecessor, which expired in 1976. Also, supplemental annuities for certain eligible benefit recipients will be granted for individuals who retired between January 1, 2002, and July 2, 2002. Incorporating provisions of **Senate Bill 1272** (see above entry), SB 315 was amended to enable school system retirees to serve in extracurricular duties such as coaching athletic teams without losing retirement benefits. SB 315 was signed into law as **Act 234 of 2002**.

*** **Amusement Tax Exemptions** -- The Senate cast identical 37-13 votes for **House Bill 927**, which amends the General County Assessment Law, and **House Bill 928**, amending the Fourth to Eighth Class County Assessment Law. Both measures provide that amusement park rides may not be assessed or taxed as real estate. Both also limit taxes on admission fees to automobile racetracks holding more than 25,000 people and prohibit taxing admissions to ski facilities. HB 927 was signed into law as **Act 124 of 2002** and HB 928 was enacted as **Act 125 of 2002**.

*** **Occupational Assessment Tax** -- The Senate unanimously approved **House Bill 2126**, which amends the Optional Occupational Tax Elimination Act (see HB 550/Act 24 of 2001 entry above) to permit municipalities to eliminate the occupation assessment tax and replace lost revenues by increasing the earned income tax. Eliminating the occupation assessment tax is optional and, if proposed, is subject to voter approval.

The governor signed the measure as **Act 96 of 2002**.

*** **Survivor Benefits** -- **Senate Bill 16** amends existing state law to allow municipalities to establish pension benefits for surviving spouses and children of slain or permanently injured police officers. Benefits are set at 100 percent of the officer's salary if he or she is killed in service and 50 percent if the officer suffers a permanently disabling, work-related injury. This bill also extends, from 18 to 23, the age a child can continue to receive benefits if the child attends college.

The bill was signed into law as **Act 30 of 2002**.

*** **COLAs for Police, Firefighters** -- **House Bill 1360**, which passed the Senate unanimously, requires municipalities to pay an additional cost-of-living adjustment to firefighters and police officers who retired before January 1, 1996. The adjustment amount is based on both years served and years since retirement. The state will reimburse municipalities' costs from the tax levied on out-of-state companies who sell casualty insurance in Pennsylvania.

The bill was signed into law as **Act 64 of 2002**.

*** **Retirement Benefit Enhancements** – The Senate unanimously passed **House Bill 1363**, which increases service increments and retirement allowances paid to retired third class city public safety employees. Costs are to be paid from the city's police and firefighter pension funds. If the pension fund lacks sufficient surpluses, then the increments may not be implemented.

The governor signed the bill as **Act 65 of 2002**.

*** **Raising the Capital Facilities Debt Ceiling** – The Senate voted 49-0 in favor of **Senate Bill 832**, which increases from \$1.2 billion to \$1.45 billion the amount of debt the state may incur to pay the principal and interest on all obligations to fund redevelopment assistance capital projects. House amendments included expanding the definition of redevelopment assistance capital project to include fire-fighting equipment needs (including trucks) that do not cost more than \$50,000. The bill was signed into law as **Act 130 of 2002**.

*** **Keystone Opportunity Zones** -- The Senate unanimously approved **Senate Bill 1478**, which establishes a process enabling applicable political subdivisions to enhance existing sub-zones within that area's designated Keystone Opportunity Zone or Keystone Opportunity Expansion Zone. A key element is the establishment of Keystone Opportunity Improvement Zones. The governor is now authorized to have deteriorated properties in the state designated as improvement zones by executive order no later than Jan. 1, 2003. After that, until June 1, 2003, political subdivisions may apply to the Department of Community and Economic Development for improvement zone designations. Another provision of the law creates a process to de-certify properties as being part of one of these zones. SB 1478 also extends the original law's sunset date from Dec. 31, 2013 to Dec. 31, 2018.

The bill was signed into law as **Act 217 of 2002**.

*** **Income Tax Exemption** -- The Senate unanimously approved **House Bill 1700**, which amends existing law to increase – from \$5,000 to \$10,000 -- the maximum income a person may earn and still receive the low-income exemption on state income taxes

The bill was signed into law as **Act 166 of 2002**.

*** **Service Credits (Allegheny County)** -- The Senate unanimously adopted **House Bill 2595**, which amends existing law to expand the list of service credits that can be purchased by members of the Allegheny County Employees' Retirement System to include credit for previous service with the county Redevelopment Authority. Individuals may not purchase the service credit if they will receive a benefit in another retirement system for the same service.

The bill was signed into law as **Act 185 of 2002**.

Communications and High Technology

*** **Identity Theft - House Bill 1546**, unanimously approved by the Senate and signed into law as **Act 62 of 2002**, increases the penalty for identity theft from a misdemeanor to a felony. The law also increases the penalty if the victim is at least 60-years-old, increases the statute of limitations from four years to the discovery of the crime, and enables the victim to change the venue for prosecution.

*** **Scientific Research Centers - Senate Bill 505**, approved in the Senate by a 47-0 vote, contained a different provision of the legislation that eventually was enacted as the "Tobacco Settlement Act." The provision created the Regional Biomedical and Life Sciences Research Centers and established three regional biomedical and life science research centers which would have shared funds, equipment, personnel, and other resources.

* **Computer Crime - Senate Bill 656**, approved unanimously in the Senate, would have criminalized the use of information technology to access or disclose personal, medical, insurance or confidential information of another person for financial gain or malicious intent.

The House did not act on the measure.

* **Unlawful Computer Use - Senate Bill 1401**, approved by a vote of 49-0, would have provided for penalty grading and definitions of the unlawful use of a computer. Offenses would have included disruption of service and communications, theft, and distribution of computer viruses.

The House did not act on the measure.

* **Trade Secrets - Senate Bill 1403** was unanimously approved by the Senate and would have created the "Uniform Trade Secrets Act." Offenses would have included theft of personal and confidential information via computer and commercial trade secrets.

The House did not act on the bill.

* **Electronic Mail Transmission - Senate Bill 1406** was unanimously approved by the Senate and would have created the offense of the "unlawful transmission of electronic mail." Offenses would have included using a computer or computer network without authority or misusing computer software.

The House did not act on the measure.

Community and Economic Development

*** **Ben Franklin/IRC Partnership** -- Two bills, unanimously approved in both the Senate and House, repeal portions of the Ben Franklin/IRC Partnership Act of 1993 and establish the former partners as separate entities.

Senate Bill 876 creates the "Ben Franklin Technology Development Authority." The bill also transfers the Pennsylvania Technology Investment Authority's revolving loan account into the Ben Franklin Technology Development Authority Fund.

Senate Bill 877 creates the "Industrial Resources Center Partnership Act."

The governor approved both measures as **Acts 38 and 31 of 2001**, respectively.

*** **Conservation and Preservation Easements** -- **House Bill 975**, unanimously approved in the Senate, creates the Conservation and Preservation Easements Act, providing statutory protection of easements to protect the natural, historic, agricultural, open-space and scenic resources of Pennsylvania. The law also provides for judicial actions regarding conservation and preservation easements.

The bill was signed into law as **Act 29 of 2001**.

* **Contractor Requirements** -- The Senate unanimously passed legislation that would have required contractors who want government funding to provide certification that they do not have delinquent municipal taxes, or outstanding utility bills or municipal fines. Under **Senate Bill 52**, certification would have applied in cases where a municipality, county, authority or quasi-governmental agency accepts an award from the state Department of Community and Economic Development and passes the award on to a private developer

The House took no action on the bill.

*** **Travel and Tourism** -- The Senate unanimously passed **House Bill 2729**, formally creating the Pennsylvania Travel and Tourism Partnership that presently serves in an advisory capacity to the governor, established by Executive Order. The 34-member public-private board will be chaired by the Secretary of the Department of Community & Economic Development and provide advice to the department and the governor on tourism plans and policies.

The bill was signed into law as **Act 189 of 2002**.

*** **Retail Business Loans** -- The Senate unanimously passed **Senate Bill 1370**, expanding the Community and Economic Development Loan Program to provide loans to small businesses specifically designed for retail services. The Department of Community and Economic Development will develop criteria for measuring community impact of a project, which is a condition of a loan. Production agriculture will now be eligible for funding under the Small Business First Program.

The bill was signed into law as **Act 213 of 2002**.

* **Job Loans** -- The Senate unanimously passed **Senate Bill 1567**, which would have amended The Job Enhancement Act by repealing transitional loan provisions included in the original act related to the processing of loan applications with respect to the Capital Loan Fund, the Air Quality Improvement Fund, the Storage Tank Loan Fund and the Recycling Incentive Development Account. All the transitional loans have been processed so the provisions are no longer necessary.

The House did not act on the bill.

*** **Community Block Grants** -- The Senate unanimously approved **House Bill 247**, extending the sunset provision of the Community Services Act which will provide for the community services block grant program until December 31, 2006. The bill also contains a technical amendment to the act by renaming the former Department of Community Affairs to the Department of Community and Economic Development.

The bill was signed into law as **Act 46 of 2002**.

*** **Help for Downtowns** -- To help revitalize Pennsylvania's downtowns, the Senate unanimously passed **House Bill 1935**, creating a Main Street grant program to address issues of infrastructure and structural decline and the effects of criminal activity in downtown areas, to improve the public image, to enhance economic and social aspects of operating a business and to complement adjacent residential corridors.

Local communities must match the grants with local funding, and provide a local organization for administration. The bill was signed into law as **Act 39 of 2002**.

Consumer Protection & Professional Licensure

*** **Dental Anesthesia** -- By unanimous vote, the Senate approved **House Bill 286**, which amends the Pennsylvania Dental Law by adding certain restrictions and requirements for the administration of anesthesia. The new law also gives additional power to the State Dental Council and Examining Board. The measure requires those who administer anesthesia to undergo clinical evaluations and office inspections at least once every six years, and new applicants to undergo such evaluations and inspections prior to obtaining a permit.

The bill was enacted as **Act 135 of 2002**.

*** **Licensed Dietician-Nutritionist** -- Unanimous approval was given to **House Bill 497** which amends the state's Professional Nursing Law to license and regulate dietician-nutritionists in Pennsylvania. A licensing exam will be required unless an individual can prove they have been active in the field for 5 or more years proceeding the effective date of the new law and produce evidence of their current registration from the Commission of Dietetic Registration in the American Dietetic Association. Once licensed, the individual will be required to complete a minimum 30 hours of continued professional education.

The bill was signed into law as **Act 99 of 2002**.

*** **Patient Drug Management** -- The Senate unanimously approved **House Bill 751**, which permits pharmacists and physicians to enter into a written agreement to manage a patient's drug regimen. The law amends the Pennsylvania Pharmacy Act by allowing a patient who is being treated by a licensed physician to have his or her pharmacist adjust drug strengths, frequency of dosage, order laboratory tests or other diagnostic test necessary in the management of drug therapy as long as the treating physician is informed.

The bill was signed into law **Act 102 of 2002**.

*** **Lemon Law** -- The Senate unanimously approved **House Bill 767**, which expands the state's "Lemon Law" to include vehicles purchased out-of-state. It provides the same consumer protections on the purchase of a new, but faulty, vehicle regardless of what state the car was purchased in as long as the first-time registration of the vehicle was made in Pennsylvania.

The bill was signed into law as **Act 117 of 2002**.

*** **Physician Assistants** -- The Senate gave unanimous approval to **House Bill 967**, which permits the State Board of Medicine to issue licenses to board-approved physician assistants. The bill was enacted as **Act 160 of 2002**.

*** **Unclaimed Shoes** -- The Senate unanimously approved **House Bill 1255**, which enables shoe repairers to dispose of unclaimed footwear under the same rules that laundry and dry cleaning services are permitted to dispose of unclaimed items. The bill was signed into law as **Act 163 of 2002**.

*** **No Blood Test For Barbers** – The Senate unanimously approved legislation to eliminate the current requirement that applicants for a state Barbers' License submit to a blood test. **House Bill 1272**, which was signed into law as **Act 78 of 2002**, also eliminates the same requirement for students who are planning to attend a state licensed barber school.

*** **Telemarketing Restrictions** -- Unanimous approval was given to **House Bill 1469** which restricts telemarketing in Pennsylvania. The law permits residential phone customers to place their name and number on a "do not call" list, and requires the telemarketing business adhere to the list or risk a fine of up to \$3,000. Further, telemarketers are required, upon request, to give their name and the phone number or address of the concern on whose behalf the call is being made. Telemarketers also are no longer be permitted to block residential caller identification or utilize any other phone screening devices that cloak their number from consumers.

The bill was signed into law on as **Act 24 of 2002**.

*** **Veterinary Drug Prescriptions** -- The Senate unanimously approved **House Bill 1742**, which amends the state's Veterinary Medicine Practice Act by changing provisions on veterinary drug prescriptions, providing new categories for veterinary personnel, changing the statutory list of definitions and providing for the approval of schools and procedures by state Veterinary Board.

The bill was signed into law as **Act 167 of 2002**.

*** **Marriage and Family Therapists** -- Individuals practicing professional counseling or marriage and family therapy were included under the state's Social Workers Act in 1998. That law, however, only gave the state Social Work Board three years to implement the licensure of those who met the educational and practice prerequisites for licensure without examination. **House Bill 1813**, approved unanimously, extends the licensing time to at least five to seven years prior to the date of application for a license for those who have practiced in Pennsylvania.

The bill was signed into law as **Act 4 of 2002**.

*** **Beauty Shops** -- The state Cosmetology Law was unanimously amended to eliminate the need for a licensed "manager" in beauty shops. **House Bill 2020** instead allows shop owners to designate a person to run the shop if they are not present, and requires only that the name of the shop owner or designated person be posted in a conspicuous place.

The bill was signed into law as **Act 98 of 2002**.

*** **Land Surveyors** -- The Senate unanimously approved **House Bill 2207**, which amends the state's Engineer, Land Surveyor and Geologist Registration Law by requiring certain educational standards be met before an applicant may take the land surveyor license examination.

The bill was enacted as **Act 136 of 2002**.

*** **Counselor Licensing** -- By a unanimous vote, the Senate approved **House Bill 2256**, which, under certain circumstances, exempts candidates in the fields of marriage, family therapy and professional counseling from licensure examinations.

The bill was enacted as **Act 177 of 2002**.

* **College Credit Card Peddling** -- **Senate Bill 137** would have required the State Board of Education to compel all accredited colleges to adopt a policy aimed at regulating credit card marketing on college campuses. Requirements could have ranged from requiring credit card marketers to register to prohibiting marketers from offering gifts to students who apply.

The House never acted on the bill.

* **Real Estate Appraisers** -- The Senate unanimously approved **Senate Bill 206**, which would have amended Pennsylvania's law governing the State Board of Certified Real Estate Appraisers. The measure would have increased the number of board members from seven to nine, and from two to three the number of public members. The measure also would have stipulated that any violation of the Real Estate Certification Act is an automatic violation of the state's Unfair Trade Practices and Consumer Protection laws.

The House never acted on the bill.

*** **Cat and Dog Products** -- The Senate unanimously approved **Senate Bill 280**, which was signed into law as **Act 103 of 2001**. The law prohibits the sale of products containing dog or cat fur, skin or hair.

*** **Lemon Law Revamp** -- Leased vehicles are covered under Pennsylvania's Automobile Lemon Law under **Senate Bill 286**, which was enacted as **Act 94 of 2001**. The Senate unanimously approved the measure.

The old law only applied to new motor vehicles purchased by Pennsylvania residents. The new law also adds a provision for the branding of titles for a vehicle returned to the manufacturer under the state's Lemon Law. Manufacturers must notify PennDOT of returned vehicles within 10 days and report the vehicle's identification number. PennDOT then would issue a new title and a statement designating it as a returned vehicle.

*** **Athletic Trainers** -- **Senate Bills 370 and 371**, signed into law as **Acts 92 and 93 of 2001**, require the State Board of Osteopathic Medicine and the State Board of Medicine to certify athletic trainers. The State Board of Physical Therapy previously certified such trainers. The Senate unanimously approved both bills.

*** **Physical Therapists** -- The Senate concurred unanimously in House amendments to **Senate Bill 400**, which expands the State Board of Physical Therapists from nine to 11 members and adds the Physician General, or his designee, to the board. The law also permits licensees to apply to the board for a certificate of authorization to practice physical therapy without a physician referral. House amendments gave insurers the option to require physical therapists to obtain a referral or file an evaluation and treatment plan with the insurer as a precondition of reimbursement.

The bill was signed into law as **Act 6 of 2002**.

*** **Delaware River Commission** -- **Senate Bill 626**, signed into law as **Act 41 of 2001**, alters the make-up and location of meetings for the Commission for the Delaware River. The Senate unanimously approved the bill.

*** **Delaware River Rate Hike** -- The rates charged for vessels using portions of the Delaware River were increased under **Senate Bill 627**, which was unanimously approved by the Senate and signed into law as **Act 10 of 2001**. The law authorized the state to increase rates for state-licensed pilots porting a vessel between the Capes of Delaware and the Delair Railroad Bridge in New Jersey. Rates per unit will increase each January 1 through 2004.

*** **Navigation License** -- **Senate Bill 635**, which was unanimously approved by the Senate and signed into law as **Act 11 of 2001**, revises the specifications required to obtain a fifth or sixth class water navigation license. The bill also requires licensed river pilots of Pennsylvania and Delaware to comply with regulations promulgated by the Navigation Commission.

*** **Eye Procedures** -- Optometrists may provide additional procedures under **Senate Bill 831**, approved 48-0 by the Senate.

The measure expands the scope of the optometric practice to provide for the treatment of open angle glaucoma, exfoliation glaucoma and pigmentary glaucoma. All certified optometrists who treat glaucoma with pharmaceutical agents must also maintain a minimum of \$1 million - per occurrence - in liability insurance, and \$3 million aggregate per year.

The bill was enacted as **Act 225 of 2002**.

*** **Acupuncture** -- A unanimously approved **Senate Bill 1007** has changed the state's Acupuncture Registration Act to eliminate the requirement that acupuncturists practice only under the general supervision of a physician.

The bill was enacted as **Act 49 of 2002**.

*** **Physical Therapy** -- **Senate Bill 1011**, approved unanimously, defines "mobilization/manual therapy" in the Pennsylvania Physical Therapy Practice Act. The therapy involves varied passive movements to joints and/or soft tissues.

The bill was signed into law as **Act 27 of 2002**.

*** **Chiropractic Therapy** -- A bill to define "manipulation/adjustment" in the state's Chiropractic Practice Act was unanimously approved. **Senate Bill 1012** defines the procedure as a passive maneuver that works a joint complex beyond normal range of motion.

The bill was signed into law as **Act 26 of 2002**.

*** **Nurse Practitioners** -- The Senate unanimously concurred in House amendments to **Senate Bill 1208**, which gives the state Board of Nursing exclusive jurisdiction over its own licensees and certified registered nurse practitioners. The law also expands the scope of nursing definitions, duties, certification and educational requirements for registered nurse practitioners and creates the "Drug Review Committee."

The governor signed the bill into law as **Act 206 of 2002**.

* **Experience in Lieu of a Degree** -- Social workers and marriage or family therapists and professional counselors would have been permitted to use practical experience in lieu of the minimum Master's Degree requirement for state licensing under **Senate Bill 1579**, approved unanimously by the Senate.

The bill would have required that an applicant prove they had practiced for at least seven years prior to seeking a Pennsylvania license.

The House never acted on the bill.

Education

*** **War Vet Diplomas** -- The Senate unanimously approved **House Bill 186**, which amends the Public School Code by establishing "Operation Recognition," which will allow school districts to award high school diplomas to U.S. World War II veterans who may have missed graduating due to their military service. The measure was signed into law as **Act 73 of 2001**.

*** **Educational Improvement Tax Credits** -- What started as a simple bill allowing school districts in Pennsylvania to purchase automatic external defibrillators wound up as the vehicle for a package of amendments revising the state's Public School Code.

The Senate voted 36-13 to concur in House amendments to **House Bill 996**. The legislation is heralded by proponents as “unprecedented” in its aid to modest income families whose children attend public schools that have scored below average academic standards, but considered nothing more than “backdoor vouchers” by many opponents.

The bill, signed into law as **Act 4 of 2001**, also:

- authorizes a \$78.4 million increase in special education funding;
- provides \$2 million for “independent schools,” which can be created from an existing school in any school district;
- includes \$23.6 million in tutoring grants for parents of elementary school students with below average scores on the state math and reading tests;
- requires public school teachers to undergo a statewide skills test and provides \$4 million to fund the testing program; and,
- authorizes \$30 million for an Education Improvement Tax Credit Program, giving tax credits to corporations that contribute to scholarship programs for public or private schools or to innovative public school programs.

*** **Adult Literacy Program** -- The Senate unanimously approved legislation to amend the state's Adult Basic Literacy Education Act by expanding programs to include more adult parent and family-oriented education projects. **Senate Bill 35** addresses the high percentage of adults in Pennsylvania who have not completed high school, and allocates 25 percent of the budget appropriation for Adult Literacy to develop and coordinate adult and family literacy programs. Proponents cite studies that indicate children can be more prepared for school, more readily grasp basic skills and achieve higher standards if their parents are literate and take an active role in the child’s education.

The bill was signed into law as **Act 26 of 2001**.

* **Displaced Homemakers** - The Displaced Homemaker and Single Parent Self-Sufficiency Act would have been created by **Senate Bill 375**. The measure, which unanimously passed the Senate, would have authorized the Department of Education to oversee the maintenance and operation of multipurpose service centers for job counseling; training; educational and job placement services; referrals; financial management services; and out-reach and information services for displaced homemakers and single parents.

The House took no action on the bill, however the provisions were contained in **House Bill 4**, which was signed into law as **Act 88 of 2002**.

*** **Teacher Residency Requirements** – In a move that some Democrats decried as “this Republican administration dictating to local government how to run their governments,” the Senate approved legislation that would force the Philadelphia and Pittsburgh school districts to drop residency requirements for teachers. By a

vote of 34 to 15, the Senate adopted a conference committee report on **Senate Bill 485**, an omnibus education bill. Among other provisions, the measure also:

- offers employees of the State System of Higher Education more choices when choosing an optional retirement plan, since more providers have entered the market.
- directs the Department of Education to conduct a study of Public Schools that provide instruction via the Internet.
- requires school districts to participate in and administer a national assessment of public school students' education progress authorized by the Federal Department of Education.
- provides for a special calculation of the market value/income aid ratio in cases where a school district's personal income increases by at least 1,000% over the previous year.

Senate Bill 485 was signed into law as **Act 35 of 2001** on June 22.

*** **Philadelphia Schools Takeover** – Legislation giving the governor authority for a state takeover of the Philadelphia School District was approved and signed into law on as **Act 83 of 2001**. **Senate Bill 640** was first approved to establish a loan forgiveness program for nursing students. It was amended to allow the governor to appoint four of five members of a board to govern the city schools, with only one named by the mayor. The terms of the governor's appointees, at three to seven years, could far outlast the governor's own administration, and are automatically renewed for another four years. Under the law, the board has direct authority to turn over the district to a private company for management.

*** **Library Resource Centers** -- The Senate voted 49-0 to approve the creation of statewide library resource centers in Philadelphia, Harrisburg, State College and Pittsburgh. **Senate Bill 926** also provides a minimal amount of funding for the centers, which will be located in existing libraries. The measure was signed into law as **Act 36 of 2001**.

* **Patriotism in Schools** – The Senate voted unanimously to approve a public school patriotism bill. **Senate Bill 966** would have required supervisors and teachers in public schools to establish and direct a ceremony before school each day to recite the Pledge of Allegiance or sing the National Anthem.

The House took no action on the bill, but the provisions, along with a requirement to display the flag in every Pennsylvania classroom were added to **House Bill 592**, which was signed into law as Act 157 of 2002.

** **Character Education** – By a 38-12 vote, the Senate approved **Senate Bill 1465**, which would have promoted character education in Pennsylvania schools.

After House amendments, the Senate took no further action.

* **School Violence** -- The Senate voted 41-9 in favor of **Senate Bill 885**, which would have set clearer guidelines for schools in reporting incidents of violence. The measure also would have required schools to create and distribute codes of conduct for students, and report incidents to local law enforcement. The measure also would have exempted school employees from civil liability for good faith efforts in enforcing the school's code of conduct.

The House took no action on the bill.

*** **School Performance** -- The Senate unanimously passed **House Bill 204** which requires the Department of Education to create a state report card related to the performance of schools and school districts consistent with federal requirements under the "No Child Left Behind Act" of 2001. The bill was amended in the Senate to strengthen prospective teacher background checks and to require schools to provide information about the Children's Health Insurance Program (CHIP).

The bill was signed into law as **Act 153 of 2002**.

*** **Schools (miscellaneous)** -- The Senate unanimously passed **House Bill 2644** giving Thaddeus Stevens College of Technology greater autonomy in its operations. The law also: Specifies that school districts that are both financially distressed and on the empowerment list will be governed by a special board of financial control; extends the "Operation Recognition" program to veterans of the Korean War so they can get honorary high school diplomas; and allows disruptive students in the Philadelphia School District who were adjudicated delinquent for non-violent, non-drug-related offenses to return to the classroom without first being placed in an alternative education program.

The bill was signed into law as **Act 187 of 2002**.

*** **Library Funding** -- The Senate unanimously passed **House Bill 1686**, which clarifies provisions in the Library Code related to the maintenance of local financial effort. By specifying that local libraries or a library system may not use state aid funds to reduce its financial effort for normal, recurring operating costs, the bill ensures that local financial effort does not include one-time revenues for capital or other non-recurring projects.

The bill was signed into law as **Act 164 of 2002**.

Environmental Resources and Energy

*** **Renewal and Management of State Forests** -- The Senate unanimously adopted a concurrent resolution that directs the Joint Legislative Air and Water Pollution Control and Conservation Committee to study issues concerning the renewal and management of the state's forests. **Senate Resolution 81** directs the committee to report its findings to the General Assembly as soon as possible.

*** **Underground Storage Tank Spill Notification** – **Senate Bill 696** amends the “Storage Tank and Spill Prevention Act” to require a specific manner of notification of a reportable release from an underground storage tank. In addition to other requirements, the law requires DEP and the municipality to notify via certified mail all residents living within a quarter mile radius of the release site.

The governor signed the bill into law as **Act 104 of 2001**.

*** **Integrated Pest Management** - The Senate voted 49-0 to approve **Senate Bill 705**, which creates a uniform plan for pesticide treatment in school buildings, on grounds, athletic fields and playgrounds throughout Pennsylvania. The bill provides a detailed blueprint for school districts to follow when pest control is necessary.

Notification to parents and students of the time and place of chemical applications, as well as the name, address and phone number of the applicator providing treatment, are among the requirements of the bill. It further mandated each public school district to prepare and submit to the Department of Education, by July 1, 2002, an Integrated Pest Management Plan.

The legislation was enacted as **Act 35 of 2002**.

*** **Pesticides and School Funding** -- **House Bill 1289** started out as a way to regulate pesticide use in public schools and ended up amended to allow Philadelphia schools to borrow up to \$300 million to repay debt incurred through operating costs. The Senate unanimously approved the original bill, but the amended version passed 32-18, mostly along party lines. Many Democrats objected to the bill for a variety of reasons, including the economic philosophy of borrowing money to cover operating expenses.

The bill also creates an independent educational assessment and reporting center to monitor the progress of city schools under the School Reform Commission.

The governor enacted the measure as **Act 36 of 2002**.

*** **Underground Storage Tank Indemnification Fund** -- The Senate unanimously passed **Senate Bill 837**, which increases payments from the Underground Storage Tank Indemnification Fund in the following manner:

- maximum payment to eligible owners or operators of underground storage tanks increases from \$1 million to \$3 million per tank per occurrence;
- annual amount of payment to owners or operators of 100 or fewer underground storage tanks increases from \$1 million to \$3 million; and
- annual sum of payment to owners or operators of 101 or more underground storage tanks increases from \$2 million to \$4 million.

The bill was signed into law as **Act 99 of 2001**.

*** **Conservation Easements** -- The Senate unanimously passed **House Bill 975** creating “conservation easements” and “preservation easements,” and providing for ways to convey such easements and handle disputes.

A conservation easement is defined as a “non-possessory” interest of an easement holder in real property that imposes limitations on the property owner for such purposes as:

- Protecting the natural, scenic, and open space values of the property;
- Protecting the property’s agricultural, forest, recreational, or open space values;
- Protecting natural resources and wildlife;
- Maintaining air and water quality; and preserving the historical, architectural, or archeological aspects of the property.

The bill was signed into law as **Act 29 of 2001**.

* **Oil and Gas Well Permits** -- **Senate Bill 982** would have amended the Oil and Gas Act to allow well permits to serve National Pollutant Discharge Elimination System permits for construction-related storm-water management when the federal NPDES requirements are satisfied.

The Senate passed the bill 37-13, but the House took no action.

*** **Waste Haulers** - The Senate unanimously approved **House Bill 754**, which requires registration for waste tire haulers, and requires registered haulers to keep accurate records. Haulers will pay a fee of \$50 registration fee each year. The measure also requires municipalities to report to the Department of Environmental Protection tire piles of 1,500 to 10,000 tires, while providing grants for communities that undertake programs to dispose of waste tires.

The bill was signed into law as **Act 111 of 2002**.

*** **Wastewater Treatment Operators** -- The Senate unanimously passed **House Bill 1830**, creating a State Board for Certification of Water and Wastewater Systems Operators. The board will test and certify operators of water and wastewater treatment plants.

The bill was signed into law as **Act 11 of 2002**.

*** **Accreditation of Labs** -- The state Department of Environmental Protection will establish an accreditation program for environmental laboratories under **Senate Bill 1115**. Passed unanimously, the law authorizes DEP to establish and administer the program and to issue certificates of accreditation to laboratories that meet predetermined staffing, management, equipment and quality control procedures.

The bill was signed into law as **Act 25 of 2002**.

*** **Log registration** -- Legislation that requires lumber dealers in McKean County to mark logs and register the marking with the prothonotary's office was approved unanimously by the Senate. **House Bill 1584** was signed into law as **Act 29 of 2002**.

*** **Forestry Research** -- The Senate unanimously passed **House Bill 1696**, which amends the Conservation and Natural Resources Act to use a portion of the Forestry Stumpage Sales Restricted Receipts Account for forestry research.

The bill was signed by the governor as **Act 165 of 2002**.

*** **Recycling fees** -- The Senate unanimously passed **House Bill 2190**, extending the sunset date until Jan. 1, 2009 for the recycling fee for municipal waste landfills and resource recovery facilities. The \$2 per ton fee on municipal waste disposal sunsets on October 15, 2004. The bill was signed into law as **Act 175 of 2002**.

*** **Water-use management** -- The Senate passed **House Bill 2302** which, as amended, creates the state's first water-use-management plan in 25 years. The bill passed 43-6, over the objection of some members who warned the plan could be vetoed by a newly created board that environmentalists claim could be made up of representatives from industries that use large amounts of water.

The bill also increases the membership of the Department of Environmental Protection's Agricultural Advisory Board, and provides for a representative of the PennAg Industries Association and a representative of the agricultural chemical manufacturers industry to serve on the board, and allows for the departments of Agriculture and Environmental Protection to name a Deputy Secretary to represent the department on the board. The bill was signed into law as **Act 220 of 2002**.

* **Tires and schools** -- The Senate unanimously approved **Senate Bill 1525**, which would have prohibited waste tire recycling facilities from being established or operating within 500 feet of an existing school, playground, park, residential housing area, church or childcare facility. The House took no action on the bill.

*** **Mine Damage** -- The Senate unanimously approved **House Bill 401**, providing relief for homeowners who suffer damage from mine subsidence. According to the bill, if a homeowner believes that their home sustained mine subsidence damage and is unsafe for occupancy, they can apply to the Department of Environmental Protection for assistance.

The bill was signed into law as **Act 155 of 2002**.

**** Alternative Energy** -- The Senate unanimously passed **Senate Bill 1439**, which would have created a grant program to promote alternative energy use among large utility customers.

Funded by a .25-mill levy on utilities' gross receipts, the program would have provided up to 50 percent of the cost for school districts, municipal authorities, political subdivisions, nonprofit entities and corporations to install alternative energy devices in cars, heating systems or lighting.

Following House amendments, the Senate took no further action on the bill.

*** Environmental 'Harassment'** -- The Senate passed **Senate Bill 1257** on a largely partisan 36-14 vote. The bill would have provided criminal and economic penalties for environmental protestors who make an economic impact on a business. The bill passed over the protests of Democrats who saw such a measure as chilling to free speech.

The House took no action on the measure.

Game and Fisheries

***** Antlers Shed Naturally Are Legal for Possession** -- **House Bill 212**, unanimously approved by the Senate and signed into law as **Act 98 of 2001**, makes it illegal to possess shed deer or elk antlers except by authorized personnel or if the antlers found were shed through natural causes. The new law also provides options for hunting permits based upon the state's fiscal year. Permits for disabled persons to hunt from their vehicles are also valid for a lifetime under Act 98 and no reduced fees will be given for permits issued for less than a year.

***** Lake Erie Fishing** -- **House Bill 1482**, unanimously approved by the Senate and enacted as **Act 101 of 2002**, amends the Fish and Boat Code to provide that money from special Lake Erie fishing permits be distributed to holders of gill net permits. The balance of the money will be used to purchase property on Lake Erie for public fishing.

***** Deer Removal** -- **House Bill 2125**, unanimously approved by the Senate and signed into law as **Act 79 of 2002**, allows licensed hunters to remove deer from baited areas in Philadelphia or in special regulation areas. The law also increases the penalty for "safety zone" violations from \$200 to up to \$500. Repeat offenses are now subject to a fine of between \$500 and \$1,000.

**** Boating Regulation** -- By a unanimous vote, the Senate approved **Senate Bill 133**, which would have exempted boats that are part of a cavern operation from the definition of a "passenger-carrying boat." Although the House also approved the bill, the measure was never signed in the legislature and sent to the Governor. Still, the bill language is contained in **Senate Bill 463**.

*** **Boater Education** -- The Senate unanimously approved **Senate Bill 463**, which was enacted as **Act 199 of 2002**. The law requires boaters to take a safety course before being permitted to operate a boat. The measure exempts people who are over the age of 21, those who already hold safety certificates, landowners operating boats on their own property, people temporarily visiting Pennsylvania and those who have boats with engines of 25 horsepower or less.

* **Antlers** -- The Senate unanimously passed **Senate Bill 657**, which would have made it illegal for individuals to possess deer or elk antlers, unless the antlers were obtained by authorized individuals or found by an individual due to natural shedding. The bill was meant to crack down on poachers who kill deer and elk simply to possess their antlers.

The House never voted on the bill.

* **Elk Farms** -- By a 32-16 vote, the Senate approved **Senate Bill 1158**, which would have considered a livestock operation containing privately-owned elk within fences a "farm operation." This bill exempted preserves where elk are imported or purchased for hunting purposes.

The House did not act on the bill, but its provisions were incorporated into House Bill 2842 (see Agriculture), which was signed into law as Act 190 of 2002.

*** **Game Lands** -- By a unanimous vote, the Senate approved **Senate Bill 1242**, which lists the capital projects that would be funded through the Fish Fund and the Boat Fund. The bill was signed into law as **Act 208 of 2002**.

*** **Habitat Improvement** -- The Senate unanimously approved **Senate Bill 1243**, which was enacted as **Act 138 of 2002**. While the law does not increase fees, it requires that at least \$4.25 from each hunting license and at least \$2 from each antlerless deer license be used solely for habitat improvements.

Intergovernmental Affairs

*** **Port of Pittsburgh Bond Issues Liability** – The Senate unanimously approved **Senate Bill 1180**, which amends the "Port of Pittsburgh Commission Act" to add Indiana County to the definition of "port district." The bill clarifies that the Commonwealth has no obligation in the event of a default on a bond issue made by the Port of Pittsburgh Commission, that bond issues of the commission could be payable from any reserve fund established by the commission for a specific project, and that recreation projects initiated in connection with an economic development project must be developed "upon lands bordering or in close proximity to, the waters of the inland waterway system of the Port of Pittsburgh."

The governor signed the bill as **Act 111 of 2001**.

Judiciary

*** **Jury Tampering** – **House Bill 17**, which was unanimously approved by the Senate and signed into law as **Act 90 of 2001**, toughens penalties against those who attempt to intimidate witnesses and victims. The measure also creates the offense of “Aggravated Jury Tampering” in both civil and criminal cases, and doles out harsher penalties based on the kind of case the jury is hearing.

*** **Concealing Needles** -- **House Bill 41**, which was unanimously approved by the Senate and signed into law as **Act 48 of 2001**, makes it a second degree misdemeanor to conceal a hypodermic needle or similar device when such concealment causes a police officer to be jabbed by the needle during an arrest, pat down or search.

*** **Town Watch Immunity** -- **House Bill 59**, which was unanimously approved by the Senate and signed into law as **Act 66 of 2001**, provides civil immunity to volunteer members of anti-drug and town-watch crime prevention programs in certain circumstances. Immunity is granted when the conduct does not fall substantially below standards generally practiced in like circumstances.

*** **Victim Advocate** -- **House Bill 219**, which was unanimously approved by the Senate and enacted as **Act 121 of 2002**, statutorily authorizes the Victim Advocate to help crime victims prepare their testimony to the Pennsylvania Board of Probation and Parole either in person, by written submission, by videotape or conference call.

*** **Stun Guns** -- Electronic stun guns have been added to the list of “Prohibited Offensive Weapons” under **House Bill 227**, which was unanimously approved in the Senate and enacted as **Act 132 of 2002**. Violators will be charged with a first-degree misdemeanor; or a second-degree felony if the weapon is used while committing a felony. Stun guns would remain allowable for self-defense.

*** **Commercial Likeness** -- The Senate unanimously approved House Bill 235, which was enacted as **Act 54 of 2002**. The law prohibits the unauthorized publication or use of the name, portrait, voice, photograph or other likeness of a person for a commercial or advertising purpose for 30 years following the person’s death.

*** **Timber Theft** – **House Bill 279**, which was unanimously approved by the Senate and signed into law as **Act 7 of 2001**, will allow a person to recover, in addition to any damages, the cost of any surveys obtained in connection with a civil action for the conversion or theft of timber.

*** **Prison Population Impact** – **House Bill 343**, which was unanimously approved by the Senate and signed into law as **Act 46 of 2001**, requires the Pennsylvania Commission on Crime and Delinquency to provide a

prison population impact analysis of legislation upon the request of a committee chairman. The analysis would include an estimate of the effect the legislation would have on state and local parole, probation, and prison populations and programs.

*** **Antique Slot Machines** -- **House Bill 402**, approved by a 39-9 Senate vote and signed into law as **Act 48 of 2002**, defines an “antique slot machine” as being at least 25 years old. Under the old law, the slot machine was deemed an antique if it was made before 1941.

*** **Probation Advisory Committee** – The Senate unanimously approved **House Bill 476**, which was signed into law as **Act 108 of 2001**. The law requires that the County Chief Probation Officer be a member of the Probation Advisory Committee of the Board of Probation and Parole. This individual can serve for as long as they hold their position.

*** **Vandalism** -- The Senate unanimously approved **House Bill 582**, which was enacted as **Act 116 of 2002**. The law clarifies the crime of vandalism to include defacing or damaging someone’s property with aerosol spray paint or broad-tipped indelible marker. Also, stealing motor fuel is now “retail theft” punishable by a fine of up to \$250 for the first offense.

*** **Civil Damage Immunity During Emergencies** -- **House Bill 910**, which was unanimously approved by the Senate and enacted as **Act 81 of 2001**, provides immunity from civil damages to design professionals (e.g. architects, surveyors and engineers) who volunteer their services without compensation during declared emergencies. Immunity is disallowed if their conduct falls substantially below accepted standards.

*** **Child Rape** -- Child rapists will spend far more time in jail under **House Bill 976**, which was unanimously approved by the Senate and signed into law as **Act 162 of 2002**. Under the new law, the maximum sentence for raping a child under the age of 13 would double to 40 years. Those who commit rape or involuntary deviate sexual intercourse while causing serious bodily injury to a child could face life imprisonment.

*** **Juvenile Delinquency** -- **House Bill 1048**, which passed the Senate unanimously and was enacted as **Act 30 of 2001**, requires the Pennsylvania Commission on Crime and Delinquency to collaborate with all state agencies in the planning and programming of juvenile delinquency prevention efforts and the reduction of violence by and against children. The law also increased the number of commission members appointed by the governor from four to seven.

*** **Child Porn** -- **House Bill 1333**, unanimously approved by the Senate and signed into law as **Act 5 of 2002**, requires Internet service providers to remove child pornography that can be accessed by Pennsylvanians.

The Internet service providers would have five days after receiving notification from the Attorney General to remove or disable the prohibited materials. Violators could face fines of up to \$30,000 and jail time.

*** **Prison Phone Calls** – **House Bill 1402**, unanimously approved by the Senate and enacted as **Act 23 of 2002**, permits alternative payment methods for prisoner phone calls. Previously, only collect calls were allowed. The law also requires the Public Utility Commission to regulate and certify limousine services in Allegheny County.

*** **Prosecution Time Limit** -- **House Bill 1541**, which was unanimously approved by the Senate and signed into law as **Act 86 of 2001**, increases the statute of limitations from two years to five for “neglect of care-dependent persons” and “deceptive or fraudulent business practices.” The new law was in response to prosecutor complaints that these crimes often require lengthy investigative periods before charges can be brought.

*** **Identity Theft** -- **House Bill 1546**, unanimously approved by the Senate and signed into law as **Act 62 of 2002**, increases the penalty for identity theft from a misdemeanor to a felony. The law also increases the penalty if the victim is at least 60 years old, increases the statute of limitations from four years to the discovery of the crime, and enables the victim to change the venue for prosecution.

*** **Paintball Mischief** -- **House Bill 1603** was unanimously approved by the Senate and enacted as **Act 87 of 2001**. The law makes it a summary offense to carry a paintball gun or marker in a vehicle unless the weapon is disassembled or emptied.

*** **Extra Judge for Fayette County** -- **House Bill 1697** adds a temporary sixth judgeship to the Fayette County Court of Common Pleas. The court will revert to five judges by the end of 2002, or when the first vacancy occurs.

The bill was approved by the Senate, 42-5, and signed into law as **Act 28 of 2001**.

*** **Classifying Old Crimes** -- **House Bill 1806**, which was unanimously approved in the Senate and signed into law as **Act 113 of 2001**, restores the right to serve on a jury for persons who committed offenses under prior Vehicle Codes that are now classified as summary offenses. The measure was largely introduced in response to the federal firearms law that prohibits citizens from possessing guns if they were convicted for a crime punishable by at least one year in prison.

*** **Police Audio Recordings** -- **House Bill 1933**, approved by a 48-1 Senate vote and enacted as **Act 53 of 2002**, requires the police to keep traffic stop audio recordings for at least 31 days, and then destroy them after 90 days unless the tape could be used as part of a criminal or civil proceeding.

*** **Hershey Foods Controversy** -- Responding to the threatened sale of Hershey Foods Corp., the Senate voted 48-1 in favor of **House Bill 2060**, which was enacted as **Act 133 of 2002**. The law imposes additional notice and review requirements on fiduciaries of charitable trusts. In making investment and management decisions, the fiduciary must now consider numerous additional factors such as the special relationship of the asset and its economic impact as a principal business enterprise on its community. The measure also provides immunity protection for trust board members from minority shareholders who claim that the board's refusal to sell adversely affected their financial investment.

*** **Omnibus Crime Bill** -- By a 45-3 vote, the Senate approved **House Bill 2070**, which was enacted as **Act 172 of 2002**. The law makes it a second-degree misdemeanor for a person to intentionally conceal a hypodermic needle during pat down searches. Aimed at Internet pedophiles, the measure also makes it illegal to intentionally contact a minor for unlawful or exploitative sexual purposes. The law also protects firearm possession rights for certain people convicted under pre-consolidated versions of the penal or vehicle code. Finally the new law outlaws lobbying on a "contingency fee" basis.

*** **Hazardous Materials** -- **House Bill 2088**, unanimously approved by the Senate and enacted as **Act 40 of 2002**, expands the criminal definition of "causing or risking a catastrophe" to include persons who sell, deal or provide licenses or permits to illegally transport hazardous materials.

*** **Theft Detection Shielding Devices** -- **House Bill 2129**, unanimously approved by the Senate and signed into law as **Act 33 of 2002**, makes it a misdemeanor to possess, manufacture, sell, offer or deliver a theft detection shielding/deactivation device. The devices are often used by thieves to avoid detection in stores, libraries and museums.

*** **Legal Aid for the Poor** -- By a 34-16 vote, the Senate amended and approved **House Bill 2322**, which was signed into law as **Act 122 of 2002**. The law establishes the "Access to Justice Account" to provide civil legal assistance to poor or disadvantaged people. The account is funded through a \$10 surcharge on civil court filings and a \$10 fee on filing deeds, mortgages or property transfers.

*** **Ecstasy Drug Dealers** -- The Senate unanimously approved **House Bill 2445**, which was enacted as **Act 183 of 2002**. The law toughens penalties against those who traffic the designer drug "Ecstasy." The measure also makes it a misdemeanor offense to maim or kill a "service dog" that assists handicapped people.

** **Littering** -- **Senate Bill 82** would enable judges to sentence people to up to 90 days of community service for littering. Currently, judges cannot issue community service sentences to first-time offenders. Following unanimous Senate approval, the bill was amended and approved in the House.

The bill received no further Senate action.

*** **Protection from Abuse Orders** -- **Senate Bill 130**, which was unanimously approved by the Senate and signed into law as **Act 39 of 2001**, requires Pennsylvania authorities to recognize and enforce protection from abuse orders issued in other states.

*** **Medical Malpractice Venue Shopping** – The Senate unanimously approved **Senate Bill 138**, which was signed into law as **Act 127 of 2002**. The new law halts the practice of “venue shopping” by requiring that plaintiffs in medical malpractice cases file suit in the county where the alleged malpractice occurred. The measure also adjusts the pay rates for multi-county investigating grand juries and makes technical changes to the reporting law for sex offenders.

* **Stealing From Recycling Bins** -- Under **Senate Bill 147**, taking recyclable items from a municipal recycling container would have become a summary offense punishable by a fine or community service. The bill was unanimously approved by the Senate, but died in the house.

*** **Child Witnesses** -- The Senate unanimously approved **Senate Bill 211**, which would allow child victims or witnesses to testify by video tape or closed circuit television in criminal proceedings. The joint resolution is designed to protect children from the trauma and intimidation of testifying in open court. If approved by the legislature in successive sessions, the Constitutional amendment could appear on the ballot in 2003.

*** **Child Sex Abuse** -- **Senate Bill 212**, unanimously approved by the Senate and enacted as **Act 86 of 2002**, lengthens the statute of limitations for filing civil claims over childhood sexual abuse. A person abused before the age of 18 will have 12 years after his or her 18th birthday to file a suit, and may file regardless of whether criminal charges were ever filed.

*** **Business Names** -- **Senate Bill 215**, which was unanimously approved by the Senate and signed into law as **Act 34 of 2001**, would amend the “Associations Code” to create a new test to determine if two business names are distinguishable from each other. In addition, the Department of State has been granted administrative review powers in cases of suspected fraud under the Commercial Code.

*** **Asbestos Lawsuits** -- Following a 44-5 Senate vote, **Senate Bill 216** was enacted as **Act 101 of 2001**. The measure limits awards for asbestos-related suits to the fair market value of a corporation transferring its assets at the time of the merger or consolidation with a domestic corporation. In order to be eligible for this limitation, the domestic corporation would need to have been incorporated in Pennsylvania prior to May 1, 2001. The measure would not apply to workers compensation claims or to any claim that does not constitute a successor asbestos-related liability. The law further requires that an action to recover asbestos-related injuries begin within two years from the date on which the person was informed that they had acquired an asbestos-related injury.

* **AIDS** — The Senate unanimously approved **Senate Bill 221**, which would have made it a third-degree felony for a person who knowingly has AIDS to have sexual intercourse or share a hypodermic needle with a non-consenting person. It would also have been a felony for such a person to donate or sell blood or other bodily fluids except for medical research.

The House never acted on the bill.

* **Death Penalty** — **Senate Bill 223** would have added killing someone to collect life insurance proceeds as an aggravating circumstance under which a prosecutor could seek the death penalty. Currently, the maximum penalty for such a murder is life imprisonment. The bill was approved by the Senate, 39-8. The House did not act on the legislation.

** **Statute of Limitations** -- **Senate Bill 253** would have increased the statute of limitations from two years to five years for the crimes of attempt to commit murder, conspiracy to commit murder and solicitation to commit murder, regardless of whether the murder actually occurred. The bill was unanimously approved by the Senate and amended in the House.

The bill received no further action in the Senate.

* **DNA Database Expansion** -- **Senate Bill 259** would have added the crime of burglary to the list of crimes for which an offender must undergo DNA sampling. The sample would have been entered into Pennsylvania's statewide database. The bill was unanimously approved by the Senate, but died in the House.

*** **Police Audio Recordings** -- **Senate Bill 369**, approved by a 48-1 Senate vote and signed into law as **Act 52 of 2002**, amends the Crime and Vehicle codes to authorize police officers to make audio recordings of discussions under specific circumstances. The officer: must be performing law enforcement duties and inform the individuals that they are being recorded as soon as possible; must be identifiable as a police officer; must be in close proximity to the individuals being recorded, and can only record in places where individuals have no expectation of privacy. Such recordings could not be made in someone's home.

*** **Crime Victims** -- **Senate Bill 380**, unanimously approved by the Senate and enacted as Act 85 of 2002, gives crime victims the right to comment and be notified before an offender is released from boot camp.

*** **Parolees** -- **Senate Bill 391**, unanimously approved in the Senate and enacted as **Act 56 of 2002**, established a new Interstate Commission and state council to supervise and monitor the movement of adult offenders between states.

**** Frivolous Lawsuits --** Litigants could have recovered expenses and attorney fees over frivolous pleadings or motions aimed at harassing or annoying the other party under **Senate Bill 406**. The bill received no further House action following Senate amendments to House amendments.

***** Substance Abuse Education -** By a 46-3 vote, the Senate approved **Senate Bill 413**, which was enacted as **Act 198 of 2002**. The law establishes the "Substance Abuse Education and Demand Reduction Fund," which will be funded by assessing drug and drunk driving offenders \$100, or \$200 if their blood-alcohol content was .15 percent or more.

*** DNA Evidence – Senate Bill 415** would have extended the five-year statute of prosecution for rape, involuntary deviate sexual intercourse, sexual assault and aggravated indecent assault by one year when DNA evidence is used to establish the identity of the offender. However, the period of limitation for prosecution could not have been extended beyond seven years from the date the offense was committed.

The House never acted on the bill.

**** Victim Compensation -- Senate Bill 421** would have amended Pennsylvania's "Son of Sam" law to allow a crime victim or other eligible person to recover reasonable litigation costs when bringing a civil action to recover money damages from a person convicted of a crime.

The bill was unanimously approved by the Senate, amended in the House, and died in the Senate Rules and Executive Nominations Committee.

*** Protecting Child Welfare Caseworkers -- Senate Bill 490** would have added child welfare caseworkers to the list of officers, agents and employees protected under the state's aggravated assault statute. Assaulting such a caseworker would have been either a first- or second-degree felony, depending on the severity of injury.

The bill was unanimously approved by the Senate, but was never acted on in the House.

***** Jury Duty -- Senate Bill 572**, which was approved 46-3 and enacted as **Act 128 of 2002**, allows a spouse, child, parent, sibling, grandparent or grandchild of a homicide victim to be excused from jury service on both civil and criminal cases.

***** Overturning Convictions with DNA -- Senate Bill 589**, unanimously approved by the Senate and enacted as **Act 109 of 2002**, set the framework for requesting DNA testing as a means to overturn convictions. To be granted post-conviction testing, the DNA technology could not have been available at the time of conviction, and/or the court did not permit funds for indigent defendants who requested testing.

*** **Unclaimed Property** -- **Senate Bill 592**, approved unanimously in the Senate and signed into law as Act 80 of 2002, amended the state's Probate Code to allow a decedent's family to receive unclaimed or abandoned property or funds from the State Treasurer in certain cases without having to put the decedent's estate through probate.

* **Criminal Background Checks** -- By a unanimous concurrence vote, the Senate approved **Senate Bill 612**. The new law, **Act 129 of 2002**, waives the \$10 State Police criminal background check fee for those who apply as a volunteer with a rape crisis center or a domestic relations program.

*** **Newborn Safe Havens** -- The Senate unanimously approved **Senate Bill 654**, which was enacted as **Act 201 of 2002**. The law exempts a parent from criminal charges under most conditions if they leave their newborn at a hospital's designated "safe haven." The hospital would then take the child into protective custody.

* **Drunk Driving Blood-Alcohol Threshold** -- Pennsylvania's drunk driving blood-alcohol threshold would have dropped from .10 to .08 percent under **Senate Bill 709**, which was unanimously approved by the Senate. The measure would have brought Pennsylvania into compliance with federal law, which has given the state until October 2003, to enact the lower drunk driving threshold, or face losing an estimated \$10 million in federal highway dollars. The bill died in the House Judiciary Committee.

* **Drunk Driving** -- The Senate unanimously approved **Senate Bill 763**, which would have allowed courts to require a convicted drunk driver to reimburse the state or municipality for the costs of any chemical testing. The House never acted on the bill.

*** **Crime Victims** -- The Senate unanimously concurred in House amendments to **Senate Bill 807**, which was enacted as **Act 144 of 2002**. The law prohibits Crime Victim's Compensation Fund awards if there are reporting withdraws or delays under certain circumstances. The measure also transfers \$1 million from the Victim Witness Services Fund to the Crime Victim's Compensation Fund.

** **Criminal Records** -- Under **Senate Bill 818**, the records of minors who are at least 14 years old and are adjudicated or charged with a felony offense would have been subject to public disclosure. Under the bill, 12- and 13-year-old children who are repeat offenders of more serious offenses would have also been subject to such public disclosure.

The Senate unanimously approved the bill. The House amended the measure to limit corporate asbestos-related liability. Following additional Senate amendments, the bill died in the House.

*** **Phones/Beepers in Prisons** -- **Senate Bill 820**, unanimously approved in the Senate and enacted as **Act 84 of 2002**, makes it a first degree misdemeanor for a prison inmate or mental hospital resident to possess telecommunications equipment such as cell phones, beepers and computer modems, without written permission from the warden/supervisor. The same penalty would apply to those who furnish prisoners with such equipment.

*** **Child Porn** -- The Senate unanimously concurred in amendments to **Senate Bill 834**, which was signed into law as **Act 134 of 2002**. The bill increases the penalty from a third degree felony (up to seven years in prison and \$15,000 fine) to a second-degree felony (up to 10 years in prison and a \$25,000 fine) for a second or subsequent offense of disseminating or possessing child pornography. The law also toughens the penalties against pedophiles who attempt to contact minors over the Internet. Finally, the measure allows police officers to pose as minors on the Internet.

* **District Justices** -- **Senate Bill 858** would have amended the state's constitution to use the term "District Justice" to replace the antiquated term "Justice of the Peace" in all constitutional references. The bill was unanimously approved in the Senate, but received no House action.

*** **Gross Receipts Surcharge** -- By a unanimous vote, the Senate concurred in House amendments to **Senate Bill 879**. The measure, enacted as **Act 203 of 2002**, establishes a surcharge recovery mechanism for electric and telecommunications companies to recover the Gross Receipts Tax surcharge.

*** **Senior Judges** -- **Senate Bill 977**, which was unanimously approved by the Senate and signed into law as **Act 88 of 2001**, established a \$3 million annual grant program to help counties pay for visiting senior judges who temporarily fill vacancies on county courts of common pleas.

* **Terrorism** -- Less than three months after the September 11, 2001 terrorist attacks, the Senate unanimously passed **Senate Bill 1000**. The measure would have toughened penalties against terrorists and their conspirators by creating three new offenses: terrorism, soliciting or supporting terrorism, and hindering prosecution related to terrorism.

The bill also would have allowed victims and their families to recover damages from the assets of terrorists and those who knowingly aid terrorists.

The House never acted on the bill.

* **Bullying in Schools** -- By a 34-16 vote, the Senate approved **Senate Bill 1013**, which would have authorized the Department of Education's Office of Safe Schools to include "bullying" as a problem behavior that should be addressed and included in school violence protection programs.

The House never acted on the legislation.

*** **9-11-01 “Presumption of Death”** -- **Senate Bill 1014**, unanimously approved in the Senate and enacted as **Act 50 of 2002**, shortens the “presumption of death” waiting period for families who lost loved ones in the September 11, 2001, terrorist attacks. Under the former law, the families would have had to wait seven years before death could legally be declared. The law also overhauls the state’s guidelines for trustees and how the law governs the distribution of various forms of property and investments.

*** **Health Care Volunteers** -- **Senate Bill 1017**, unanimously approved in the Senate and enacted as **Act 58 of 2002**, extends the volunteer license status to inactive, but not retired, healthcare practitioners so that they can volunteer their services at nonprofit community health clinics that serve the poor.

* **Drunk Driving Records** -- By a unanimous vote, the Senate approved **Senate Bill 1029**. The legislation would have made drunk driving convictions in other states the same as an offense under Pennsylvania’s Drunk driving statute for sentencing purposes.

The House never acted on the bill.

* **Weapons** -- The Senate unanimously approved **Senate Bill 1030**, which would have expanded the provisions prohibiting contraband such as weapons, implements of escape and other dangerous materials in jails, youth development centers and mental hospitals. The House never acted on the bill.

* **Impersonating Public Officials** -- By a 47-0 vote, the Senate approved **Senate Bill 1048**, which would have made it a second degree misdemeanor for unofficial legal tribunals (common law courts) to fraudulently use legal processes such as summons, liens, warrants, and injunctions. The measure also would have prevented impersonating public officials, legal courts, or intimidating law enforcement officers through such simulated legal processes. Finally, the bill would have made it a third degree misdemeanor to use an unauthorized license plate.

The House never acted on the bill.

* **Jurors Taking Notes** -- The Senate unanimously approved **Senate Bill 1053**, which would have allowed jurors to take notes if the judge approves or if the court contestants agree. The measure would have enabled jurors to take notes during criminal or civil trials and use the notes during deliberation.

The House never acted on the bill.

* **Laser Pointers** – **Senate Bill 1074** would have made it a summary offense to deliberately shine a laser pointer at someone with the intent to harass, annoy or alarm the person. The offense would have been a third degree misdemeanor if committed against a police officer.

The House never acted on the bill.

* **Regulating Bail Bond Enforcers** -- The Senate unanimously approved **Senate Bill 1075**, which would have regulated, licensed, and required registration for bail bond enforcement agents.

The House never acted on the bill.

*** **DNA Registry and Business Liability** – **Senate Bill 1089**, approved 40-9 in the Senate and enacted as **Act 57 of 2002**, requires all prison inmates convicted of felony sex offenses to submit a DNA sample for the state's sexual offender registry. Under current law, only sexual offenders convicted after the registry law was enacted in 1995 are required to submit a DNA sample.

House amendments made the measure controversial by protecting defendants found by a jury to be only fractionally responsible for damages from paying entire judgements. Under the law, defendants found to be less than 60 percent liable will only be responsible for their share of the claim.

*** **Bomb Threats** -- **Senate Bill 1109**, unanimously approved by the Senate and enacted as **Act 82 of 2002**, toughened penalties against those who make threats concerning the use of a "weapon of mass destruction" (bomb, nuclear, chemical or biological materials) during a declared state of emergency.

* **Charities** -- The senate unanimously approved **Senate Bill 1164**, which would have made it a first-degree misdemeanor to solicit for a charity without authorization. Promptly turning over contributions to the charity could have served as defense to prosecution.

The House never acted on the legislation.

* **Harming Child Welfare Workers** -- By a 42-6 vote, the Senate approved **Senate Bill 1177**, which would have made it a first degree felony (up to 20 years in prison and a fine of up to \$25,000) to cause serious bodily injury to a utility worker or employee of a county Children and Youth agency.

The House never acted on the bill.

* **Internet Enforcement** -- The Senate unanimously passed **Senate Bill 1244**, which would have allowed law enforcement officers to pose as a child in the course of their official duties. The legal clarification has been

requested in response to a court challenge in an Internet child pornography case where the defendant claimed a police officer could not legally pretend he was a child online.

The House never acted on the bill.

* **Airport Security** -- The Senate unanimously passed **Senate Bill 1252**, which would have made it a felony for breaching airport security or attempting to use a weapon to cause harm or destruction at an airport. The bill would also have toughened penalties for falsely impersonating airline employees.

The House never acted on the bill.

* **Nonprofit Corporations** -- The Senate unanimously approved **Senate Bill 1367**, which would have allowed 16 and 17 year olds to serve on the board of directors for nonprofit corporations under certain conditions.

The bill died in the House.

*** **Child Rape** -- The Senate unanimously concurred in House amendments to **Senate Bill 1402**, which was enacted as **Act 226 of 2002**. The law doubles the prison sentence for raping a child under the age of 13 to 40 years. Those who commit rape or involuntary deviate sexual intercourse while causing serious bodily injury to a child could face life imprisonment. The measure also includes forged electronic signatures under the state's forgery law.

*** **Religious Freedom Act** -- The Senate voted 46-3 in favor of **Senate Bill 1421**, also known as the "Religious Freedom Protection Act." Absent a compelling state interest, **Act 214 of 2002** allows a person to challenge in court any law that infringes upon their religious practice.

* **Ecstasy Drug Dealers** -- The Senate unanimously approved **Senate Bill 1431**, which would have toughened the penalties against those who deal in the trendy designer drug Ecstasy.

The House did not act on the bill. A similar measure, House Bill 2445, passed into law.

* **Estate Assets** -- By a 27 to 21 vote, the Senate approved **Senate Bill 1433**, which would have given state and local taxes a priority when the assets of an estate are insufficient to pay all of its debts.

The Senate did not take up the bill again following House amendments.

*** **More Judges** -- By a 36-11 vote, the Senate concurred in House amendments to **Senate Bill 1452**. The omnibus measure, which was signed into law as **Act 215 of 2002**, adds judges in numerous counties, opens

up juvenile record under certain circumstances, clarifies child custody/detention laws, provides immunity to parole/probation officers who assist police officers, and limits landlord-tenant garnishment claims to property damage.

* **Weed and Seed** -- The Senate unanimously approved **Senate Bill 1466**, which would have required the Commission on Crime and Delinquency to establish a 30-member advisory committee to help targeted communities ("Weed and Seed" sites) disburse financial aid, develop crime prevention efforts, foster community partnerships, and help craft revitalization plans.

The House did not act on the bill.

* **Deficiency Judgements** -- By a unanimous vote, the Senate approved **Senate Bill 1469**, which would have instituted a petition for re-determination of the fair market value of property sold in connection with execution proceedings in a deficiency judgement action where the real property collateral lies in multiple counties. Under the legislation, the judgement creditor could have filed the valuation petition in one county if the property is located in more than one county.

The House never acted on the bill.

*** **Stalking** -- The Senate unanimously passed **Senate Bill 1515**, which creates separate Crimes Code sections for harassment and stalking. The bill was signed into law as **Act 218 of 2002**. Under the revised definition, a person commits the offense of stalking when he engages in a course of conduct or repeatedly commits acts towards another person, including following them without authority, intentionally placing the person in reasonable fear of bodily injury or causing substantial emotional distress. Additionally, the offense may be committed if the person continually communicates to another person under circumstances that demonstrate an intent to place the person in reasonable fear of bodily injury or to cause substantial emotional distress.

* **Good Samaritans** -- The Senate unanimously passed **Senate Bill 1526**, which would have extended civil immunity protection from liability to a greater number of people who come to the aid of crime victims.

The House never acted on the bill.

** **Prison Study** -- **Senate Resolution 149** would authorize the Joint State Government Commission to create a bipartisan task force to study geriatric, seriously ill and lifer populations in Pennsylvania state prisons. Following House amendments, the resolution was adopted.

Labor and Industry

*** **Workforce Development Act** – The Senate unanimously passed **House Bill 3**, which restructures administrative functions, procedures and entities, and transfers workforce development functions among several state agencies. The bill establishes the Pennsylvania Workforce Investment Board and authorizes the creation of local workforce investment boards. The law also provides for a one-year Critical Job Training Grant program that will fund worker retraining under certain conditions. The governor signed the bill as **Act 114 of 2001**.

*** **Dormitory Sprinkler System Act** -- The Senate voted 49-0 to pass **House Bill 209**, which authorizes the Pennsylvania Higher Education Facilities Authority (PHEFA) to make loans to colleges to retrofit dormitories and housing units with sprinklers. It calls for PHEFA to reimburse the institutions each fiscal year for the cost of interest paid on bonds in excess of 3 percent, using appropriations made to the Department of Education for this purpose. The department established a restricted account to pay PHEFA the interest reimbursement when due.

The governor signed the bill into law as **Act 116 of 2001**.

*** **Residential Electrical Requirements** – The Senate unanimously approved **House Bill 1235**, which provides an exemption from the residential electrical requirements established by the Pennsylvania Construction Code if the tenets and teachings of a property owner's religion conflict with the electrical requirements of the code. If the property is subsequently sold or leased to a person who is not a member of the religious sect, the property must be brought up to code.

The bill was signed into law as **Act 43 of 2001**.

*** **Hepatitis C Protection for Emergency Personnel** -- The Senate unanimously approved **House Bill 1633**, which adds hepatitis C to the list of occupational diseases under the Workers' Compensation Act and extends the Act's coverage to professional and volunteer emergency workers who may contract the disease while performing their duties. Those protected are: professional and volunteer firefighters, volunteer ambulance corps personnel, volunteer rescue and lifesaving squad personnel, emergency medical services personnel and paramedics, police officers, state and county correctional employees, and forensic security employees of the Department of Public Welfare.

The bill was amended in the Senate to establish conditions under which an employer may contest the presumption that hepatitis C was contracted on the job. These conditions would include employment screening, incident reporting, and/or testing programs that would produce results inconsistent with a claim that hepatitis C was contracted on the job. The House then re-amended the Senate version to strike the incident-reporting and testing programs, while keeping the pre-employment screening provision.

The governor signed the bill into law as **Act 115 of 2001**.

*** **Ownership of Molds and Dies** -- The Senate unanimously approved legislation that provides certain rights to the manufacturer of molds, dies and forms. **Senate Bill 419** gives a molder all rights and title to his product if the purchaser does not claim it within three years of its last use. The molder is required to destroy the

mold, form or die. Also, the proposal allows molders to place a lien on all dies, molds or forms in their possession and to retain the product until payment in full has been made.

The bill was signed into law as **Act 78 of 2001**.

*** **Unemployed prisoners** -- The Senate unanimously passed **House Bill 591**, prohibiting prisoners from receiving unemployment compensation. In addition, an employee is not eligible for compensation if his work loss is due to his failure to take or pass a drug test pursuant to an employer's established substance abuse policy.

The bill was signed into law as **Act 156 of 2002**.

*** **Unemployment Fraud** -- The Senate unanimously passed **House Bill 731**, increasing the penalties on both the employer and employee for knowingly and willingly committing unemployment compensation fraud. Fines for employee fraud are raised from \$30 minimum and \$100 maximum to \$100 minimum and \$1,000 maximum. Employer fines are \$100 minimum and \$1,500 maximum, up from \$50 and \$500. In addition to the fine, employers may receive a prison sentence up to 30 days, or both. Under the old law, an employer could only receive a prison sentence if he defaulted on payment of the imposed fine.

The bill was signed into law as **Act 158 of 2002**.

*** **Youth Peddling** -- The Senate unanimously passed **House Bill 974**, prohibiting youth peddling, which is defined as the selling of goods and services by minors to customers at their residences, places of business, or public places. It does not include minors who sell products or services as volunteers without compensation on behalf of nonprofit organizations.

Also, minors who deliver newspapers or who sell products under adult supervision are exempted. The bill prohibits youth peddling by minors under the age of 16. The practice is permitted if there is written parental consent, if it does not occur after 6 p.m., if adult supervision is present.

The bill was signed into law as **Act 161 of 2002**.

*** **Turnpike Workers** -- The Senate unanimously passed **House Bill 2183**, allowing "first-level" supervisors employed by the Pennsylvania Turnpike Commission to settle all disputes by engaging in collective bargaining in good faith and by entering into settlements by way of written agreements. The bill was signed into law as **Act 174 of 2002**.

*** **Emergency Workers** -- The Senate unanimously passed **House Bill 2444** allowing local coordinators of emergency management services to collect workers compensation in the case of injuries received while actually engaged in their duties at an emergency in which he has been called or responded to. This includes travel to and from the emergency. The bill was signed into law as **Act 182 of 2002**.

*** **Workforce Development** -- The Senate unanimously passed **House Bill 2778**, amending the Workforce Development Act by creating the position of chief operating officer (COO), staff and operations, critical job training grants, and TAP workforce development scholarship accounts. The COO would be appointed by the governor and serve at his pleasure. The bill was signed into law as **Act 224 of 2002**.

*** **Workers' Comp Discount Rates** -- The Senate unanimously approved **Senate Bill 813**, which extends the discount rates on worker's compensation insurance policies for employers who provide safety committees. Current law provides employers, who have certified safety committees, a 5 percent discount on worker's compensation insurance policies for a maximum of five years. This bill removes the five-year cap and extends the discount indefinitely.

The bill was signed into law as **Act 202 of 2002**.

*** **LP Gas Handling** -- The Senate unanimously passed **House Bill 1237**, tightening restrictions on the handling of propane and other liquified petroleum gases. The bill repeals the old Liquefied Petroleum Gas act and replaces it with the Propane and Liquified Gas Act.

Under the law, distributors must get state approval to build or expand operations of more than 9,000 gallons. The bill also calls for training of LPG handlers, record keeping, and inspection schedules for LPG facilities, and mandatory insurance coverage. The measure also creates a seven-member Liquified Petroleum Gas Advisory Board. Enforcement of the new regulations would be paid for by fees set by the state Department of Labor and Industry.

The bill was signed into law as **Act 61 of 2002**.

*** **Sharing Emergency Workers** -- The Senate unanimously passed **House Bill 481**, requiring municipalities that don't have emergency service providers within their borders to share in the workers' compensation costs for emergency providers who respond to calls in their municipality. The share will be determined by the relative size of the populations served by the emergency service provider. Municipalities are also free to negotiate terms independently.

The bill was signed into law as **Act 60 of 2002**.

* **Emergency workers' employment** -- The Senate unanimously passed **Senate Bill 106**, which would have prohibited employers from firing members of a volunteer firefighter support organization who lose employment time in the line of duty. Current law prevents employers from firing volunteer firefighters, fire police, and volunteer members of ambulance services and rescue squads who lose employment time in the line of duty. This bill would have extended this provision to members of volunteer firefighter support organizations.

The House took no action on the bill.

Law and Justice

*** **Undercover Minors** -- The Senate unanimously approved **House Bill 850**, which allows people between the ages of 18-21 to assist liquor control enforcement officers with compliance checks. Under the bill, the undercover minor must be at least 18 years old and trained and employed by the State Police. They are not permitted to drink an alcoholic beverage.

The bill was signed into law as **Act 141 of 2002**.

*** **Malt and Brewed Beverage Alternating Brewers License** -- The Senate voted 43-6 to approve **House Bill 1519**. The bill was signed into law as **Act 10 of 2002**, creating a new license called the "malt and brewed beverage alternating brewers license" that allows a company that does not own a facility in Pennsylvania to lease a facility from a Pennsylvania manufacturer and produce its product. The holder of such a license shall retain ownership of the beverage and shall sell through the three-tier system (manufacturer, importing distributor and retail).

*** **Tax Repealed for Alcohol Manufacturers** -- **Senate Bill 243**, unanimously approved by the Senate and signed into law as **Act 50 of 2001**, repeals the tax previously imposed on manufacturers for the privilege of producing, manufacturing, distilling, rectifying or compounding distilled spirits, rectified spirits or wines in Pennsylvania.

*** **More State Police Troopers** -- The Senate unanimously concurred in House amendments to **Senate Bill 372**, which raises the cap on the number of State Police troopers. Since 1972, the statewide trooper contingent had been limited to 3,940 officers and troopers. The law raises the cap to 4,310. A Democratic amendment to eliminate the cap entirely was voted down in the Senate Appropriations Committee.

The bill was signed into law as **Act 100 of 2001**.

*** **Sunday Sales** -- Voting 28-21, the Senate approved Senate Bill 1365, which -- on a two year trial basis -- allows some liquor stores to be open on Sundays between noon and 5 p.m. The law allows up to 10 percent of the state's liquor stores to operate on Sundays. The bill was signed into law as Act 212 of 2002.

Local Government

*** **War Memorials and Municipal Music** -- Legislation amending the Borough Code to remove the \$1,000 limit on borough appropriations for municipal music and for the construction and care of war memorials passed unanimously in both the House and Senate.

The governor signed **House Bill 61** into law as **Act 67 of 2001**.

*** **Local Tax Collection** -- The Local Tax Collection Law has been amended to provide for basic training, examination and qualification for tax collectors under **House Bill 168**, which unanimously passed the Senate.

The measure was signed into law as **Act 25 of 2001**.

*** **Councils of Governments** -- The Senate unanimously passed **House Bill 193**, which clarifies that all state departments and agencies are able to consider councils of governments, consortiums or similar entities established by two or more municipalities under Chapter 23 of Title 53 as legal entities when performing their administrative duties.

The bill was signed into law as **Act 13 of 2001**.

*** **Municipalities Planning Code** - The Senate unanimously passed **House Bill 411**, which amends the Municipalities Planning Code to incorporate "no-impact, home-based businesses." These businesses are located in homes but involve no extra customer, client, patient, or delivery traffic.

The bill was signed into law as **Act 43 of 2002**.

*** **Local Conservation District Appropriations** -- The Senate unanimously passed two bills (**House Bills 494 and 495**) allowing first-class townships and boroughs to make appropriations to their conservation districts.

The bills were signed into law as **Act 84 and Act 85 of 2001**.

*** **Property Tax Rate Increases** -- The Senate unanimously approved **House Bill 1947** and then unanimously concurred in House amendments to Senate amendments. HB 1947 amends existing law to raise the maximum property tax rate in second class-A counties (Bucks, Delaware, and Montgomery) from 30 to 40 mills. The bill also revamps the various provisions guiding the sale of county-owned property, waiving these requirements when the property is sold to non-profit corporations engaged in community industrial, commercial, or affordable housing development. Another provision outlines an alternate specification preparation process for municipal authorities that construct or alter public facilities.

The bill was signed into law as **Act 170 of 2002**.

*** **Deputy Sheriff Training Expenses** -- The Senate unanimously approved **House Bill 2456**, which increases reimbursements paid to counties for deputy sheriff training and education.

The bill was signed into law as **Act 184 of 2002**.

*** **Community Revitalization and Crime Prevention** -- The Senate unanimously adopted **House Bill 2772**, which creates the Targeted Community Revitalization and Crime Prevention Advisory Committee.

“Targeted communities” are high-crime and distressed areas that receive funding from the Pennsylvania Commission on Crime and Delinquency to support concentrated law enforcement efforts. The new committee serves in an advisory capacity to the commission in administering the targeted communities program.

The bill was signed into law as **Act 146 of 2002**.

*** **Elected Officials’ Salaries in Bloomsburg** -- The Senate unanimously adopted **House Bill 2971**, which places the elected officials of an incorporated town under the same salary guidelines as borough elected officials. Bloomsburg is Pennsylvania’s only incorporated town.

The bill was signed into law as **Act 196 of 2002**.

* **Residency Requirement Waiver** -- The Senate unanimously approved **Senate Bill 514**, which would have amended the Third Class City Law to remove the one-year residency requirement for fire department job applicants. The bill was sent to the House, where no action was taken before the session ended.

** **Water and Sewer Connection Fees** - -The Senate voted 42-6 to adopt an amended version of **House Bill 930**, which would have amended the law on water and sewer connection fees, also called “tapping fees.” The bill contained provisions sought by the Pennsylvania Builders Association and the Municipal Authorities Association.

The House did not act on the amended legislation.

*** **Local Tax Collection** - - The Senate unanimously passed **House Bill 1157** which amends the Local Tax Collection Law to authorize agreements for joint tax collection districts and for the designation of a delinquent tax collector.

The bill was signed into law as **Act 14 of 2002**.

*** **Planning Commission Pay – House Bill 1219**, which unanimously passed the Senate, amends the state’s Municipalities Planning Code to provide compensation to planning commission members. Under the law, only members who are not elected or appointed officers or employees of the municipality may receive compensation as determined by the governing body. The bill also allows for an independent attorney to be named as a hearing officer.

The bill was signed into law as **Act 2 of 2002**.

*** **Population Requirements Lowered for County Classes** -- **House Bill 1405**, approved unanimously in the Senate, reduces the population needed to be classified a third, fourth or fifth class county. The law also

increases the reimbursement amount for expenses for elected county officers who attend annual meetings and addresses the vacancy of certain elected judges and District Attorney in Third Class through Eighth Class counties.

The bill was signed into law as **Act 107 of 2001**.

*** **County Financial Operation Requirements** - **House Bill 1458**, approved unanimously in the Senate, amends the County Code to update and revise numerous financial operation requirements for third through eighth-class counties. The County Code had not been revised since its adoption in 1955.

The governor signed the bill into law as **Act 103 of 2002**.

*** **Open Work Force Law** - The Senate unanimously approved **House Bill 1459**, creating the Open Work Force Law. The law prohibits local governments from requiring that a proportion of workers on a local construction project be community residents. This measure evolved from a bill Democratic senators introduced in October 1999 to counter a resolution adopted by the City of Pittsburgh requiring that 35 percent of all jobs on publicly-funded construction projects greater than \$200,000 go to city residents.

The bill was enacted as **Act 45 of 2002**.

*** **Shade Tree Commission** - The Senate unanimously approved **House Bill 1536**, amending the Borough Code to enable a Shade Tree Commission's composition to be expanded, by ordinance, to five council-appointed members with staggered terms. Current law allows a three-person board.

The bill was signed into law as **Act 31 of 2002**.

*** **Document Recording Fees** - The Senate unanimously approved **House Bill 1923**, increasing the fee from \$2 to \$5 for recording a document. The law stipulates that \$3 be retained in a separate fund to be used in accordance with regular county budgeting, contracting, and procurement practices and \$2 deposited in the County Records Improvement Fund.

The bill was signed into law as **Act 32 of 2002**.

*** **Second Class Township Code** - The Senate voted 48-0 in favor of **House Bill 1948**, amending the Second Class Township Code to waive existing formal requirements for the sale of township-owned real property to non-profit corporations engaged in community commercial or affordable housing development.

The bill was enacted as **Act 12 of 2002**.

*** **Compensation and Outside Employment** – The Senate unanimously passed **House Bill 2005**, amending the County Code to provide compensation of solicitors and enable a sheriff, deputy sheriff, detective, or other county police officer to take outside employment when off duty.

The bill was signed into law as **Act 77 of 2002**.

*** **Sheriff Fee Authorization** - The Senate unanimously passed **House Bill 2087**, amending the “Sheriff Fee Act” to allow sheriffs in Allegheny County to establish, increase, decrease, modify, or eliminate fees or charges with the approval of the county’s president judge. The bill authorizes Allegheny County sheriffs to charge or collect an additional fee for initiation of any action or legal proceeding and to use the money collected from that fee solely to fund computerization of the sheriff’s office.

The bill was enacted as **Act 47 of 2002**.

*** **Abolition of Jury Commissioner Position** - The Senate unanimously adopted **House Bill 2305**, which enables third-class counties with a population ranging from 371,000 to 380,000 to abolish the position of jury commission. In essence, The legislation enables Berks County to eliminate its jury commissioner position.

The bill was signed into law as **Act 41 of 2002**.

*** **Municipal Elected Officials** -- The Senate unanimously passed a package of legislation (**Senate Bills 218, 219, 220**) which amends the First Class Township Code, the Second Class Township Code and the Borough Code, respectively, to clarify that a municipal elected official is not disqualified from voting on an issue solely because they previously expressed an opinion on the issue in either an official or unofficial capacity. The law applies to members of borough councils, boards of commissioners, and boards of supervisors.

The bills were signed into law as **Acts 21, 22 and 28 of 2002**.

*** **Residency Requirements** -- The Senate and House unanimously passed **Senate Bill 379**, which requires a person appointed to fill a vacancy in an elected borough or ward office to reside within the borough/ward continuously for at least one year immediately prior to his/her appointment. The law also provides for compensation of borough auditors.

The bill was signed into law as **Act 56 of 2001**.

* **Supervisors Serving on Advisory Panels** – **Senate Bill 596** would have amended the Second Class Township Code to enable a township supervisor to serve on a board or other commission that makes advisory recommendations to the board of supervisors. The bill also would have prohibited supervisors serving in that dual role from voting when their agency’s recommendation to the supervisors involved the expenditure of funds. The Senate unanimously approved the bill.

The House did not act on the measure.

*** **Real Property Donation** -- Both chambers unanimously approved **Senate Bill 597**, which allows counties to donate real property for a housing or community development purpose, aiding the Acquisition, Demolition and Disposition Program. The law also designates when elections will be held for a controller in sixth, seventh or eighth class counties.

The bill was enacted as **Act 57 of 2001**.

*** **Lost Pay Reimbursement** -- **Senate Bill 765** amends the Borough Code to provide for reimbursement of lost pay to a council member or mayor not employed by the borough while attending the annual county and/or state association meeting.

The legislation was unanimously approved in the Senate and signed into law as **Act 7 of 2002**.

*** **Lost Pay Reimbursement** -- **Senate Bills 766** and **767** amend the First and Second Class Township codes by providing for reimbursement of lost pay to supervisors and commissioners, respectively, not employed by the township while attending the annual county and/or state association meeting. In the case of a supervisor, they would not be entitled to receive the standard per diem for otherwise eligible expenses.

Both bills were approved unanimously in the Senate and signed into law as **Acts 9 and 92 of 2002**.

*** **Insurance Benefits** -- The Senate unanimously passed **Senate Bill 768**, which excludes any insurance benefits that are authorized for the members of council and the mayor from being considered pay, salary or compensation.

The bill was signed into law as **Act 17 of 2002**.

*** **Insurance Benefits** - **Senate Bill 769**, approved unanimously, amends the First Class Township Code to exclude any insurance benefits from being considered as pay, salary or compensation.

The bill was signed into law as **Act 54 of 2002**.

*** **Lost Pay Reimbursement** -- The Senate unanimously approved legislation that authorizes township supervisors to pay auditors their regular rate when they attend conferences, institutes or schools pertaining to the duties and functions of their positions.

Senate Bill 771 was approved 48-0 by the Senate and was signed into law as **Act 51 of 2002**.

*** **Philadelphia Parking Authority Takeover** -- In a move widely perceived as a stunning act of arrogance, Republican Senate and House members used Philadelphia's public school children as pawns to take over Philadelphia's Parking Authority and the more than 500 patronage jobs that come with it. Within 24 hours, Republican legislators amended what was a simple bill to permit authority board members to reside outside of the municipality they represent, and sped the measure through both chambers. The bill passed the Senate (29-20) along party lines.

Senate Bill 780 takes from the authority an alleged \$45 million in surplus profits and transfers the money to the city's school district. Democrats pointed out that most of the money the authority generates is contractually obligated, leaving only about \$3 million available for the school district. The law also adds six new members - two each appointed by the House majority leader, the Senate majority leader and the governor - to the former five-member board, effectively giving state Republicans control of the board.

The bill was enacted as **Act 22 of 2001**.

*** **County Code Amendments (Expenses and Population)** – **Senate Bill 985** amends the County Code to increase from \$110 to \$175 the daily expenses for elected and non-elected county officers attending the annual meetings of their association. The bill also reduces minimum population requirements for Third Class Counties from 225,000 to 210,000 and for Fourth Class Counties from 150,000 to 145,000.

The Senate unanimously approved the bill, which was then enacted as **Act 18 of 2002**.

*** **Annual Meeting Pay** – **Senate Bill 986** amends the Second Class County Code to increase from \$110 to \$175 the daily expenses for elected and non-elected county officers attending the annual meetings of their association. The Senate approved the bill 48-0. The legislation was enacted as **Act 75 of 2002**.

*** **Philly Convention Center Takeover** – In a blatant political move that virtually eliminates incoming Gov. Ed Rendell's role in administering the Pennsylvania Convention Center in Philadelphia, the Senate voted along straight party lines to approve an extensively amended version of **Senate Bill 1100**.

In its final version, the law compromises the city's control of the center and further expands the powers of the Philadelphia Parking Authority, which Senate and House Republicans seized in last year's power grab. The Pennsylvania Convention Center Reform Amendment portion of the bill repeals the existing Convention Center Authority Act and dramatically restructures the Center's administration and operation.

The measure increases the center's governing board from nine to 13 members, with a board selection process that virtually ensures Republican and suburban control. The governor cannot appoint any board members, except interim chairpersons who are replaced when a board majority agrees on a permanent candidate.

Under the Parking Authority section of the law, the agency's powers are expanded to regulate taxicabs and limousines – removing that power from the Public Utility Commission. Also, any authority budgets, contracts, bonds or obligations approved or entered into after Jan. 1, 2003 are not be subject to city approval.

The bill was signed into law as **Act 230 of 2002**.

* **Public Recreation - Senate Bill 1118**, adopted unanimously by the Senate, would have amended the Third Class City Code to create "public recreation places" that mirror parameters established under the Keystone Recreation, Park and Conservation Fund Act. The bill also would have prohibited a city from exercising eminent domain to obtain land for recreational use in another community without that community's formal approval.

The House did not act on the measure.

*** **Digital Filing** – The Senate voted 49-0 to approve **Senate Bill 1204**, which permits political subdivisions to use digital filing for the reproduction of certain records.

The bill was signed into law as **Act 205 of 2002**.

*** **Parking Authority Aftermath** – The hasty enactment of the Philadelphia Parking Authority legislation resulted in several unintended changes to the state Municipal Authorities Act. **Senate Bill 1215** undid these changes. Key elements of this law include restoring language that enables municipal authority board members to be a citizen, taxpayer, or maintain a business in the authority's municipality or service area. It also exempts borough business improvement districts from a provision that a majority of the board members be residents of the incorporating borough.

The bill was signed into law as **Act 110 of 2001**.

* **Court Hearing Attendance** - The Senate voted 49-0 to approve **Senate Bill 1254**, which would have amended the Second Class Township Code to empower township boards of supervisors to authorize the attendance of supervisors or employees at court hearings or training and educational opportunities.

The House did not act on the measure.

Military and Veterans Affairs

*** **Veterans Markers** -- The Senate unanimously passed **House Bill 328**, which was signed into law as **Act 3 of 2001**. Under the law, it is a second-degree misdemeanor to sell or attempt to sell a veteran's marker, which are provided by county governments for the purpose of marking the graves of deceased veterans.

*** **Paralyzed Veterans** -- Veterans paralyzed while in active duty in the military and listed as Pennsylvania residents at the time of the injury will be eligible for the state-administered "Paralyzed Veterans Pension Program" under **Act 109 of 2001** -- which passed the General Assembly as **House Bill 453** -- regardless

of where they currently reside. A similar measure, **Senate Bill 282**, unanimously passed the Senate, but the House took no action.

*** **Final Honorable Discharges Recorded** -- **Senate Bill 1093**, which requires the recorder of deeds in certain counties to record all final discharges of all honorably discharged non-commissioned officers and soldiers, was unanimously approved by the Senate. It further requires the recorder of deeds to record any reserved component of the Armed Forces of the United States as well. The bill was signed into law as **Act 67 of 2002**.

*** **National Guard Vehicles** -- By a unanimous vote, the Senate approved the use of state-owned vehicles by the Pennsylvania National Guard. **Senate Bill 1290** permits Guardsmen to drive any authorized state vehicle if it is being used for the purpose of providing security to military facilities and other official sites within Pennsylvania. The bill was signed into law as **Act 210 of 2002**.

*** **Veteran's Memorial Trust Fund** -- Legislation approved unanimously has created the State Armory Board and the Pennsylvania Veteran's Memorial Trust Fund. **House Bill 1356** designates the state Adjutant General to serve as chairman of the State Armory Board which will provide, equip, maintain and manage armories for the use of the state's military forces. The money in the Pennsylvania Veteran's Memorial Trust Fund shall be used for the selection, design and construction of a monument at Fort Indiantown Gap National Cemetery. The bill was signed into law as **Act 63 of 2002**.

*** **Guardsmen Death Benefits** -- The same death benefits currently afforded to men and women under the state's "Emergency and Law Enforcement Personnel Death Benefits Act" will be received by the families of any National Guard member who is killed in the performance of his or her official duties. **House Bill 1520**, approved unanimously, was signed into law as **Act 20 of 2002**.

*** **Exempt income** -- Members of reserve units of the U.S. Armed Forces have been added to the list of current eligible military personnel whose active duty pay is exempt as income for unemployment purposes under **House Bill 1900**, approved unanimously by the Senate.

The bill was signed into law as **Act 169 of 2002**.

Public Health and Welfare

*** **Tobacco Settlement Act** -- The largest investment in health care in Pennsylvania's history passed the Senate unanimously and was signed into law as **Act 77 of 2001**. **House Bill 2**, the "Tobacco Settlement Act," establishes the Tobacco Settlement Fund for monies received from the settlement. Senate Democrats supported the measure, but noted that it is very similar to a proposal they made two years earlier (in 1999). The legislation allocates the Tobacco Settlement proceeds in the following way:

Health Investment (8 percent annually): establishing within the Tobacco Settlement Fund two accounts - the Health Account, a long-term savings account for future health-related programs, and the Health Venture Investment Account, to be used for investments in health care, biotechnology or other health-related businesses.

Tobacco Use Prevention and Cessation (12 percent annually): funding school, community and statewide programs through the Department of Health to reduce tobacco use.

Commonwealth Universal Research Enhancement (19 percent annually): funding biomedical, health services, collaborative, and clinical research projects at Pennsylvania-based institutions.

Hospital Uncompensated Care (10 percent annually; one-time \$15 million): establishing two funds to compensate hospitals. The Hospital Uncompensated Care Program will allocate funds to the 50 percent of Pennsylvania's hospitals that provide the highest levels of care to patients who are uninsured or unable to pay. The Extraordinary Expense Program will provide partial reimbursement to the remaining 50 percent for extraordinary expenses they incur treating the uninsured.

Health Investment Insurance (30 percent annually): establishing a health insurance program for low-income adults. Adults with incomes up to 200 percent of the poverty level may purchase insurance for a \$30-per-month premium. A worker with a disability earning less than 250 percent of the poverty level may purchase insurance for 5 percent of his or her monthly income.

Home and Community-Based Care (13 percent annually): establishing a program to provide services to maintain older individuals eligible for nursing home placement in their own homes.

PACE Reinstatement and PACENET Expansion (8 percent annually): increasing the PACENET eligibility by \$1,000, and making eligible for PACE those individuals whose Social Security COLA adjustments in 2001 and 2002 otherwise would put them over the income limits.

HealthLink (one-time \$20 million): creating a medical and surgical capital equipment grant program for matching grants to rural hospitals and health centers.

Medical Education Loans (one-time \$8 million): providing low-cost loans to students who become doctors and researchers, and loan forgiveness to students who become registered nurses.

Community-Based Health Care (one-time \$25 million): establishing the Community Coordinated Care to provide grants to support health-care clinics that provide outreach to low-income individuals.

Regional Biotechnology Research Centers (one-time \$100 million): establishing three regional biomedical research centers, or "greenhouses," performing collaborative research through the sharing of funds, equipment, personnel, and other resources. The measure calls for the centers, which will partner with for-profit organizations, to become self-sufficient, and half the royalty proceeds from any scientific advances will come back to the Health Account.

*** **Do Not Resuscitate Orders** -- The Senate unanimously passed **House Bill 96**, which amends the "Advanced Directives for Health Care Act" to extend advance directives to emergency medical service (EMS) health care. Declarants, including emancipated minors, who provide do-not-resuscitate (DNR) procedures by wearing an EMS-DNR bracelet, necklace or by presenting an EMS-DNR order, will direct emergency medical service providers to withhold cardiopulmonary resuscitation and related procedures in the event of respiratory or cardiac arrest.

The bill was signed into law as **Act 59 of 2002**.

*** **CHIP Notification** – The Senate unanimously approved **House Bill 413**, which requires a local registrar of the district in which a child is born to file a certificate with the Department of Health, which will send the parents a brochure relating to the Children's Health Insurance Program.

The bill was signed into law as **Act 69 of 2001**.

*** **Blood borne Pathogens** – The Senate unanimously passed **House Bill 454**, which requires the Department of Health to adopt a blood borne pathogen standard governing public employees.

The governor signed the bill as **Act 96 of 2001**.

*** **Immunizations** – The Senate unanimously passed **House Bill 846**, the Long-Term Care Resident and Employee Immunization Act, which requires every long-term care facility in Pennsylvania to request that residents and employees be immunized for influenza virus and pneumococcal disease.

The governor signed the bill as **Act 95 of 2001**.

*** **Access of Minors to Tobacco Products** -- The Senate voted 41-9 to approve **House Bill 1501**, which further limits access of minors to tobacco products. The law creates the offenses of selling, furnishing, displaying or offering a tobacco product to a minor or locating or placing a tobacco vending machine in a location accessible to a minor. The measure sets various penalties for minors who attempt to buy tobacco products and retailers who attempt to sell tobacco products to minors.

The bill was signed into law as **Act 112 of 2002**.

*** **Pooled Trust Fund For the Disabled** - - The Senate unanimously passed **House Bill 1804**, which creates a pooled trust fund for persons with disabilities. Within the trust, a separate account is maintained for each beneficiary, but, for purpose of investment, the trust is the account. Accounts in the trust are established by the parent, grandparent, or legal guardian of the individual with a disability.

The interest of any disabled beneficiary in a pooled trust would not be considered as a resource for purposes of determining the beneficiary's eligibility for medical assistance. Also, no state agency would be permitted to reduce benefits or services to an individual because that person is a beneficiary in a pooled trust.

The bill was signed into law as **Act 168 of 2002**.

* **Assistance for Recovering Addicts** – **Senate Bill 51**, which would have permitted the Department of Public Welfare to offer cash assistance to recovering addicts with felony drug convictions, passed the Senate unanimously.

The House did not act on the measure.

*** **Hearing Screening** -- **Senate Bill 100** requires the Department of Health to establish a program to screen all newborns in Pennsylvania for hearing loss before leaving a hospital, and infants not born in a hospital within the first 30 days of life. The bill passed the Senate and House unanimously and was signed into law as **Act 89 of 2001**.

* **Flu Immunization** – The Senate unanimously passed **Senate Bill 488**, which would have required long-term care facilities to request that residents agree to be immunized for influenza virus.

The House did not act on the measure.

* **Tobacco Settlement** -- The Senate unanimously approved **Senate Bills 500** through **507**, each of which contained a different provision of the legislation that eventually was enacted as the “Tobacco Settlement Act.”

The House did not act on the measures.

*** **Vital Statistics** -- **Senate Bill 773**, which the Senate passed unanimously, was signed into law as **Act 82 of 2001**. It allows the Department of Health to prescribe the method of transmission of statistical summaries of marriage licenses, divorces, annulments of marriages, certificates of adoption, and annulment of adoptions.

*** **Meningococcal Vaccination** - - The Senate voted 46-4 to approve **Senate Bill 955**, which requires vaccination of college students who reside in dormitories against meningococcal disease. The law allows exemptions for religious and other reasons as long as the institution provides the student detailed information about the risks of the disease and the availability and effectiveness of the vaccine.

The bill was signed into law as **Act 83 of 2002**.

*** **Interstate Adoption Compact** - - The Senate unanimously passed **Senate Bill 1324**, creating the Interstate Adoption Compact Act. Under this act, the Department of Public Welfare can enter into agreements with other states’ social service agencies to ensure that children with special needs receive medical and other benefits when they are adopted by a family in another state or when their adoptive family moves to another state.

The Act also provides for medical assistance to children with special needs who reside in this state and who are the subject of an adoption assistance agreement with another state.

The bill was signed into law as **Act 76 of 2002**.

State Government

*** **Rosa Parks Day** — **House Bill 407** establishes a permanent “Rosa Parks Remembrance Day” on Feb. 4 each year to honor the Montgomery, Alabama, woman credited as being “Mother of the Civil Rights Movement.” The bill was unanimously approved by the Senate and signed into law as **Act 6 of 2001**.

*** **Honoring Fallen Emergency Service Workers** -- **House Bill 529**, approved unanimously by the Senate and enacted as **Act 55 of 2002**, authorizes the display of the U.S. flag over a casket, memorial and/or funeral procession for an individual who served as a police officer, firefighter, ambulance worker, or rescue squad member.

*** **Civil Service** – By a 28-21 vote, the Senate accepted the conference committee report on **House Bill 590**, which was later signed into law as **Act 140 of 2002**. The law amends the Civil Service Act to: change the length of terms and per diems for commissioners; establish rules for how long documents are kept; allow some former state residents to apply for positions; give preference to U.S. citizens when applicants are equally qualified; limit employee suspensions to 60 days per year in most cases, and provide additional protection for promoted employees serving a probationary period.

*** **Charitable Organizations** – The Senate unanimously passed **House Bill 672**, which specifies certain requirements for charitable organizations and enables charities that solicit on a nationwide basis to register electronically with all 38 states that require registration.

The bill was signed into law as **Act 45 of 2001**.

*** **Memorial Dam** -- **House Bill 678**, unanimously approved by the Senate and signed into law as **Act 5 of 2001**, changed the name of the Fabridam in Northumberland County to the Adam T. Bower Memorial Dam.

*** **“Emergency Responder Plaza”** -- **House Bill 829**, which re-named the plaza beside the State Museum in Harrisburg as the “Emergency Responder Plaza,” was signed into law as **Act 91 of 2001**.

*** **Electronic Notarization** -- The Senate unanimously approved **House Bill 851**, which was enacted as **Act 151 of 2002**. Among various technical changes to the Notary Public Law, the measure allows for electronic notarization.

*** **Contracts with the Disabled** -- The Senate unanimously approved **House Bill 878**, which was signed into law as **Act 159 of 2002**. The law exempts the state from competitive bidding requirements when it contracts for supplies manufactured and services performed by disabled persons, as long as the contract is less than \$300,000.

*** **Gubernatorial Appointments** -- By a unanimous vote, the Senate approved **House Bill 1331**, which was signed into law as **Act 231 of 2002**. The law prohibits more than three members of the five-member Public Utility Commission from being from the same political party. The measure also requires a simple Senate majority, rather than two-thirds Senate vote, for appointment to the Milk Marketing Board, Fish and Boat Commission, Game Commission, and Public Utility Commission. Also, the law requires that when elected officials leave their offices before the end of their tenure, they must be replaced by an appointee from the same political party by a majority Senate vote. The law does not apply to appointees for judge or state row officer.

** **Drug Rehab** -- By a 49-0 vote, the Senate approved **House Bill 1401**, which would have permitted felony drug offenders to receive cash assistance and food stamps provided they enter a drug treatment program. The bill also would have established the Woman's Pregnancy Support Service program as a means to promote childbirth as a positive alternative to abortion.

The bill was amended in the House, but received no further Senate action.

*** **Contractors' Bond Law** - **House Bill 1408**, unanimously approved by the Senate and signed into law as **Act 106 of 2001**, amends the Public Works Contractors' Bond Law to allow for alternative forms of financial security by local contracting bodies.

*** **Right-to-Know** -- **House Bill 2100**, which was unanimously approved by the Senate and enacted as **Act 100 of 2002**, amends the state's "Right-to-Know" law to make public records more accessible to citizens. Under the new law, a public record must be provided in the requested format if it exists in that format. If an agency limits a record's availability to an electronic format, it must make the record available for inspection in its office. The law also prohibits an agency from denying a request for a public record based on the requester's intended use. In determining if records are public, agencies are required to respond promptly. If a requester is denied, he or she may appeal the agency's decision in court within 30 days. Agencies that violate the act can be fined up to \$300 for failing to provide a public record, and \$300 per day for not abiding by a court order. A 1999 media study revealed that access to school and government public records was denied half of the time, and access to routine police records was refused 77 percent of the time.

*** **Historical and Museum Commission** -- By a unanimous vote, the Senate approved **House Bill 2131**, which was enacted as **Act 173 of 2002**. The law enables the Historical and Museum Commission to sell state publications, and removed five historical sites from the commission's control.

** **Leave Pools** — The Senate unanimously approved **House Bill 2163**. The bill would have provided for voluntary leave pools for state employees; outlined rules for disclosing lists of employees to certain state officers; and provided for permits for storm water discharges associated with oil and gas wells and for deputy secretaries in the Department of Transportation.

The House non-concurred in Senate amendments.

*** **Athlete Agents** -- The Senate unanimously approved **House Bill 2411**, which was signed into law as **Act 180 of 2002**. The law requires the State Athletic Commission to license "athlete agents." Under the law, agents who violate state regulations can be fined up to \$25,000.

*** **Congressional Reapportionment** -- By a 29-21 party line vote, the Senate approved **House Bill 2545**, which was signed into law as **Act 34 of 2002**. The law re-mapped Congressional districts in Pennsylvania.

*** **Procurement** -- The Senate unanimously approved **House Bill 2674**, which was signed into law as **Act 142 of 2002**. The measure makes numerous changes to the state's Procurement Code. Among the changes are provisions for electronic bidding, restrictions on public access to financial information on bidders, and procedural changes for appeals and reviews.

*** **K. Leroy Irvis Office Building** -- The Senate unanimously approved **House Bill 2863**, which was signed into law as **Act 236 of 2002**. The law designates the South Office Building (located beside the state Capitol) as the "K. Leroy Irvis Office Building." Irvis was a House member from 1959 to 1988.

*** **Uniform Election Registry** -- By a unanimous vote, the Senate approved **Senate Bill 4**, directing the Department of State to develop the Statewide Uniform Registry of Electors (SURE), a database of all registered electors in the Commonwealth. The bill is designed to ensure the integrity and accuracy of voter registration records. On or before September 30, 2001, the Secretary of the Commonwealth is to report to the House and Senate the Department's recommendation regarding the necessary elements and requirements of the new system.

The measure was signed into law as **Act 61 of 2001**.

* **Notary Publics** -- **Senate Bill 13** would have permitted the Secretary of the Commonwealth to waive the one-year residency requirement for notary publics if they are in good standing in another state and if that state's licensing requirements are at least as stringent as Pennsylvania's.

The bill was unanimously approved by the Senate, but was never acted on in the House.

*** **"Bill of Rights Day"** -- **Senate Bill 230**, unanimously approved by the Senate and signed into law as **Act 102 of 2001**, annually designates December 15 as "Bill of Rights Day."

*** **State Board of Claims** -- The Senate unanimously approved **Senate Bill 483**, which was enacted as **Act 118 of 2002**. The law changes the way the rate of compensation is determined for members of the State

Board of Claims. Under the law, the annual pay for the chairman and members of the board would be established by the Executive Board and be subject to an annual cost-of-living adjustment.

*** **Statewide Voter Registry** - **Senate Bill 607**, approved by a 48-1 vote in the Senate and enacted as **Act 3 of 2002**, gives counties more flexibility for paying election clerks and ballot machine operators. The law also lays the groundwork for the administration of the Statewide Uniform Registry of Electors (SURE) integrated computer system.

* **Government Notices** -- The Senate unanimously approved **Senate Bill 770**, which would have required that certain government notices be printed in additional legal publications. The House never acted on the bill.

* **Historic Burial Places** -- By a unanimous vote, the Senate approved **Senate Bill 785**, which would have further clarified the state's definition of "historic burial places." Under this new definition, the tract of land would have to have been a burial place for at least 100 years, private funds would have been needed to be available for upkeep, and the land owner would have needed to prohibit future burials. The House never acted on the bill.

* **Senate Confirmation** -- By a 47-2 vote, the Senate approved **Senate Bill 806**, which would have changed the Senate confirmation requirement for numerous boards, commissions and elective offices from a two-thirds vote to a simple majority.

The bill received no action in the House, but its provisions are included in **House Bill 1331**, which was signed into law as **Act 231 of 2002** (see entry above).

*** **Voting Reform** -- By a 48-1 vote, the Senate amended and approved **Senate Bill 824**, which was signed into law as **Act 150 of 2002**. The law implements several election reforms. To curb voter fraud, one provision requires a voter who is new to a polling place to show photo identification. If the voter does not have acceptable I.D., they are permitted to cast a "provisional" ballot. Some of the other changes include eliminating the need of nomination petition signers to list their occupation, limiting who may assist someone with voting, increasing pay for poll workers, and tracking voter system errors.

*** **Redistricting/Vacancies** -- The Senate unanimously approved **Senate Bill 965**, which was signed into law as **Act 105 of 2001**. Under the measure, whenever a vacancy occurs in the state House or Senate on the same day as the filing of a preliminary reapportionment plan by the Legislative Reapportionment Commission or during the period between such filing and the date that a final plan is adopted, the presiding officer of the House could delay issuing a writ of election until 10 days after the date the final plan becomes law.

* **Flight 93 Memorial** – **Senate Bill 1106** would have provided a monument to those who died aboard Flight 93 in the September 11, 2001, terrorist attack.

The bill was unanimously approved in the Senate, but never acted on in the House.

*** **Congressional Redistricting** – **Senate Bill 1200**, which was signed into law as **Act 1 of 2001**, was the ill-fated and unconstitutional re-draw of the map of Pennsylvania's Congressional districts. In accordance with U.S. Census data, Congressional seats in Pennsylvania were reduced from 21 to 19. The plan, which passed 27-22, virtually along party lines, was designed by Republicans to pit Democratic representatives against one another and to create two new districts custom-designed for Republican state Senators. The Court ruled the plan unconstitutional, prompting a revised plan (**Senate Bill 1234**).

* **Congressional Redistricting** – **Senate Bill 1234**, approved in the Senate in 29-21 party line vote, the bill was the legislature's second attempt at redrawing the boundaries of the state's congressional districts. The law was in response to a federal court ruling that invalidated a previous Republican-crafted map for being unconstitutional. Republicans claimed this new "tweaked" version of their original map conformed to the court's ruling because it lowered the population deviation between districts. Democrats said the new Republican plan would have worsened many of the problems in the original map that the court criticized ranging from splitting counties and municipalities to needlessly pitting incumbents against each other.

The House never acted on the bill, but its provisions were included in **House Bill 2545**, which was signed into law as **Act 34 of 2002** (see entry above).

*** **Voter Requirements** – **Senate Bill 1240**, approved 28-21 in the Senate and enacted as **Act 44 of 2002**, prohibited counties from altering their voting districts until June 2001 to prevent deviations in the new congressional districts. The measure also required poll watchers to be registered in the county of the district they serve in rather than the municipality.

*** **Honoring Gino Merli** – **Senate Bill 1485**, unanimously approved by the Senate and enacted as **Act 93 of 2002**, renamed the Northeast Veterans Center after Medal of Honor winner Gino J. Merli, who single-handedly blocked a German advance while serving in Belgium during World War II.

* **Athlete Agents** – The Senate unanimously passed **Senate Bill 1505**, which would have created a system for certifying and providing rules for athletic agents. The bill would have set standards for agents as well as agent contracts, and would have required that an agent be certified in Pennsylvania before signing an athlete.

The House did not act on the bill, but most of its provisions were contained in **House Bill 2411**, which was signed into law as **Act 180 of 2002** (see entry above).

*** **Independent Regulatory Review Commission** -- The Senate unanimously approved **Senate Bill 1554**, which was signed into law as **Act 148 of 2002**. The law makes changes to the Independent Regulatory

Review Commission. Among the many changes, commission members no longer have term limits, the 20-day comment period for standing committees has been removed, and statutory authority for agencies promulgating regulations has been further clarified.

*** **Emergency Preparedness** -- The Senate unanimously approved **Senate Bill 1569**, which was signed into law as **Act 227 of 2002**. The law provides for counter-terrorism planning, preparedness and response. The measure also clarifies agency responsibilities and allows for the organization of various response teams.

Transportation

*** **Removal of Abandoned Vehicles** -- The Senate unanimously approved **House Bill 152**, an omnibus bill that changes and redefines numerous sections of vehicle law. The measure was signed into law as **Act 152 of 2002**.

The new law generally addresses the issue of abandoned vehicles by providing for increased fines and registration fees; requiring vehicle titles bear new notations on the vehicles previous use; giving police more authority to remove abandoned vehicles; and reducing the time a vehicle may sit abandoned on public roadways and private property.

Further, the law bans issuing a driver's license to non-residents of Pennsylvania (except state or federal employees and their families); permits the issuance of licenses to legal immigrants; authorizes a criminal record check of HAZMAT or tanker endorsement CDL drivers; adds stiffer penalties for drunk driving violations while driving a school bus, and lowers the maximum blood alcohol content for school bus drivers.

*** **Safety Advisory Committee** -- The Senate voted 44-5 to adopt the North American Uniform Out-of-Service criteria regulating the motor carrier industry and to create a Motor Carrier Safety Advisory Committee in Pennsylvania. **House Bill 153** increases the penalties for motor carrier drivers and companies found in violation of current laws; requires more restrictions on hours a driver can operate a motor vehicle and authorizes stiffer requirements for vehicle inspections.

The legislation also creates a 28-member advisory committee to make recommendations to the General Assembly on education, safety, training and testing, and new technological developments relative to the motor carrier industry.

The bill was signed into law as **Act 21 of 2001**.

*** **Pedestrian Rights** -- The Senate voted 49-0 to extend the areas in which an individual operating a vehicle can be penalized for violating a marked pedestrian right-of-way.

Under **House Bill 154**, violating a marked crosswalk on designated roads and streets, in school zones, state parks and state forests is now a summary offense, punishable by a fine of \$100. The bill also requires certain safety features on snowmobiles and all-terrain vehicles.

The governor signed the bill as **Act 68 of 2001**.

*** **Motor Vehicle Code** -- The Senate unanimously approved an omnibus bill amending Title 75 of the state's Motor Vehicle Code. The measure was signed into law as **Act 75 of 2001**. **House Bill 155** authorizes special license plates for vehicles that carry blood or organ donations; provides new violations for attempting to elude police; defines restrictions on maximum speed limits for emergency vehicles; increases penalties for driver license violations; and provides for a shared-ride pilot program for persons with disabilities.

*** **Pedalcycle and Pedestrian Advisory Committee** -- Legislation unanimously approved by the Senate will create the "Pedalcycle and Pedestrian Advisory Committee." **House Bill 157** authorizes the committee to make recommendations to PennDOT and state officials on safety procedures and trail enhancement projects for biking, walking and jogging enthusiasts.

The bill was signed into law as **Act 8 of 2001**.

*** **Title 75 Changes** -- The Senate unanimously approved **Senate Bill 236**, which renews provisions from an omnibus transportation bill that had been vetoed by the governor.

The law contains provisions that address transportation-related improvements for the agriculture community; provides for certificates of inspection and restrictions on the use of highways and bridges; establishes penalties for depositing waste and other hazardous materials on highways and in waterways; licenses certain farm equipment; registers antique and classic vehicles; and provides for auto dealer or distributor transportation licensing and inspection.

The bill was signed into law as **Act 33 of 2001**.

*** **New Axle and Weight Standards** -- By a vote of 47-0, the Senate concurred in House amendments to **Senate Bill 237**, which duplicates many provisions of an omnibus transportation measure vetoed by Governor Ridge in the previous legislative session.

Among the highlights of the law are new standards by axle and weight for commercial vehicles operating on Pennsylvania highways, vehicle permits on certain types of construction equipment, guidelines while operating equipment in established construction or highway maintenance zones, and trailer restrictions.

The bill was signed into law as **Act 37 of 2001**.

*** **Title 74 Changes** -- The Senate voted 49-0 to recognize nonprofit public transportation providers under Title 74 of the state's transportation code. **Senate Bill 810** expands the definition of "local transportation organization" to include nonprofit providers and entitles such groups to bid on state contracts to render transportation service in a limited area of the state.

The bill was signed into law as **Act 42 of 2001**.

*** **Motor Assistive Devices** -- Broader allowances were given to individuals who use an Electric Personal Assistive Mobility Device (EPAMD) when the House and Senate unanimously approved **Senate Bill 1225**. The legislation amends Pennsylvania's Motor Vehicle Code to define EPAMD as a "self-balancing two-nontandem-wheeled device -- designed to transport only one person -- with an electric propulsion system that limits the maximum speed of the device to 15 m.p.h.," and permits its use on sidewalks by disabled persons, employees of a government, utility or service agency. Each municipality may impose its own usage restrictions.

The bill was signed into law **Act 105 of 2002**.

*** **Booster Seat Restrictions** -- The Senate amended Pennsylvania's Motor Vehicles Code to include an important Democratic measure requiring children ages four to eight be restrained in safety booster seat, and children over eight to wear seat-belts at all times in the front or back seat of a car.

House Bill 2410 also makes a variety of changes to laws that are intended to make work zones more visible and controlled and to increase penalties for most violations.

The measure, signed into law as **Act 229 of 2002**, also creates a new category of crime under vehicular homicide allowing for the special circumstances of accidents involving the death of motorists and workers in an active work zone. Other highlights of the law include: redefinition of motor carrier vehicle; changes to renewal of registration for a motor carrier vehicle; increased fines for motor carrier vehicles operating without registration or current inspection; new requirements and penalties for accidents involving vehicle transporting hazardous materials and requiring certain interstate highway work zones to be equipped with speed monitoring devices.

*** **Stiffer Driving Laws** -- The Senate unanimously approved legislation which amends Title 75 of the state's Motor Vehicle Code to provide harsher punishment for homicide by vehicle.

Senate Bill 238 changes current fines and penalties for the offenses of "homicide by vehicle" or "homicide by vehicle while driving under the influence;" closes a loop-hole exempting an under-21 DUI driver from the mandatory 90-day license suspension; requires ignition interlocks for second-offense drunk drivers; increases school bus violations from \$100 to \$250, and clarifies disabled person parking area violations.

The House amended the measure to create an omnibus vehicle for Title 75 changes ranging from increasing fines for passing a school bus, to adding ARD changes and ignition lock system requirements on certain DUI cases, as well as new provisions that would install traffic monitor cameras at major intersections.

The bill was signed into law as **Act 123 of 2002**.

*** **Illegal Licenses** -- Pennsylvania's Motor Vehicle Code has been amended to include a third degree felony charge for any employee of PennDOT who is convicted of issuing a fraudulent or fictitious driver's license to an individual.

The Senate unanimously approved **House Bill 2164**, which stipulates that a separate felony charge, carrying up to \$15,000 in fines and up to seven years in jail, would apply for each illegal license issued. The new law also

increases the motorcycle license fee from \$2 to \$5 and provides cyclists an opportunity to take PennDOT's' Motorcycle Safety Course.

The measure was signed into law as **Act 114 of 2002**.

* **Child Safety Restraints** -- The Senate voted 40-10 to increase the age limit for children who are required to be secured in an automobile safety seat. **Senate Bill 1393** would have added three years (up from age 4 to 7) to the time in which a child must be restrained in an infant, toddler or booster seat.

Fines on motorists who do not secure children in safety seats would have increased to a maximum of \$100 under the measure and the fine for not using a seatbelt would have increased from \$10 to \$25.

The House never acted on the bill, but similar provisions were incorporated into **House Bill 2410**, which was signed into law as **Act 229 of 2002** (see entry above).

* **Child Safety Restraints II** -- The Senate voted 40-10 to approve **Senate Bill 615**, which would have required a child under 4 or under 40 pounds to be fastened in a child safety seat. This measure would have covered a loophole in law that allowed a child over 4 but under 40 pounds to go unbelted. The bill also would have required a booster seat for kids who are either under the age of 8 or under 80 pounds, and would have required passengers under 18 to wear seat belts in both the front and back seat of a vehicle.

The House never acted on the bill, but similar provisions were incorporated into **House Bill 2410**, which was signed into law as **Act 229 of 2002** (see entry above).

* **Motor Home Provisions** -- The Senate unanimously approved **Senate Bill 1396**, which would have amended Title 75 of the state's Motor Vehicle Code by adding a section to the maximum length provisions allowing for motor homes that do not exceed 45 feet. The bill also would have required drivers of such vehicles to obtain a class B noncommercial license due to the heavier weight of the vehicle.

The House never acted on the bill.

** **Limestone Hauling** -- **Senate Bill 1419**, approved unanimously by the Senate, would have amended a section of Title 75 to address the movement of limestone from a quarry to a power production facility. Permits could have only been issued if the vehicle is equipped with 6 axles, the overall gross weight of the load does not exceed 95,000 pounds and the weight on the non-steering does not exceed 21,000 pounds.

Also, hauling could not have exceeded 100 miles and could not have been done on the interstate highway system. The bill was amended in the House, but received no further Senate action.

* **Selective Service Registration** -- All Pennsylvania males age 18 to 26, that have not already done so, would have been required to register with the federal Selective Service when applying for or renewing their driver's license.

Senate Bill 457, approved unanimously by the Senate, would have made the male's signature on the license application or renewal a signed agreement to be forwarded to the Selective Service by PennDOT.

The House never acted on the bill.

* **Funeral Procession Changes** -- To improve safety, vehicles traveling in a funeral procession would have been permitted to use flashing or revolving yellow or white lights under **Senate Bill 1553**, which was approved unanimously by the Senate.

The House never acted on the bill.

V Reevaluating Drunk Driving Standards -- The Senate voted 47-1 to approve an omnibus bill amending Title 75 of the state's Motor Vehicle Code. **House Bill 1553** would have lowered the maximum blood alcohol level allowance for a driver from 0.10% to 0.08% and addressed motorcycle safety requirements, licensing of motorcycle operators age 16 and 17, automobile insurance requirements and the Liquid Fuels Tax, among other code changes.

Following Senate and House approval, the governor vetoed the measure on December 17, 2002.

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