

Senate of Pennsylvania

SENATE DEMOCRATIC WRAP-UP FOR THE YEAR OF 1997-1998

FOR EDITORIAL BACKGROUND

Gov. Tom Ridge and his Republican colleagues charted a safe and cautious path through the 1997-98 legislative session, avoiding difficult issues that could have hurt the governor's re-election campaign and his party's effort to retain control of the General Assembly.

It was therefore no surprise that the end of the session was notable primarily for what did not happen. The General Assembly did not approve more than \$350 million for new sports stadiums in Philadelphia and Pittsburgh, despite a last minute lobbying effort by Ridge, who had promised state funding during his campaign (see *SB 672, Budget and Finance*). The Republican controlled legislature also failed to act on measures that would have reduced class sizes in public elementary schools, created a statewide building code, improved state oversight of nursing homes and reformed Pennsylvania's system of financing political campaigns.

Even when the legislature acted, the results were mixed. A bill that repealed Pennsylvania's motorcycle helmet law (see *SB 279, Transportation*) was vetoed by Ridge, who objected to the measure's repeal of eye protection requirements. He said he would sign a bill that repealed only the helmet requirement. Ridge also vetoed an apparently routine "housekeeping" bill (see *HB 907, Local Government*), amid claims that the bill would have allowed state funding for stadiums in Pittsburgh, but not for those in Philadelphia. The bill had been unanimously approved by both chambers during a last-minute flood of legislation.

Yet another Ridge veto killed a measure (see *HB 2261, State Government*) that would have required the state Department of Public Welfare to hold a public hearing within 30 days of announcing the closure of a mental health or mental retardation facility. A public hearing would have also been required before the patient-to-staff ratio could be reduced by more than 10 percent.

There were some legislative accomplishments during the final months of the 1997-98 session. Perhaps the most significant was the approval of legislation that requires health insurance companies to cover the cost of diabetic supplies and self management training. The bill's passage ended a lengthy battle by Senate Democrats to give Pennsylvania's 1.1 million diabetics the tools they need to manage their illness.

House Bill 656 (see *Banking and Insurance*) is expected to save lives and reduce health care costs. The measure requires health insurers to cover the cost of "self-help" training and diabetic supplies such as blood glucose monitors, test strips, syringes and insulin. It was unanimously approved by the House of Representatives in 1997, but was held up in the Republican controlled Senate by Harrisburg's powerful insurance lobby.

Another insurance-related measure addressed the issue of "mental health parity" under Pennsylvania's health insurance plans. House Bill 366 (see *Banking and Insurance*) requires health insurance companies to provide the same dollar-for-dollar coverage for serious mental illnesses that they provide for physical ailments. It applies only to insured groups of 50 or more employees.

Ironically, a version of House Bill 366 approved by the Senate in October would have helped Harrisburg-based AMP Inc. fight off a takeover attempt. Similar legislation was also approved by the House, but the conflicting bills were never reconciled, and AMP eventually agreed to a takeover bid by a third company.

In October, the General Assembly approved legislation that toughens Pennsylvania's lobbying disclosure law. Senate Bill 254 (see *State Government*) requires lobbyists to report a quarterly estimate of the amount of money they spend on various activities involving government officials. Lobbyists will have to report the names of legislators, public officials or staffers who accept gifts valued at \$250 or more per year and meals or lodging totaling \$650 per year.

January 1999

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.

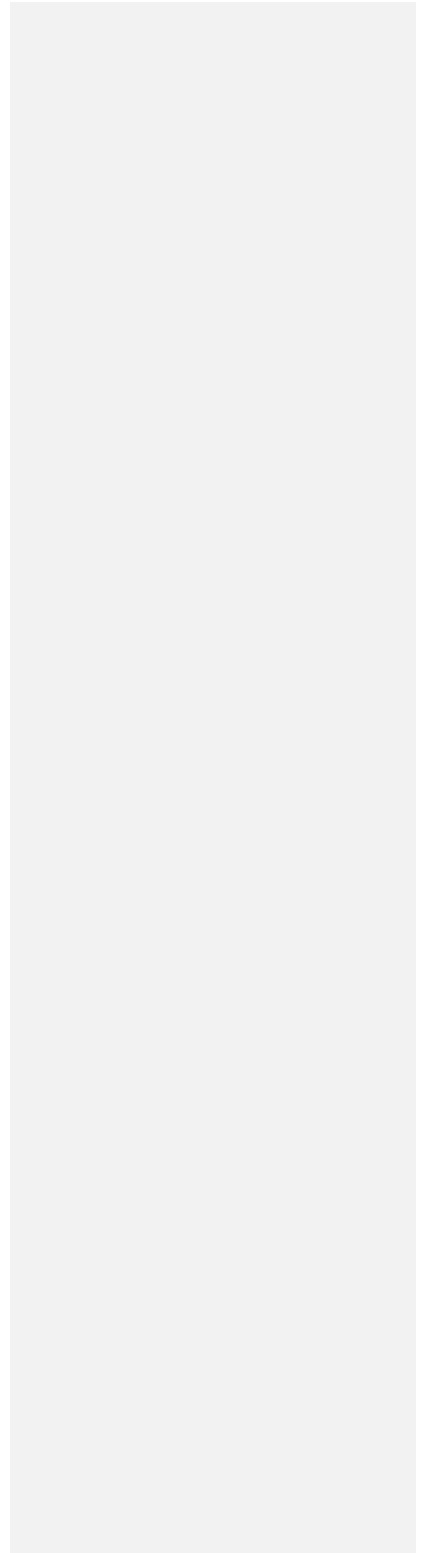
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- ** Senate and House passage
- *** Became law
- V Vetoed by governor



Budget & Finance

*** 1998-99 General Fund Budget -- Pennsylvania's 1998-99 budget was approved on April 21, 1998. The \$17.9 billion spending plan grew by 4.9 percent over the previous year. It spends about \$200 million more than Gov. Tom Ridge had proposed in February.

Republicans made much of the budget's early passage, but Democrats noted that the quick approval was largely symbolic since the fiscal year doesn't end until June 30. They said passing the budget in April once again let Ridge hoard a significant portion of the state's growing budget surplus, which reached \$673 million by June 30. The budget legislation (HB 2281) places an additional \$150 million into the state's Rainy Day Fund. Approximately \$52 million -- 15 percent of the budget surplus -- will also be automatically transferred to the fund.

Many of the changes to the governor's budget proposal responded to criticism by Senate Democrats. Special education funding increased by more than \$24 million over Ridge's request, bringing the total increase to nearly \$46 million. The governor's plan to charge Supplemental Security Income recipients an extra \$2.60 each month to process their benefit checks was eliminated. The SSI fee increase had been harshly criticized by Democratic senators.

The budget includes \$1.4 million in new funding for the state Health Department to hire additional personnel to oversee Pennsylvania's nursing homes. A recent Senate Democratic Policy Committee hearing found serious problems in the way the Health Department investigates complaints about nursing home care.

The budget contains \$15 million in additional state funding for the Children's Health Insurance Program (CHIP), a Democratic initiative that has received national recognition. The increase will let Pennsylvania draw down \$80 million in federal matching funds. Democrats had sought a larger increase that would have qualified Pennsylvania for up to \$120 million in federal funds.

All Senate Democrats voted in favor of the budget legislation. House approval came on a vote of 178-20.

Funding for basic education increased by nearly \$121 million. The budget includes moderate increases for higher education. Funding for the State System of Higher Education increased by 3.5 percent; state-related institutions (Penn State, Pitt, Temple and Lincoln) received 3.25 percent increases. The Pennsylvania Higher Education Assistance Agency got an additional \$17.5 million for its Grants to Students Program.

Prison expenditures again received some of the budget's largest increases. Spending on adult corrections rose by 6 percent, to \$1.028 billion, during the 1998-99 fiscal year.

*** Tax Cuts -- Legislation that reduces or eliminates several business taxes, gives tax relief to some homeowners and expands the poverty exemption to the state income tax was signed into law on as Act 45 on April 23, 1998.

House Bill 1766 reduces the Capital Stock and Franchise Tax from 12.75 to 11.99 mills, extends the Corporate Net Income Tax Credit for net operating losses from three years to 10 and eliminates the sales tax on items sold from vending machines. It eliminates the state tax on capital gains from the sale of a principal residence.

The poverty exemption was expanded by increasing the base amount for individuals from \$6,300 to \$6,500. The additional dependent allowance was increased to \$6,000 -- a \$2,000 increase.

*** COLA for Retired Teachers, State Employees -- Retired public school employees and state employees will receive a cost of living increase under legislation signed into law as Act 88 on June 18, 1998.

Senate Bill 1269 provides approximately 180,000 retirees with an increase in their monthly annuity payments ranging from 1.86 percent to 25 percent, depending upon their original retirement date. The increase is effective beginning July 1, 1998.

Dates of retirement and percentage of increase are:

7/1/96-6/30/97 1.86%

7/1/95-6/30/96 3.59%

7/1/94-6/30/95 4.95%

7/1/93-6/30/94 6.42%

7/1/92-6/30/93 7.97%

7/1/79-6/30/92 10%

7/1/69-6/30/79 20%

On or prior to 6/30/69 25%

*** State Workers - Public School Employees Early Retirement -- State workers and public school employees could retire with full benefits after 30 years of service under legislation signed into law as Act 41 on April 2, 1998.

House Bill 162 gives public school employees a "window" of opportunity for early retirement during the period from the enactment of the bill through July 10, 1998. The window is open again from April 1 to June 30, 1999.

State workers can retire from July 1, 1998 through June 30, 1999. Both groups would be entitled to receive full retirement benefits.

*** 1997-98 General Fund Budget -- Pennsylvania's 1997-98 budget was signed into law as Act 4A on May 6, 1997. The spending plan (HB 847) totals \$17.154 billion and contains no tax increases. It was approved in the Senate by a 45-5 margin; the House vote was 139-61.

Republicans made much of the budget's early approval, but Democrats contended that the majority's haste was an attempt to distract attention from the state's burgeoning budget surplus. The surplus reached nearly \$576 million by the time the fiscal year ended on June 30.

The budget contains approximately \$612 million in new spending, a 3.7 percent increase over the prior year. Public schools, which were level funded in last year's budget, will receive an additional \$90 million in basic education subsidies. All districts are guaranteed at least a 1 percent increase; some will get as much as 5 percent. Schools will also get a \$22.6 million increase in special education funding.

Higher education funding also increased, with the State System of Higher Education receiving an overall 4 percent increase over the prior year, 2 percent more than Ridge had requested. State-related universities will each get a 3 percent increase in funding, 1 percent more than the governor proposed. The Pennsylvania Higher Education Assistance Agency will receive a 7 percent increase for its Grants to Students Program.

State Treasurer Barbara Hafer and Attorney General Mike Fisher, both Republicans, saw their budgets increase by 12 percent and 6 percent, respectively. Auditor General Robert Casey, a Democrat, received only a 3 percent increase.

Tax cuts in the budget were valued at \$167 million by the administration; Democratic estimates were closer to \$200 million. The tax reductions were contained in separate legislation, House Bill 134, which was approved unanimously in both chambers and signed into law as Act 7 on May 7, 1997.

The largest single tax reduction will eliminate the sales tax on computer services. One Democratic legislator had been trying to eliminate the tax for three years, saying it placed Pennsylvania at a competitive disadvantage in the effort to attract high-tech businesses. The Senate Democratic Appropriations Committee estimates the value of the tax cut at nearly \$90 million.

Another Democratic initiative in House Bill 134 is the dedication of an additional penny of the state's cigarette tax to fund the Children's Health Insurance Program. CHIP, which provides health insurance for children of working parents, will now receive 3 cents of Pennsylvania's 31-cent-per-pack tax on cigarettes. The additional money, about \$10.8 million, will help reduce waiting lists for the highly successful program.

The only significant non-business tax cut will expand the personal income tax forgiveness exemption for low-income Pennsylvanians. The expansion is expected to cost approximately \$25 million and affect about 170,000 taxpayers.

Other tax changes, and their estimated cost, include allowing more businesses to file as Subchapter S corporations (\$17 million); income tax exemptions for "cafeteria" benefit plans (\$10 million); an increase in the capital stock and franchise tax exemption (\$10 million); a sales tax exemption for equipment purchased by retail bakeries (\$6 million); a research and development tax credit (\$10 million); a sales tax exemption for candy and gum sold in restaurants (\$1 million); and a tax credit for non-profit groups involved in the Neighborhood Assistance Program (\$1.25 million).

*** Capital Budget -- A \$6 billion capital budget was signed into law as Act 47 on Oct. 10, 1997.

The centerpiece of Senate Bill 188 is a \$182 million appropriation for an effort to reopen the Philadelphia Naval Shipyard. The money is the state's share of an approximately \$700 million project now being negotiated by state and city officials with a Norwegian shipbuilder. Kvaerner ASA plans to build cargo ships using two drydocks at the southern end of the shipyard. The reopened shipyard is expected to directly employ an estimated 1,000 people. As many as 5,000 people could be employed in support and ancillary jobs.

The shipyard project is controversial, and there were unsuccessful efforts in both chambers to strip it from the capital budget bill. Several Democrats pointed out that Gov. Tom Ridge had bungled an effort to reopen the shipyard in 1995, and that the current project would cost the state more money and generate fewer jobs.

Senate Bill 188 contains a laundry list of other projects throughout the state -- far more than can be financed with available revenue -- and one Democratic senator called the bill a "wish list." The measure was approved by the Senate on a 48-1 vote. House approval came by a margin of 177-20.

*** More Money for Auditor General -- The state Office of the Auditor General will receive nearly \$1.3 million in additional funding under legislation signed into law as Act 45A on Dec. 19, 1997.

House Bill 7 amends Pennsylvania's 1997-98 budget. In addition to the increased funding for the Auditor General, the bill appropriates nearly \$88 million in federal funding for the Children's Health Insurance Program and \$546,000 to the Department of State for the Charitable Purposes Act. It also removes a requirement for legislative approval of \$15 million in funding for Community Development Banks.

*** Capital Budget -- The 1997-98 Capital Budget was contained in legislation signed into law as Act 21 of 1997. House Bill 854 authorizes a maximum of \$451 million in new debt for the 1997-98 fiscal year.

*** Treasury Department Investments -- The state Department of Treasury was given broader investment authority under legislation signed into law as Act 53 on May 7, 1998.

House Bill 439 defines a "prudent person" and provides standards for investing funds. It gives the department full power to invest and reinvest money from any state fund that is not authorized by law for a specific investment when the money has accumulated beyond the ordinary needs of the fund.

*** Police Officers Early Retirement -- Police officers were given an "early-out" option for retirement under legislation signed into law as Act 24 on February 18, 1998.

House Bill 595 provides reduced retirement benefits to officers with 20 or more years of service who choose to terminate employment prior to the completion of superannuation retirement age and service requirements. Officers will be required to file a written application for early retirement benefits with the governing body of the municipality or regional police department.

*** Funding Municipal Pension Plans -- Legislation signed into law as Act 82 on June 18, 1998, corrects a problem in the allocation formula for Supplemental State Assistance (SSA) provided to financially distressed municipal public employee pension systems.

Senate Bill 284 establishes an allocation formula based on what the municipal contribution to a pension trust fund should have been, rather than on what the contribution actually was. By providing a "rolling"

amortization, municipalities will be making the maximum amortization contribution required in any given year, and therefore not receive more SSA than they should as a result of under funding their retirement system.

The bill also gives Pittsburgh an additional 13 years to repay its unfunded pension liability and lets Philadelphia sell pension bonds to support the unfunded actuarial accrued liabilities of its retirement systems.

* Stadium Funding -- Legislation that would have funded four new stadiums in Pittsburgh and Philadelphia died when Governor Tom Ridge and Republican leaders could not muster enough votes for stadium-related legislation in the House of Representatives.

The Senate did its part by approving legislation (SB 672) that would have increased the debt ceiling for redevelopment capital assistance projects to \$1 billion. The increase would have let the state borrow about \$500 million, with most of the money going to help pay for new stadiums for the state's major league football and baseball teams.

Ridge has promised to pay one-third of the cost of the new stadiums at a total cost to the state of between \$300 and \$325 million. The rest of the money from the increased capital borrowing would have been used for a variety of unspecified projects throughout the state.

Senate Bill 672 was approved, 29-19, following extensive debate, but was never considered in the House. According to news reports, the governor managed to convince less than 45 of his House Republican colleagues to support the legislation.

Supporters of the measure in the Senate said it would not require a tax increase and would spur economic development in Pennsylvania's two largest cities and in other communities throughout the state. They noted that the state's share of the stadium funding would be relatively small and said state government should act to ensure that major league sports franchises remain in Pittsburgh and Philadelphia.

Opponents called the bill corporate welfare, and pointed out that the people of southwestern Pennsylvania had overwhelmingly rejected a referendum that would have spent local tax dollars to fund new stadiums. They also objected to approving \$500 million in new borrowing without a clear idea of how the money would be spent.

Although the vote to approve Senate Bill 672 crossed party lines, Senate Republicans rejected a Democratic effort to amend the bill to protect the state's stadium investments. The amendment would have required that the cities own the stadiums, that the state and city receive 5 percent of the ticket revenue and that contracts between the cities and professional sports organizations last for at least 25 years.

*** Redevelopment Assistance Capital Projects -- Act 46, signed on Oct. 6, 1997, increases the \$700 million cap on redevelopment assistance capital projects undertaken by the Commonwealth.

The new law increases the maximum amount of state assistance to \$1 billion and lets second class-A through eighth class counties engage in projects with a total project cost of \$3 million or more. Prior law

required that redevelopment projects cost a minimum of \$5 million. That requirement will still apply to first and second class counties.

*** Municipal Pension Plan Funding Standard and Recovery Act -- Legislation (HB 21) changing the contribution rate procedure for municipal pension funds that are at least 70 percent funded was signed into law as Act 61 on Dec. 19, 1997. The new law changes the method for calculating the amortization contribution component of the actuarial funding requirement for municipal pension plans. It also provides for a 10-year amortization period to help level a municipality's pension fund contribution over a longer period of time, thus eliminating wide fluctuations in pension contributions by municipalities whose pensions are relatively well funded.

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*** Purely Public Charity -- Legislation (HB 55) that strictly defines institutions of "purely public charity" for tax exempt status was signed into law Act 55 on Nov. 26, 1997.

The new law requires an organization to meet all criteria set forth in a 1995 Pennsylvania Supreme Court case that defines an institution of purely public charity as one which:

- advances a charitable purpose;
- operates entirely free from private profit motive;
- donates or renders gratuitously a substantial portion of its service;
- benefits a substantial and indefinite class of persons who are legitimate subjects of charity; and
- relieves government of some of its burden.

The law exempts state-related universities by designating their buildings as "public property," unless the buildings are leased to for-profit enterprises. The legislation also prohibits institutions of purely public charity from using their tax-exempt status to unfairly compete with small businesses in surrounding areas.

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*** New Home Construction Local Tax Abatement Act -- In an effort to stimulate new home construction, legislation to extend the time frame in which a person can apply for a tax abatement was signed into law as Act 63 on Dec. 19, 1997.

House Bill 836 extends the time period for applying for a property tax exemption from when the building permit is secured to when the home is actually occupied.

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*** Pennsylvania Consolidated Statutes -- Legislation that protects the pensions of Penn State Hershey Medical Center employees during the center's merger with Geisinger Health System was signed into law as Act 41 on June 25, 1997.

House Bill 1160 creates a new class of State Employee Retirement System membership for approximately 300 employees with 5 to 10 years of credited state service. The vestees would have the choice of withdrawing their accumulated deductions or becoming vested.

The new law also extends the definition of enforcement officer to include waterways conservation officers and other commissioned law enforcement personnel employed by the Pennsylvania Fish and Boat Commission.

*** Keystone Opportunity Zones -- Legislation that will allow the creation of Keystone Opportunity Zones in the state's depressed rural and urban communities was signed into law as Act 92 on Oct. 9, 1998 .

House Bill 2328 permits local municipalities to designate as tax-free zones any geographic area that is deteriorated, abandoned or littered with unused properties. State and local authorities could then issue exemptions, deductions, abatements or credits on personal income tax; corporate net income tax; capital stock and franchise tax; sales tax for services or tangible personal property (except motor vehicles) used for the zoned business; and all local taxes.

Under the measure, the state Department of Community and Economic Development (DCED) will administer the program and provide \$250,000 implementation grants. The one-time program may create up to 12 zones in the state for a period not exceeding 12 years.

Any local municipality, county or combined group may apply for zone designation by submitting a resolution or ordinance forgoing local taxes with their application to DCED. A business will be required to be operational in the zone a minimum of 183 days to qualify for any tax exemptions.

*** Early Retirement for Probation Officers -- Legislation that authorizes early retirement benefits for Allegheny County probation officers was signed into law as Act 89 on June 18, 1998.

Senate Bill 1296 will let probation officers age 55 or over with at least 20 years service retire with full pension benefits. Allegheny County is the only county currently not providing early retirement benefits to its probation officers.

The bill also lets municipalities in second class counties with a minimum population of 50,000 and maximum population of 100,000 arbitrate the appointment of a tax collector if the governing body of the municipality and the school board cannot mutually agree on the same collector.

*** Allegheny County Tax Relief -- Allegheny County may expand its property tax relief program under legislation signed into law as Act 146 on Dec. 21, 1998.

Senate Bill 1461 lowers the eligible minimum age requirement for the program from 65 to 62 and raises the eligible annual income limit from \$15,000 to \$25,000. The new law also requires school districts and municipalities to cut property taxes proportionately if there is more than a 5 percent revenue increase due to property reassessment.

The law also allows second class and second class A counties to retain 5 percent of their Hotel Room Tax collections to offset expenses and to use any amount of the collections to repay bonds issued for the building, expansion or renovation of their convention centers.

*** Retirement Fund Contributions -- Legislation that will bring the state into compliance with the federal Small Business Job Protection Act by amending Pennsylvania's law governing retirement fund contributions by state or municipal employees was signed into law as Act 162 on Dec. 21, 1998.

House Bill 1628 requires employee contributions to be held in trust by the employer; protects employee contributions if the government employer files for bankruptcy; allows for changes to election amounts or investment choices on a periodic basis instead of quarterly; permits a "cashout" option for accounts valued at less than \$3,500; and eliminates an option that lets participants in deferred compensation programs exclude investments in stock corporations that do business with the Republic of South Africa and Namibia.

* Local Tax Reform -- Early in the session Senate members voted 37-10 to approve a local tax reform plan. Senate Bill 2 would allow counties, municipalities and school districts to eliminate "nuisance" taxes and reduce property taxes by imposing a sales tax and/or a personal income tax. Changes to local tax systems would have to be approved by the voters in a local referendum. The bill also contains provisions for "back-end" local referendums on tax increases.

Further, counties could impose a 1 percent sales tax that would be shared with municipalities and school districts. The counties would get 50 percent of the sales tax collections and municipalities and school districts each would receive 25 percent.

The maximum earned income or personal income taxes under the measure would be .5 percent for counties, 1 percent for municipalities and 2 percent for school districts. Money raised from the new sales and income taxes would have to be used first to replace revenue lost from eliminating the nuisance taxes. Any remaining revenue must be used to reduce property taxes.

The General Assembly later approved tax legislation that affects only school districts (*see SB 669, Local Government*). Senate Bill 2 remains in the House Finance Committee.

* Amusement Tax Exemptions -- In an effort to bring a portion of Pennsylvania's local tax provisions in line with the federal government, the Senate unanimously approved legislation (SB 489) that would exempt certain ski and auto racing facilities from local amusement taxes. The bill would also exclude certain farm operations and activities under the definition of "net profits," from the state's Local Tax Enabling Act.

Local taxing authorities would be prohibited from collecting an amusement tax from an auto racing facility with a seating capacity of 25,000 and a racing area of one mile. Also, amusement taxes would not be levied against the admission receipts of ski facilities. Farmers would benefit by not having to pay tax on interest from accounts used for farming business or any gain from the sale of farm machinery, livestock or other capital assets of the farm.

The bill was on the House calendar when the session ended.

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Education

*** Charter Schools -- Charter schools were authorized in Pennsylvania under legislation signed into law as Act 22 on June 19, 1997.

Senate Bill 123 was approved in the Senate by a 30-18 vote, with most Democrats voting in opposition out of concern about specific provisions in the bill.

The bill allows charter schools to be established by parents, teachers, community groups and non-profit organizations. The state will have less formal regulation or involvement in charter school operations and each charter school will be permitted to develop its own curriculum. Up to 25 percent of the teachers in a charter school can be uncertified, but they will still have to meet some minimum requirements.

Local school boards will have sole authority to approve or reject applications for charter schools over the next two years. After that time, a seven-member appeals board, nominated by the governor and approved by the Senate, will hear appeals from organizations rejected for a charter.

Students attending charter schools will not pay tuition. Funding for the schools will come from local school districts, which will pay an amount equal to their annual per pupil expenditure for each student that attends a charter school. To offset the start-up costs for student transfers, school districts will receive about \$8.5 million over the next two years. The state also expects to receive an additional \$3 to \$4 million in federal funding for the schools.

*** School Uniform Dress Code, Philadelphia School Takeover -- Pennsylvania school boards may establish uniform dress codes under legislation signed into law as Act 46 on April 27, 1998.

Senate Bill 494 gives school boards the authority to impose limitations on what students may wear to school or require them to wear uniforms. The bill includes vocational-technical and special education schools and may be applied district-wide or in individual buildings.

The bill also allows the state to seize control of Philadelphia's Public School System. It establishes new criteria for the state Education Secretary to declare a school district distressed. In the event of a takeover, the superintendent of schools would be eliminated and the school board would be replaced with a panel of gubernatorial appointees. The takeover language applies only to Philadelphia.

*** Redbank Valley Flood Help -- Legislation (HB 26) signed into law as Act 1 on Feb. 12, 1997, allows the Secretary of Education to authorize Redbank Valley High School to compute instructional time on an hourly basis of 990 hours or on a daily basis, including Saturdays, as an alternative to achieving 180 days of instruction. The district was affected by flash floods in July 1996. Salaries for teachers and other employees will not be affected.

*** School Funding -- Legislation to establish the mechanism for funding schools and special programs under the 1997-98 education budget was signed into law by the governor as Act 30 on June 25, 1997. House Bill 8 provides funding for basic education, special education, community colleges and payments to intermediate units. It also makes a variety of changes to the state's School Code.

The new law allows "for profit" entities to confer baccalaureate degrees. The school code revisions will affect background checks of prospective employees; educating juveniles incarcerated in adult facilities;

education of disruptive students; Commonwealth and Capital Subsidy payments to intermediate units; weapons possession; and assignment of education programs during expulsion periods.

*** Sale of Unused Land and Buildings -- Legislation (SB 577) allowing school boards to sell unused land or buildings to tax exempt charitable organizations -- and allow the organizations to pay for the property over a period in excess of five years -- was signed into law as Act 59 on Dec. 19, 1997.

*** Public School Code Amendments -- The definition of school year has been changed to allow for a year-round education program extending to Aug. 15 of each year, as long as the number of days in session does not exceed 180, by legislation signed into law on Dec. 21, 1998 as Act 154.

House Bill 601 also provides for the withholding of state payments to school districts that fail to pay debt service or make sinking fund deposits; provides certain payments for the school district of Philadelphia; authorizes levying taxes in school districts that lie in more than one county or municipality; gives additional powers to the Chancellor of the State System of Higher Education; and addresses pupil transportation and community education councils.

*** Tuition Waivers -- Legislation to establish a tuition waiver program for the children of police officers, firefighters, members of the National Guard and employees of correction facilities who are killed while performing their official duties was signed into law as Act 129 on Dec. 16, 1998.

Under House Bill 2024, community colleges, state-owned institutions or state-related schools will be required to waive tuition, room and board charges for people under age 25 who meet the requirements necessary for admission. Students can study to receive a two or four-year degree, and may attend for a maximum of five years. The program is available only after the student has exhausted all other scholarships and grants.

*** Driver Training Vehicles -- Legislation to extend the life of vehicles used by private driving schools was signed into law on Nov. 24, 1998 as Act 107.

Current law requires training vehicles be removed from student use after five years or up to 50,000 miles. Senate Bill 263 allows such vehicles to remain in use for eight years or 80,000 miles.

Judiciary

*** Additional Circumstances for the Death Penalty -- The Senate approved (49-1) legislation that adds to the list of 17 aggravating circumstances that allow prosecutors to seek the death penalty after a first degree murder conviction. On April 25, 1997, the governor signed the bill into law as Act 6.

Under House Bill 12, an aggravating circumstance occurs when a defendant, at the time of the killing, was subject to a protection from abuse order intended to protect the victim.

*** Facsimile Bombs -- People who use fake bombs to threaten or intimidate will be guilty of a second-degree misdemeanor under legislation unanimously approved by the Senate and signed by the governor on October 31, 1997 as Act 50.

House Bill 41 would apply to people who make, sell, buy or transport a device that looks like a bomb (but doesn't have the capability to cause an explosion or fire) with the intent to intimidate or threaten someone. Using such a device with the intent of causing alarm or a reaction by a law enforcement organization or an emergency organization would be the same offense.

*** International Transfer of Convicts -- The governor or his designees may transfer a convict to another country under the terms of an international treaty under legislation signed into law as Act 32 on June 25, 1997. House Bill 86 also establishes the Judicial Computer System Augmentation Account and provides for the duty of a judgment creditor.

This bill allows a judgment debtor who has paid a judgment creditor to request a written notice that compensation has been paid. The time period for the judgment creditor to give this notice was extended from 30 to 90 days. The penalty for not providing the requested notice was changed from 1 percent per day to 1 percent for each month that a creditor does not comply. The cap was changed from not more than 50 percent of the judgment to not more than \$2,500.

*** Extradition Warrants and Pre-signed Waivers -- The Senate unanimously approved and the governor signed legislation that joins Pennsylvania with 33 other states in permitting a pre-signed waiver to substitute for an extradition warrant. The bill became Act 33 on June 25, 1997.

Under House Bill 87, a person must sign a waiver of his right to contest extradition as part of his release by another state. Pennsylvania law enforcement agents are then required to surrender that person, who is accused of violating a parole, probation, or bail condition set by the other state, at the demand of an agent of the other state. An exception would be made if the detainee in Pennsylvania still has criminal charges pending.

The legislation also amends the Post Conviction Relief Act.

*** Conveyance Validation -- Acknowledgments for land conveyed between two parties before 1996 which contain technical errors are valid under House Bill 141.

The new law (Act 56) was signed on November 26, 1997.

*** Crimes Code Offenses -- On December 21, 1998, the governor signed into law Act 149 which provides for additional crimes and offenses.

House Bill 148 provides for the crimes of intentionally throwing, shooting, dropping or otherwise propelling an object onto or toward a roadway; theft from a motor vehicle; access card fraud (including but not limited to credit and debit cards, account numbers and personal identification numbers); and producing or possessing unlawful device-making equipment.

The legislation also allows municipalities to put requirements such as acquiring a license or passing an examination on someone who installs or inspects alarm devices. Under the new law, municipalities have the power to deny or revoke local permits, levy taxes or fees or require the purchase of a license.

Additionally, the bill also exempts people applying as a volunteer for Big Brothers or Big Sisters of America from paying a fee for their criminal history record information.

*** Sexual Offense Records and Gun Control -- The original intent of legislation that preserves the records of sex offenders took a back seat to Senate amendments revising Pennsylvania's 1995 gun-control law. The amended bill was approved by the Senate on a vote of 45-5 and signed by the governor as Act 5 on April 22, 1997.

House Bill 149 prohibits a court from ordering the expungement of an offense record for a defendant who completes Accelerated Rehabilitative Disposition (ARD) on a charge of rape, statutory sexual assault, aggravated indecent assault, indecent assault, or relating to pornography, when the victim of the crime was under 18 years of age. The intent of the legislation is to preserve the records as a tool for tracking sex offenders.

Senate amendments focused on two areas of the 1995 gun-control law. The most controversial change suspends background checks on rifle and shotgun purchasers until July 1998, or until an "instant check" system becomes operational, whichever comes first. Under the existing law, checks of criminal, mental health and juvenile records for long gun purchasers are done after the fact. State police officials have said the after-the-fact checks make it difficult to retrieve weapons already sold to ineligible purchasers.

The Senate amendments also change the penalties for carrying a concealed weapon without a permit. People who otherwise would be eligible to obtain a permit to carry a concealed weapon will be charged with a misdemeanor offense instead of felony. Felony charges will still apply to people possessing weapons who would not qualify for a valid permit.

Also, an exemption applies if an offense occurs within six months after expiration of a valid weapons permit if the person would still be eligible for renewal.

Gun dealers are required to retain applications and sales records for a period of 20 years. The records must remain confidential under penalty of civil damages.

*** "Look Alike Drugs" -- The Senate unanimously approved legislation (HB 152) that would prohibit the sale of "look alike drugs" to minors. An identical bill (SB 175) was earlier reported out of the Senate Judiciary Committee.

House Bill 152 was prompted by the sale of "look-alike" or "act-alike" drugs containing ephedrine that are marketed as stimulants or weight-loss aids. The drugs look and act like stimulants containing amphetamines. Studies have indicated these often become "starter drugs" for children, leading to more serious addictions.

A Senate amendment to House Bill 152 adds school buses and school bus stops to the existing "drug free zones" around schools. Drug dealers arrested within the zones face additional penalties. The amendment imposes tougher penalties for crimes that occur on a school bus or within 500 feet of a school bus stop.

The governor signed the legislation into law as Act 8 on May 9, 1997.

*** Prison Uniforms -- Prison inmates are prohibited from wearing civilian clothes under legislation signed by the governor on December 3, 1998. Act 120 (HB 207) requires inmates at adult-level prisons or correctional facilities to wear identifiable prison uniforms while incarcerated. The ban on civilian clothes does not apply to work release situations or juvenile facilities.

*** Drug Test Evasion -- A person caught attempting to sell or use drug-free urine to pass a urinalysis could spend up to a year in jail and be fined \$2,500 under House Bill 360. Anyone who sells, gives, or uses drug-free urine with knowledge or intent can be charged with a third-degree misdemeanor.

The bill, which applies to prison inmates and parolees as well as job applicants in the private or public sector was signed into law on November 26, 1997 as Act 52.

*** Crime Restitution -- The governor approved legislation that makes a variety of changes to the Crimes Code. House Bill 413:

- requires people convicted of a crime resulting in injury or loss of property to pay restitution;
- establishes tougher penalties for arson involving cars, airplanes, motorboats or other motor-propelled vehicles;
- makes dangerous burning a summary offense;
- prohibits obscene materials in prison; and,
- prohibits the transportation of a minor in a truck bed except under specific circumstances.

The legislation was signed into law on December 3, 1998 as Act 121.

*** Internet Protection for Minors -- People who use the Internet to contact a child in an attempt to commit a sexual or abusive offense will commit a crime under Act 62 of 1997.

House Bill 474 makes contact with a minor illegal if the contact is made with the intent to commit a sexual or abusive offense against the child. The bill outlaws all such contact, but is specifically aimed at contact through the Internet.

The bill also defines “Freon” for the section of the Crimes Code dealing with the sale or illegal use of solvents.

*** Institutional Sexual Assault -- An employee or agent of the Department of Corrections or County Correctional Authority who has sex with or indecent contact with an inmate commits a first-degree misdemeanor under legislation (HB 689) signed into law as Act 157 by the governor on December 21, 1998. Also, people obstructing or interfering with emergency service personnel who are providing emergency services to an injured victim or performing rescue or firefighting activities are guilty of a third-degree misdemeanor. The bill prohibits the offering of live animals (except fish) as prizes.

The legislation makes it a third-degree felony if a person uses a communication facility to commit a crime under the Controlled Substance, Drug, Device and Cosmetic Act. Communication facility is defined in the bill as a public or private instrument used to transmit signals, writing, images, sound and data, including but not limited to telephone, radio and mail.

*** Health Care Fees -- Fees charged by health care facilities for copying medical records and clerical work are capped under a new law (Act 26) signed by the governor on February 18, 1998. House Bill 1048 defines the term "insurer" and provides a flat fee for actions pertaining to the Social Security Act or other federal or state needs-based benefit programs.

The bill also exempts from attachment during bankruptcy proceedings certain contributions in a debtor's retirement fund.

*** Sheriffs' Training -- A deputy sheriff needs at least 160 hours of training under Act 10, signed into law on January 29, 1998.

House Bill 1065 permits the Sheriffs' Education and Training Board to determine the content and hours of training. Deputy sheriffs are also be required to obtain a minimum of 20 hours of continuing education every two years.

The bill also establishes a surcharge assessment schedule and adds a county commissioner to the board, bringing the total membership to 10.

*** Date Rape -- People who administer so-called "date rape drugs" in an effort to commit sexual abuse are guilty of a crime under legislation unanimously approved by the Senate.

House Bill 1125 makes it a crime to intoxicate or drug someone without their knowledge and with the intent to commit a sexual offense.

*** Invasion of Privacy -- People who invade the privacy of another person for sexual gratification commit a crime under Act 38.

House Bill 1189 makes it a crime to knowingly view, film or photograph a naked or partially naked person without his or her consent if the person is in a place where privacy could normally be expected. A separate violation results each time a person is viewed and for each victim viewed. A single violation results in a third-degree misdemeanor charge. More than one violation results in a second-degree misdemeanor.

By creating an Invasion of Privacy crime, this bill closes a loophole in the current Crimes Code. The legislation, signed into law by the governor on March 24, 1998, does not apply to law enforcement officials operating in an official capacity, such as conducting criminal investigations and viewing to maintain prison security.

*** Judicial Retaliation -- Anyone who retaliates against a prosecutor or judicial official by harming or attempting to harm them or their property for anything legally done in an official capacity commits a crime under Act 159. House Bill 1272, signed into law by the governor December 21, 1998, also provides for aggravated assault against a board member or employee of a public, private or parochial school because of his or her employment relationship.

*** Deceased Remains -- On November 17, 1998, the governor signed Act 99 establishing an order (generally following the order of inheritance) for determining who has the right to dispose of a deceased person's remains. In the case of estrangement from the person holding that right, an expressed contrary intent or incompetency in the person holding that right, a court would appoint another person to handle disposition.

House Bill 1304 was prompted by a circumstance resulting from a USAir plane crash near Pittsburgh.

*** Retail Theft -- A potential loophole in the state law against shoplifting was closed under legislation unanimously approved by the Senate and signed into law as Act 42 on June 25, 1997.

House Bill 1341 amends the definition of retail theft to include removing a security tag with the intent of stealing an item.

*** Domestic Relations -- Noncustodial parents will find it much more difficult to avoid paying child support under legislation signed into law as Act 58 on December 16, 1997.

House Bill 1412 brings Pennsylvania into compliance with tough new child support requirements that were part of the 1996 federal welfare reform law. The bill also reinstates a \$50 "pass-through" that allows welfare recipients to keep \$50 each month in child support payments without losing welfare benefits.

Parents who fail to pay child support will lose their driver's licenses and professional and occupational licenses under House Bill 1412. The bill makes it easier to track people who owe child support by requiring employers to report all newly hired employees and by requiring that social security numbers be collected on applications for permits, driver's licenses, marriage licenses, divorce decrees and death certificates. It strengthens the ability of Domestic Relations Offices and the state Welfare Department to intercept or seize workers' compensation and unemployment payments and other government benefits, attach and seize assets in financial institutions, seize retirement funds, impose liens on property, direct the levy or sale of property and intercept or seize judgments or settlements. Domestic Relations Offices and the Welfare Department are given access to a variety of state and government records to help them track down people who owe child support.

House Bill 1412 also expands the definition of income, requires periodic reporting of child support arrearages to credit bureaus, eliminates the right to trial by jury in paternity cases, lets putative fathers

initiate a paternity action and establishes a centralized State Disbursement Unit to collect and disburse child support payments.

The bill began as a measure that would give the State Police access to protection from abuse orders for criminal history checks under the Uniform Firearms Act. The bill retains that language.

*** Trademarks -- Act 73 amends the Pennsylvania Trademark Act. The bill (HB 1480) modernizes the trademark law by adding and clarifying definitions, generalizing the classes of goods and services covered by this law and amending the details of registering a trademark. The bill was signed into law June 18, 1998.

*** Parole -- A new law (Act 66) amends the Pennsylvania Board of Probation and Parole Law, requiring the parole board to provide written notification to the probation department in the county where the sentencing order was imposed when a parolee is released. House Bill 1756 also requires the board to provide the county probation department with the parolee's new address.

The governor signed the bill on June 11, 1998.

*** Soliciting Minors to Sell Drugs -- An adult drug dealer who solicits a minor to traffic drugs is guilty of a second-degree felony under Act 40.

The bill (HB 1757) aims at drug dealers who use minors to transport controlled substances. This offense becomes a first-degree felony if the dealer knowingly causes the crime to occur within a drug-free school zone.

The bill was signed by the governor on March 24, 1998.

*** Repealing Obsolete Laws -- Act 12 repeals portions of a now-obsolete 1849 law that apply to vendors of mineral water and a Washington coal company. The bill (HB 1763) was signed into law January 29, 1998.

Act 42 repeals an obsolete Act No. 227 of 1851 relating to the construction of county jails. The bill (HB 1828) was signed by the governor on April 3, 1998.

Act 61 repeals an obsolete act of 1901 regarding constables' fees "for executing an order of relief of a pauper." House Bill 2098 was signed by the governor on May 15, 1998.

*** Obscene Material Prohibited in Prison -- Anyone who knowingly takes obscene material into a prison commits a crime under Act 76, signed by the governor on June 18, 1998. The legislation (HB 1778)

amends the obscenity section of the Crimes Code to prohibit the delivery and/or possession of obscene materials in a correctional facility.

The bill also permits school districts to collect restitution from someone who is convicted of terroristic threats or someone who causes the school's building to be evacuated.

*** Civil Immunity -- In addition to making changes to the Judicial Code, legislation signed into law on December 15, 1998, provides civil immunity for the use of Automated External Defibrillator (AED) and provides for speedier placement of abused or neglected children in foster care or adoptive families. Act 126 (HB 1897) allows Judges Pro Tempore to handle certain summary offense cases and increases the number of Common Pleas Judges in the City and County of Philadelphia and Lebanon County.

The legislation brought Pennsylvania into compliance with the federal Adoption and Safe Families Act by Jan. 1, 1999. The law provides another alternative permanent family when family unity cannot be maintained without endangering the child.

The bill also provides "Good Samaritan" civil immunity in emergency situations for any person trained to use an AED. The person is not be liable for civil damages.

*** Contracts Under Seal -- Act 77 extends the sunset date for the 20-year limitation on actions involving contracts under seal. The legislation (HB 1979) was signed by the governor on June 18, 1998.

*** Child Protection -- Children and Youth Services employees can testify at preliminary hearings in child abuse cases under legislation unanimously approved by the Senate and signed into law on December 15, 1998, as Act 127. House Bill 1992 amends the Child Protective Services Law to permit the release of confidential child abuse reports and testimony based on those reports before district justices in cases of alleged criminal child abuse.

The bill also grants civil and criminal immunity to people who issue licenses and permits for the Pennsylvania Game Commission or Fish and Boat Commission when they suspend or refuse to issue licenses for nonpayment of child support.

The legislation amends the Domestic Relations Code to improve reporting of suspected child abuse by further providing for examples of abuse. Law enforcement officials are to be given greater access to information about cases of suspected child abuse. The measure requires Pennsylvania employers to provide the state Department of Public Welfare with information regarding the employment, compensation and benefits of any employee, upon request.

In addition, the bill exempts children age 12 and younger from being fingerprinted for the purpose of a name change.

*** Obsolete Law -- Act 118 (HB 2225) repeals an obsolete act which allows for local juries to investigate the cause of suspicious fire. The bill was signed by the governor on December 3, 1998.

*** Out-of-state Parolees -- A state can parole a convicted offender to another state only if the offender has a confirmed offer of viable employment or other means of support (excluding welfare) and the sending state approves the parolee's residence under Act 171, signed into law on December 21, 1998.

House Bill 2258 amends the Pennsylvania Board of Probation and Parole Law, establishing stricter standards of acceptance for out-of-state parolees and probationers under the Interstate Compact. Similar legislation, Senate Bill 1239, was unanimously approved by the Senate in March of this year. The Senate legislation was the result of hearings investigating the Arthur Bomar case, in which an out-of-state parolee was convicted of killing a Philadelphia-area co-ed.

*** Special Advocates -- Court-appointed special advocates (CASA) can be appointed in juvenile matters where a child is dependent or alleged to be dependent under legislation signed by the governor on December 15, 1998 as Act 128.

House Bill 2664 allows the court to appoint or discharge a CASA at any time during the proceeding or investigation concerning dependency and gives a CASA immunity from civil liability for good faith actions.

*** Fetal Homicide -- Legislation allowing criminal homicide charges to be filed in the death of a fetus was signed into law as Act 44 on October 2, 1997.

Senate Bill 45 establishes guidelines under which the death or serious bodily injury of an unborn child could be prosecuted. It allows a person accused of criminal homicide of an unborn child to be charged with first degree, second degree or third degree murder. The death penalty could not be imposed in cases of first degree murder. The bill also provides for voluntary manslaughter of an unborn child and aggravated assault of an unborn child.

Legal and illegal abortions are excluded from the provisions of Senate Bill 45, as well as medical procedures that are done in good faith or with the consent of the mother. The bill also amends the Crimes Code to further provide for evidence in harassment and stalking cases.

*** Appeal Process Changes -- People who appeal a driver's license suspension that was prompted by their refusal to take a DUI blood alcohol test will face a new appeal process under a new law (SB 97).

Act 63 requires such appeals to be heard in the judicial district in which the arrest was made instead of in the motorist's home district.

The governor signed the bill June 5, 1998.

*** Crimes Code Amended -- The governor signed into law legislation that expands school "drug-free zones" to include school buses and playgrounds, and includes drug sales to both adults and minors. The legislation, which became Act 26 on June 25, 1997, was unanimously approved by the Senate.

Senate Bill 135 also increases the penalty for possession of a controlled substance by an inmate, amends the definition of "caretaker" to protect the mentally retarded who are care-dependent and narrows the definition of "trade secrets."

*** Additional Judgeships -- By a 43-3 vote, the Senate passed Senate Bill 178, a measure to create 31 new Pennsylvania judgeships. The bill was signed into law as Act 2 on February 14, 1997.

Similar efforts were stalled last session by differences between the House and Senate. This time, however, the Senate concurred in House amendments which made additions and deletions to the list of new judgeships.

The final result provides one new judgeship this year for Northampton, Westmoreland, Greene, Somerset, Venango, Lehigh, Lycoming, Beaver, Franklin/Fulton, Centre, Adams, Lancaster and Chester counties. Two new judgeships went to York, Delaware and Montgomery counties.

In 1999, Lancaster, Chester, Bedford, Dauphin, Luzerne, Monroe, Berks and Butler counties will each get one new position.

Also in 1999, three judges will be added to the Philadelphia Municipal Court and one new judge will be added to the Traffic Court of Philadelphia.

*** Executions -- An execution must be carried out within 60 days after a death warrant is signed or reissued under Act 80, signed by the governor June 18, 1998.

Senate Bill 252 also requires the death warrant to require a specific day for the execution instead of a week. The legislation makes the identity of the correctional staff participating in the execution confidential and makes postmortem examinations discretionary with the county coroner. The bill also lets the Secretary of Department of Corrections or his designee purchase drugs used in executions directly from a pharmacist or manufacturer.

*** Criminal Name Changes -- Legislation that helps prevent criminals from changing their name in order to avoid being tracked by law enforcement agencies was signed into law by the governor on June 18, 1998.

Act 83 requires court approval for a change of name and establishes a new procedure for name change requests. Courts will have to forward to the state police a copy of the request along with an applicant's fingerprints so authorities can investigate the person's criminal history record. Under Senate Bill 420, if the person has a criminal record, the name change will be noted on the record. Otherwise, the fingerprints will be destroyed.

*** Supreme Court Review of Death Sentences -- Legislation that limits state Supreme Court review of death sentences has been approved by the Senate (36-13) and signed by the governor as Act 28 on June 25, 1997.

Senate Bill 423 eliminates one of the reasons the Supreme Court may use to invalidate a death sentence. It prohibits the court from invalidating a death sentence because it is excessive or disproportionate to other death penalty cases.

The bill also repeals the general ban on Sunday service of legal process. It allows all types of legal process to be served on Sundays. Service could not be made in a place of worship.

Finally, the legislation permits a victim to observe the trial of the victim's alleged offender, even if the victim intends to testify during the sentencing phase of the trial.

*** Housing Code Avoidance, Gun Background Checks -- Act 70 (SB 543) is a measure that creates the crime of municipal housing code avoidance, which applies to a fourth conviction of the same subsection of a municipal housing code. The conviction must apply to the same property, be continual and uncorrected and pose a threat to public health, safety or property. Any subsequent conviction for the same property results in a misdemeanor of the first degree.

The bill, signed by the governor on June 18, 1998, also makes it a crime to neglect care-dependent persons and creates a new crime relating to the control of alarm devices and automatic dialing devices.

The bill amends the Uniform Firearms Act of 1995. It extends the deadline for instantaneous background checks for rifle purchasers until Dec. 31, 1999. The legislation also makes changes to meet federal standards regarding the possession of firearms by mentally ill persons and domestic violence criminals.

*** Assault by Prisoners -- An Independent Prosecutor can investigate and prosecute potential wrongdoing involving the Pennsylvania Attorney General under legislation signed into law on February 18, 1998. Act 19 also revises Pennsylvania's wiretap law and protects cellular phone conversations against unauthorized interception.

The state General Counsel can appoint a Special Investigative Counsel after making an initial determination that the appointment is necessary. If the investigative counsel determines that reasonable grounds exist for further investigation, he would ask a three-member Special Independent Prosecutor's Panel to name an Independent Prosecutor.

Senate Bill 635 permits "body wires" and other electronic surveillance under a court order. With the consent of the employee or the person they are talking to, telephone sales businesses are permitted to intercept calls to or by their employees. State police are permitted to purchase interception devices for training and lending to other law agencies with approval from the Attorney General or a local district attorney.

The bill initially would have eliminated existing prohibitions against the recording of a conversation without the consent of both parties. A Senate Democratic amendment restored the recording restrictions.

Senate Bill 635 also closes a loophole in existing law regarding the offense of

"Assault by Prisoner" by including prisoners awaiting arraignment in state and county jails. It adds to the definition of assault conduct in which a prisoner causes another person to come into contact with body fluids. A new offense is created, "Aggravated Assault by Prisoner," which applies to a prisoner who intentionally or knowingly causes another person to come into contact with body fluids infected with a communicable disease, such as HIV or hepatitis B.

*** Prisoner Litigation -- A new law, Act 84, that restricts lawsuits by prison inmates was signed by the governor June 18, 1998.

Senate Bill 640 requires prisoners to pay filing fees prior to a suit being heard, provide reasons why a court may dismiss a suit and establishes limits for remedies and relief, as well as time limits on settlements. Prisoners who initiate a civil proceeding under Pennsylvania law as a result of the conditions of confinement must pay the required filing fees. Prisoners could apply for an exemption or reduction of the fees.

The bill establishes limits on remedies filed under Pennsylvania law. Relief orders will last no longer than necessary and will have to give substantial weight to any adverse effect on public safety, prison operations or operation of the criminal justice system. Courts will require clear and convincing evidence in order to justify the release of a prisoner, and will need to determine that overcrowding caused a violation, that a lesser solution failed to remedy the situation and that no other relief will succeed.

Any monetary damages that a prisoner receives must first be used to pay any outstanding court-imposed amounts associated with a criminal prosecution or sentence. The remaining money pays for any fees assessed against or imposed on the prisoner by the prison.

The bill also provides for restitution and the transfer of prisoners and defines "delinquent act" to include indirect criminal contempt relating to protection from abuse. Additionally, the legislation authorizes an increase in payments for individual registrations in the Special Court Judges Association by the Administrative Office of the Pennsylvania Courts.

*** Child Fingerprints -- Police officers have the authority to photograph and/or fingerprint juveniles who allegedly commit a misdemeanor or felony under legislation signed into law as Act 3 on Jan. 27, 1998.

Senate Bill 641 requires the records to be forwarded to a central repository. It also provides additional post-conviction relief for a person who flees the country and is convicted and sentenced in his absence. A new trial can be granted if a country refuses to extradite the person because a trial was conducted in absentia. The new trial provision was prompted by the case of Ira Einhorn, a Philadelphia man who fled to France after being charged in the 1977 murder of his girlfriend. French officials have refused to extradite Einhorn because he was convicted in absentia.

*** Arraignments Via Video Hook-up -- Act 67, signed into law by the governor on June 11, 1998, permits courts to arraign criminal defendants via two-way electronic audio-video communication.

The new law (SB 770) requires that the judge and defendant be able to simultaneously see and speak with each other. A defendant's attorney is permitted to speak confidentially with the client during the procedure. The arraignment follows court rules in all other matters.

*** Protection From Abuse -- Marital misconduct that occurs after a final separation cannot be used to determine alimony under legislation signed into law as Act 36 on March 24, 1998.

Senate Bill 1087 reverses a recent change in state law that had been criticized by lawyers involved in divorce proceedings.

Under other provisions in the bill, violation of a protection from abuse order is considered a delinquent act when the action is committed by a minor. Currently, such violations are considered indirect criminal contempt, which is not covered by the Juvenile Act.

*** Victims' Rights -- Victims being compensated for the loss of Social Security, railroad retirement, pension and retirement plans, disability, veteran's retirement and court-ordered child or spousal support payments will be limited to one month's payment under legislation unanimously approved by the Senate.

Senate Bill 1192 combines the Victim Advocate Law with provisions of the Administrative Code of 1929 relating to the Bureau of Victim Services and the Bill of Rights for Victims. The one-month limit was in place prior to 1995, when changes were made to the Administrative Code.

The bill was signed into law as Act 111 by the governor on November 24, 1998.

*** Trustee/Beneficiary Conflicts -- Legislation signed into law by the governor states that a person named as a trustee will be prohibited from making discretionary distribution of a trust for his own benefit. Senate Bill 1205 adds a chapter to the Probate Code dealing with a situation where a person named as a trustee is also a beneficiary of the trust. The bill improves the power of the trustee/beneficiary to avoid conflicts of interest and adverse tax consequences.

Act 141, signed December 21, 1998, also provides for legal next of kin to consent to an anatomical gift of the whole body.

*** Parole Sentencing -- Under legislation signed into law as Act 143 of 1998, making a copy of the notes from a testimony hearing, instead of a full and complete copy, sufficient for the Pennsylvania Board of Probation and Parole for sentencing. When considering parole, the board will consider, among other things, the nature of the circumstance and offense, as well as recommendations by the judge or prosecuting attorney.

Under Senate Bill 1239, parole in Pennsylvania will always be subject to the commonwealth's right to hold in custody any parolee with an additional offense and without further proceedings.

The legislation also makes it a first-degree misdemeanor for an out-of-state parolee to reside in Pennsylvania in violation of state laws.

*** Non-recourse Debts -- Under Senate Bill 1262, judgement creditors, banks and other lending institutions are authorized to collect some non-recourse debts during the course of a deficiency judgement. This would apply on the foreclosure of a commercial property when the value of the property is not sufficient to cover such amounts. Non-recourse costs include such items as late charges and attorneys fees and are ordinarily included in the contract between the commercial borrower and the judgement creditor.

Under Act 144, signed into law December 21, 1998, amounts collected in foreclosure actions will be used to satisfy non-recourse costs first. Remaining amounts collected will be used to satisfy the recourse portions of the loan.

** Reapportionment -- Republicans in both the Senate and House approved legislation that would give their party greater control over reapportionment following the Year 2000 census. House Bill 114 would give Republicans veto power over the appointment of the tie-breaking member of the Legislative Reapportionment Commission. It was approved by the Senate, 27-21, on a largely party-line vote.

The five-member reapportionment commission will redraw state House and Senate districts after the upcoming census. Four of the commissioners are the majority and minority leaders of the Senate and House of Representatives. The legislative leaders can pick a fifth member to serve as chairman, but if they are unable to agree, the chairman is appointed by the Supreme Court.

Under current law, the chairman is appointed by a simple majority of the seven-member Supreme Court. Under House Bill 114, the appointment would require a majority of the Supreme Court, plus one. Since the court now has four Democrats and three Republicans, the supermajority requirement would give the Republicans veto power over the chairman's appointment.

House Bill 114 also includes an unrelated constitutional amendment that would let judges serve until the last day of the calendar year in which they reach age 70. Under current law, they must retire when they reach their 70th birthday.

The bill must be approved again next session before it can be submitted to voters in a statewide referendum.

** Bail Denial -- Under legislation approved by both the Senate and House, if the safety of an individual or a community is at risk, bail could be denied for crimes when the maximum sentence is a life sentence.

House Bill 1520 is a Constitutional amendment that would protect an individual or community by allowing bail to be denied for crimes resulting in life imprisonment or where other conditions cannot ensure their safety. The amendment was approved by referendum during the November 1998 General Election.

** Unanimous Pardon Recommendation -- The Senate and House have approved a Joint Resolution that would amend the Pennsylvania Constitution (SB 156) to change the composition of the Board of Pardons and require that the board make a unanimous recommendation, in writing, in cases involving sentences of death or life imprisonment. Senate approval came on a vote of 42-6.

Gubernatorial appointments to the board would include a crime victim and a corrections expert. The appointments would require Senate approval by a simple majority vote. Under current law, Board of Pardons appointments require a two-thirds majority.

The amendment was approved by referendum during the November 1997 General Election.

** Trial by Jury -- The Commonwealth would have the same right to a trial by jury as the accused under a proposed constitutional amendment passed by both the House and Senate.

Senate Bill 555 was approved in the Senate, 30-20, following a lengthy floor debate. Supporters said the measure would help eliminate "judge shopping" by defendants seeking a more sympathetic forum for their cases. Opponents said the amendment is not necessary, and would let prosecutors coerce guilty pleas by threatening defendants with expensive jury trials.

The amendment was approved by referendum during the November 1998 General Election.

* Money Laundering -- The Judicial Code would have been amended to make "money laundering" a major offense subject to a five-year statute of limitations under legislation left on the House calendar when the session ended.

House Bill 1659, which passed the Senate unanimously, also would have provided for a special clerk of court automation fund and for fees related to coal mining.

* Juvenile Justice -- The Pennsylvania Commission on Crime and Delinquency (PCCD) would have been responsible for developing a long-range plan for juvenile justice in Pennsylvania under Senate Bill 90, passed unanimously by the Senate and left in the House Judiciary Committee at the end of session.

* Inmate Work Forces -- The Senate approved (40-8) Senate Bill 116 which would have given specific authorization to a practice already in place: the use of county and state prison inmates as work forces to pick up roadside litter and undertake other public service projects. The legislation died in the House Judiciary Committee.

* Uniform Construction Code -- Senate Bill 179, which was amended by the House but not voted on, would have provided for a variety of amendments to an act of 1929 including investment of funds of the Workers' Compensation Security Fund, establishment of an official botanical garden of Pennsylvania, establishment of neighborhood improvement districts in municipalities and establishment of a uniform construction code.

* Judicial Code Expansion -- Legislation (SB 207) that would have expanded governmental immunity by providing a definition of "local agency" was unanimously approved by the Senate but remained in the House Appropriations Committee at the close of session.

* Communication Device Crimes -- Drug dealers would have faced additional penalties under a bill that passed the Senate and but failed to come out of the House Judiciary Committee. Senate Bill 266 would have created a new criminal offense: Criminal Use of a Communication Facility. The measure was aimed at the increasingly sophisticated devices, such as beepers and cellular phones, available to assist in criminal conduct, particularly the drug trade.

[COMMENT1]

* Judgment Creditor Satisfaction -- The Senate unanimously approved legislation (SB 363) that would have given more leeway to a judgment creditor in recording its satisfaction. The bill died in the House.

* Arson Crimes -- Setting fire to another person's car would have been a third-degree felony under a bill unanimously passed by the Senate but not considered in the House. Senate Bill 529 would have applied to a person who sets fire to or explodes a motor vehicle, including motorcycles and motorboats.

* PCCD -- The state Victim Advocate would have become a member of the Pennsylvania Commission on Crime and Delinquency under legislation (SB 585) unanimously approved by the Senate and sent to the House Judiciary Committee. The bill, which was amended and approved by the House and returned to the Senate, died at the end of session.

* Juvenile Warrantless Searches -- Juvenile probation officers would have had expanded authority to conduct warrantless searches under legislation approved by the Senate (48-1). Under Senate Bill 658, a search of a juvenile under supervision could have been conducted if the juvenile was suspected of possessing contraband, was being taken into custody or was entering or leaving a detention facility for delinquents.

The bill, as amended by the House, also would have provided for registration of sexual offenders. The bill died without a House vote.

* Legal Process Simulation -- Legislation that died in the House Judiciary Committee would have made it easier for law enforcement agencies to deal with "militia" groups that establish their own legal tribunals and legal processes.

Under Senate Bill 771, people or groups that simulate a legal process or impersonate a legal tribunal or public official would have been guilty of a second-degree misdemeanor. The same offense would have also applied to people who fraudulently use the law or simulated legal process to influence, intimidate or hinder the duties of a public official or law enforcement officer.

* Institutional Sexual Assault -- Senate Bill 833 would have defined institutional sexual assault and its penalties, but instead did not leave the House. As amended by the House, the bill died at the end of the legislative session.

Comment [COMMENT1]: * Judgment Creditor Satisfaction -- The Senate voted unanimously to approve legislation that would give more leeway to a judgment creditor in recording its satisfaction. Once the satisfaction is tendered and the debtor or another interested party has made a written demand, this bill would give the creditor 90 days in which to have the judgment marked as satisfied on the court docket. If the creditor willfully or unreasonably fails without good cause to record satisfaction within 90 days, the creditor would be forced to pay 1 percent of the original amount of the judgment each month. Senate Bill 363 would set the minimum payment at \$250 and the maximum at \$2,500. This bill remains in the House Judiciary Committee.

* "Good Samaritan" Immunity -- A "Good Samaritan" who comes to the aid of a violent crime victim could not have been sued in civil court under legislation that died in the House. Senate Bill 838 would also have provided for aggravating circumstances in a case of first-degree murder that involves a person who aids another person.

* Court Cost Collection and Restitution -- County court officials could have used private agencies to collect court fines, restitution and costs from defendants without holding a court hearing under Senate Bill 959, which remained in the House at the end of the session.

* Community Watch Group Immunity -- Prior to House amendments, the Senate unanimously approved a bill that would have granted civil immunity to "anti-drug" and "town-watch" volunteers for good faith acts made with drug and crime prevention organizations or with government entities. The immunity that would have been granted by Senate Bill 987 would not cover damage or injury caused by illegal activity or conduct that shows a blatant or reckless disregard for the safety or property of others.

After returning to the Senate, the legislation did not receive consideration prior to the end of session.

* "Deadbeat" Parents Pay Support -- Without any prompting, courts could have forced "deadbeat" parents who win civil suits to pay delinquent support under Senate Bill 1117. Currently, a court can force a person who is delinquent under a support order to pay with a financial settlement or award in a civil suit only when a request is made by a parent or the Department of Public Welfare.

While the bill unanimously passed in the Senate, it never came out of the House Judiciary Committee.

* Business Names -- Legislation (SB 1157) that would have updated the Associations Code to reflect current business practices and recent court cases went unconsidered in the Senate following amendments by the House.

* Murder for Life Insurance -- The death penalty could have been imposed on someone who commits murder to collect life insurance under legislation approved by the Senate, 41-7.

Senate Bill 1261 would have added the crime of "murder to collect life insurance" to the list of aggravating circumstances under which a prosecutor can seek the death penalty for a person convicted of first-degree murder.

The bill died in the House Judiciary Committee.

* Profiting From Crime -- A convicted criminal who profits from his crime would have had to turn the money over to the victim under Senate Bill 1271.

A crime victim could have sought damages from a convicted criminal who profits from the crime through a movie or book deal. The bill was not voted on in the House.

* Judiciary Expenses -- Legislation (SB 1292) that would have amended the Judicial Code to increase the amount paid to the Special Court Judges Association to \$200 for each district justice, municipal court judge and traffic court judge died in the House at the close of session.

* Habitual Offenders and DUI Homicide -- People who repeatedly drive without a valid license would have been considered habitual offenders, and would have faced more serious penalties, under legislation approved unanimously by the Senate.

Under Senate Bill 1387, habitual offenders would have been charged with a second-degree misdemeanor if they drive with a suspended, revoked or canceled license. The bill also would have provided that a driver under the influence who unintentionally commits homicide by vehicle would be charged with a felony of the second degree and would serve a minimum of three years in prison.

The bill did not receive consideration in the House.

* Parole Sentencing -- A sentencing court would have been required to submit the notes of testimony from criminal cases to the Parole Board within 30 days of sentencing under Senate Bill 1516.

Similar to Senate Bill 1239, which was signed into law, the legislation would have amended the Pennsylvania Board of Probation and Parole Law to specify that sentencing notes of testimony would be sufficient for the Parole Board to properly act on a parole application.

* "Good Samaritan" Immunity -- A person properly trained in the use of an automated external defibrillator (AED) would have been granted Good Samaritan civil immunity when using the device to try to restore a stable heart rhythm to an individual in cardiac arrest under legislation (SB 1530) unanimously approved by the Senate and sent to the House. The bill did not move out of the House Judiciary Committee.

Banking and Insurance

*** Mandatory Health Insurance Standards for Breast Cancer -- A new law (Act 51 of 1997) provides new, mandatory mastectomy and breast cancer coverage standards for health insurance policies. The measure also requires health care policies covering mastectomy to provide for reconstructive surgery or prostheses.

While hailing the breast cancer provisions of the bill (SB 176), several Democratic senators who spoke during floor debate complained that the bill contained an unrelated provision that used an "alternative mechanism" to bring Pennsylvania into compliance with the federal Health Insurance Portability and Accountability Act. The mechanism requires only Blue Cross and Blue Shield to meet the federal requirements, which are primarily designed to ensure accessibility for individuals with pre-existing health conditions who move from a group policy to an individual policy.

Senators strongly supported the mandatory mastectomy coverage provisions, however, and Senate Bill 176 was approved 49-0 on final passage. It was later approved by the House on a 178-15 vote and signed into law by the governor on Nov. 4, 1997.

*** Diabetic Supplies -- Health insurance companies will be required to cover the cost of diabetic supplies and self management training under legislation signed into law as Act 98 of 1998. The new law was the result of a lengthy battle by Senate Democrats to give Pennsylvania's 1.1 million diabetics the tools they need to manage their illness.

House Bill 656, the "Diabetes Control Bill," is expected to save lives and reduce health care costs. The measure requires health insurers to cover the cost of "self-help" training and diabetic supplies such as blood glucose monitors, test strips, syringes and insulin. A study by the state Health Care Cost Containment Council found that the bill will save lives and cut avoidable health care costs by up to \$1 billion a year.

Thirty other states already have similar laws.

*** Mental Health Parity -- A first step toward "mental health parity" under Pennsylvania's health insurance plans was signed into law as Act 150 of 1998.

House Bill 366 requires health insurance companies to provide the same dollar-for-dollar coverage for serious mental illness that they provide for physical ailments. The bill only mandates mental illness coverage for insured groups of 50 or more employees. The Legislative Budget and Finance Committee will do a study on the program's costs for all concerned.

The bill also authorizes certain government-owned insurance companies to conduct business; streamlines the process for filing policy forms by eliminating prior approval and creating a "file and use" system; and defines conditions under which officials may convert a mutual company into a stock company.

*** Regulating the Check-cashing Industry -- A new law (Act 22 of 1998) licenses and regulates check cashing businesses. Under the measure (HB 14), such businesses must be licensed by the Department of Banking and pay an application fee of \$500, with an annual renewal fee of \$350.

Check cashing operations are now prohibited from charging customers more than 2.5 percent of the face amount of government assistance checks, 3 percent on payroll checks and 10 percent on personal checks. Violators, or those operating without a license, are committing a third-degree misdemeanor. There are an estimated 800 check cashing businesses in Pennsylvania.

*** Mortgage Bankers -- Two new licensee categories were established in the "Mortgage Bankers and Brokers Act" under legislation signed into law as Act 131 of 1998.

Under prior law, the only two categories were the mortgage broker and the mortgage banker. Mortgage brokers could arrange a mortgage, but could not close it. Mortgage bankers could make, close and hold a mortgage.

Under Senate Bill 94, a "Limited Mortgage Broker" will be permitted to negotiate and place non-purchase money mortgage loans. The bill requires that a Limited Mortgage Broker operate from one location and cannot collect advance fees.

A "Loan Correspondent" will be defined as any person who originates and closes a loan in his own name with funds provided by a wholesale table funder. A loan correspondent may close a mortgage loan, but only in emergency circumstances.

*** Sharing Confidential Insurance Information -- A new law (Act 20 of 1997) requires the state Insurance Commissioner to share confidential documents or information on companies with regulatory and law enforcement officials nationwide, provided those parties sign a written statement indicating that the information will be kept confidential.

The measure (HB 1054), unanimously approved by the Senate, is expected to help the Insurance Department more effectively regulate the insurance industry.

*** Permitting Banks to Sell Insurance -- Pennsylvanians can buy home, life or auto insurance from banks under a new law (Act 40) enacted on June 25, 1997.

The measure was prompted by a U.S. Supreme Court decision last year that allowed nationally chartered banks to sell insurance. The Ridge Administration had subsequently issued regulations to allow state banks to follow suit, but the regulations were challenged by insurance agents.

House Bill 1055 contains a number of provisions to ensure that banks do not have a competitive advantage over commissioned insurance agents. Banks that sell insurance are prohibited from using information on their customers' finances and credit to aid their insurance sales. They are also required to conduct their insurance business in a location physically separate from their lending area.

*** Revolving Loan Account -- Legislation that makes an adjustment to the definition of "revolving loan account" was signed into law as Act 167 of 1998.

Under House Bill 2005, a licensee can permit a borrower to obtain a series of loans provided that the aggregate of the unpaid principal balances does not exceed \$25,000. The previous maximum was \$15,000.

This bill also increases the service charge on a contract from \$1 to \$1.50 for each \$50, as long as the total does not exceed \$150. The service charges have not been changed since 1982.

*** Complying with Federal Health Insurance Law -- The state is now in compliance with a 1996 federal health insurance statute under a new law (Act 29 of 1997) approved unanimously in the Senate.

Under the measure (SB 875), group health insurers are required to accept all group applicants and cannot exclude coverage for preexisting conditions; impose preexisting condition exclusions or limitations on certain newborns, adopted children or pregnant women; terminate a health insurance policy for reasons other than nonpayment of premium, fraud or misrepresentation; discriminate based on health status, medical conditions, claims experience, medical history, genetic information, receipt of health care, disability, or evidence of insurability (including conditions arising from domestic violence); or limit mental health benefits more than physical illness benefits.

Federal law required implementation of group health insurance market reforms by July 1. Individual market reforms are not required until Jan. 1, 1998.

*** Insure or Dissolve -- Pennsylvania savings and loan associations that are operating without Federal Deposit Insurance Corporation insurance will have to secure federal deposit insurance through merger or conversion -- or dissolve within 18 months -- under legislation signed into law as Act 132 of 1998.

There are 38 savings and loan associations that are not covered by the FDIC.

Under Senate Bill 95, if an association's application for federal insurance is denied, the association may not create new savings accounts or accept deposits from existing account holders and will have to submit a plan for dissolution.

*** Patient "Bill of Rights"/CHIP Expansion -- A "Patients Bill of Rights" for managed care consumers was signed into law as Act 68 of 1998. The new law provides numerous patient safeguards for Pennsylvania's five million enrollees in managed health-care plans (HMOs).

Senate Bill 91 also significantly expands Pennsylvania's Children's Health Insurance Program (CHIP), a Democratic initiative that provides free or reduced cost health insurance to children of low and moderate income working families.

The managed care provisions of the bill were crafted in response to complaints from patients and doctors that the state's managed care system favors health insurance company profits over patient care. Legislators from both parties hailed passage of the bill as a means of returning important decisions about patient care to doctors and qualified medical providers. The new law:

-- requires HMOs to notify enrollees in understandable writing about what is covered, how coverage decisions are made and patient appeal rights.

-- prohibits so-called "gag rules" used by some HMOs to discourage doctors from fully discussing treatment options with enrollees. The law bans HMOs from expelling doctors for expressing disapproval over patient treatments. The measure also prohibits HMOs from offering doctors incentives, financial or otherwise, to prescribe less-than-necessary care.

-- prohibits HMOs from denying coverage based on an after-the-fact look at whether emergency room care was necessary.

-- sets up internal and external grievance procedures for patients. Patients may also appeal disagreements with an HMO to the Department of Health.

-- allows HMO enrollees to receive services from a medical provider for at least 60 days after the provider leaves a managed care network.

-- gives enrollees with disabilities direct access to specialists and the option to designate a specialist as their primary care provider.

-- gives women direct access to obstetrical and gynecological services.

-- requires the Department of Health to provide regulations, quality oversight, monitoring activities and assess any penalties.

The law also increases CHIP's age and income eligibility requirements to make up to 120,000 more Pennsylvania children eligible for free or reduced cost health insurance. The program currently serves approximately 55,000 children from low-income families.

The CHIP expansion is being financed primarily through new federal funding for children's health insurance. The state's 1998-99 budget for CHIP includes \$80.3 million in federal funds, \$33 million from a portion of the state's cigarette tax and \$15.5 million in other state funds.

CHIP was created in 1992 under the administration of Gov. Robert P. Casey. Initially funded only by a portion of the cigarette tax, it was a national model for efforts to provide health insurance to children from low-income families. CHIP received national recognition when Congress began an effort to expand access to children's health insurance nationwide.

Children can now qualify for free health insurance if they are under age 19 and their family income is less than 200 percent of the federal poverty level. Families with incomes of less than 235 percent of the federal poverty level can buy insurance through CHIP at a 50 percent discount.

Democratic senators strongly supported the measure and continue to urge the Ridge Administration to conduct an aggressive public education effort to ensure that CHIP serves all eligible children.

*** Euro Recognized -- Since the "euro" became the currency of the European Monetary Union in January, the General Assembly approved legislation that stipulates that all contracts governed under Pennsylvania Law will continue to be enforced under the currency specified in the contract, if it is still legal tender, or by the euro equivalent.

House Bill 2193 was signed into law as Act 122 of 1998.

*** Pay Boost for Securities Commission -- The Governor signed legislation (Act 51 of 1998) that increases the annual salary of the Pennsylvania Securities Commission's chairman from \$16,250 to \$28,500. Other members of the commission will see their salaries increase from \$15,000 to \$26,000 per year. The Senate had approved the legislation (SB 429) unanimously. The salaries had not been increased for 35 years.

*** Pennsylvania Securities Act Changes -- Legislation that makes a number of changes to the Pennsylvania Securities Act was signed into law as Act 109 of 1998.

Senate Bill 1385 brings Pennsylvania into compliance with federal law; provides for the registration of broker-dealer agents, investment advisors, investment advisor representatives and securities; increases consumer protections; and reverses the federal preemption provision in the federal Philanthropy Protection Act of 1995.

* Credit Card Car Purchases -- The Senate unanimously passed legislation (SB 428) that would have let Pennsylvanians buy a car with a credit card. The measure, which was in the House Commerce and Economic Development Committee when the session ended, would have put into statute existing policy in the Department of Banking.

* Insurance Rate Filings -- The Senate unanimously approved legislation (SB 1077) that would have streamlined the rate policy form process by eliminating the Insurance Department's prior approval requirement in some cases.

The measure would have created a "file and use" system for certain commercial insurance products by requiring an insurance company to file a base rate with the department. Upon approval of the base rate, the insurer could use that rate or deviate up to 10 percent annually without prior approval by the department. The bill would not apply to private passenger auto, homeowners, workers' compensation or title insurance. The legislation was on the House calendar when the session ended.

Urban Affairs And Housing

*** New Government for Allegheny County -- Allegheny County voters will have a new form of government as a result of legislation signed into law as Act 12 on May 20, 1997.

House Bill 329 created an eight-member committee to draft a charter for a county government headed by an elected county executive and legislative council. The charter was considered by Allegheny County voters in a referendum in the May 1998 primary. It was approved by a narrow margin.

The bill was the product of intensive negotiations among the county's legislators. The negotiations were only partly successful. House Bill 329 was approved by a 33-17 vote in the Senate, with two of the county's Democratic senators voting in favor and the other two opposed. The measure was approved in the House by a 121-74 margin.

Supporters of the charter said Allegheny County should move quickly to replace its existing three-commissioner form of government, which they said is outmoded, inefficient and unable to provide leadership as the county moves toward the 21st century. Opponents didn't quarrel with the need for change, but said House Bill 329 took control of the process away from Allegheny County voters and placed it in the hands of Republican politicians who live far from the county's borders.

Under the new law, appointments to the Charter Drafting Committee were unanimously approved by the county Board of Commissioners. Four members of the committee were selected by the commissioners. The President Pro Tempore of the Senate and Speaker of the House each nominated two of the

remaining appointments. The legislative appointments were drawn from names submitted by Allegheny County senators and representatives from both political parties.

The charter was required to provide for an elected county executive, an appointed county manager and an elected county legislative council. The unpaid legislative council consists of 13 or 15 members elected by district and one or three members elected at large.

The charter could not eliminate any elected county officers except the commissioners and was required to keep the same property tax and assessment limits and protect the rights of municipal and state governments.

Since the charter was approved, a five member apportionment council will be appointed to draw districts for the county legislative council. Apportionment council members will be appointed by a unanimous vote of the county commissioners based on nominations by the President Pro Tempore of the Senate, Minority Leader of the Senate, Speaker of the House and Minority Leader of the House. The fifth nomination will be made by the other members.

Other unrelated provisions of House Bill 329 increase the membership and change the groups that are represented on the Board of Managers for Monuments of War Veterans. The bill also establishes a procedure to appoint a tax collector in home rule municipalities that have between 50,000 and 100,000 residents.

*** Delinquent Taxes -- Local taxes in Third Class Cities will be considered delinquent 30 days after the final deadline for payment under legislation (SB 506) signed into law as Act 47 on April 29, 1998.

*** Third Class City Code Repealed -- A section of the Third Class City Code will be repealed under a measure signed into law as Act 48 on April 29, 1998. Senate Bill 509 deletes the section because most cities are covered by an updated Real Estate Tax Sale Law. The section allows landowners a two-year window to buy back property taken from them by a city for not keeping up with code regulations. Landowners who show improvements to a property may purchase it within two years by paying municipal back taxes.

*** Property Sales Blocked For Slumlords -- Two bills designed to crack down on "slumlords" were signed into law as Acts 5 and 6, respectively, on January 29, 1998.

Senate Bills 538 and 631 will give municipalities an opportunity to block the sale of properties at tax sales to people who have a history of failing to properly maintain their properties. Senate Bill 631 applies to Philadelphia. Senate Bill 538 applies to other municipalities, and also contains changes affecting the discharge of tax claims.

*** County Courts of Common Pleas To Handle Eviction Proceedings -- Eviction proceedings under the Expedited Eviction of Drug Traffickers Act will be handled by county Courts of Common Pleas, rather than District Justices, under legislation (SB 769) signed into law as Act 35 on March 24, 1998.

District Justices requested the change because of the extraordinary nature of the proceedings and relief available under the act.

*** Crossing Guards in Third Class Cities -- Third Class Cities can hire crossing guards under legislation signed into law as Act 44 on April 6, 1998.

House Bill 961 will also make it easier for Third Class Cities to sell city-owned property to non-profit corporations engaged in community, industrial, commercial development or affordable housing construction.

*** Planned Communities -- Limited homeowners associations for planned communities such as those formed only to maintain storm management, signage, lighting, landscaping and open space will be excluded from the Planned Communities Act under legislation (SB 1175) signed into law as Act 37 on March 24, 1998.

The limited associations inadvertently fell under the Act, which was intended to apply to homeowners associations that provide comprehensive common facilities such as swimming pools, water and sewer facilities, private streets and roads. Other provisions in Senate Bill 1175 would affect homeowners associations located out of state that are sold to Pennsylvanians.

*** Cap Placed on HEMAP -- Pennsylvania's Homeowner's Emergency Mortgage Assistance Program (HEMAP) was revised under legislation (HB 1426) signed into law as Act 160 on December 21, 1998. The revisions place a cap of \$60,000 on the amount a person can receive for homeowner's assistance. People using HEMAP's continuing loan assistance program, in which some or all of their mortgage payments are made for up to 36 months, will see that number drop to 24 months. Participants in the assistance program will also be required to pay a monthly \$25 fee per mortgage.

The new law will also increase the amount homeowners contribute to their mortgage payment. Homeowners will now have to contribute 40 percent of their net household income to help pay for their housing expenses, which includes mortgage payment, taxes, insurance and utilities. Prior law required them to pay 35 percent. Homeowners will also have to refinance once they have re-established enough credit to do so.

*** Housing Authority Contractors Need Tax Certification -- People who contract with a Housing Authority will have to pay their taxes under legislation signed into law as Act 134 on December 21, 1998. Senate Bill 512 requires people contracting with a housing authority to certify that they have paid all municipal, county and school taxes.

*** More Fines for Property Owners in Third Class Cities -- Legislation (Senate Bills 541 and 542) signed into law as Acts 135 and 105, respectively, establishes fines for violations of property maintenance ordinances in Third Class cities.

Under the bills, one fine per month could be imposed per parcel of property. For the first two continual and uncorrected violations a landowner could be fined up to \$1,000. For third and subsequent violations a landlord could be fined up to \$5,000. Fines will also be established for violations that pose a threat to public safety, health or property.

Local Government

*** Foreign-Made Steel Allowed for Jail Conversion -- Foreign-made steel will be allowed in a planned conversion of the old Allegheny County Jail into a family and juvenile court center thanks to legislation signed into law as Act 1 on Jan. 27, 1998, despite vehement objections by Senate Democrats.

Senate Bill 382 exempts the jail conversion from the 1978 Steel Products Procurement Act, which requires public construction projects to use steel manufactured in the U.S.

The legislation also places most employees of the Allegheny County Sheriff's Office under the civil service system, thereby denying the sheriff the ability to hire even his top deputies. It changes the definition of county employee to include employees at a planned Allegheny County airport authority and modifies the Allegheny County Employees' Retirement Pension Plan.

*** Regional Renaissance Initiative -- Eleven counties in Southwestern Pennsylvania asked voters if they favor a one-half of 1 percent sales-tax increase for seven years for capital improvements as part of the Southwestern Pennsylvania Regional Renaissance Initiative under legislation signed into law as Act 18 on June 18, 1997.

The vote was overwhelmingly against the initiative.

Senate Bill 125 also allowed Lackawanna, York, Cambria, Centre and Blair Counties to impose an excise tax of no more than 2 percent on hotel room bills to fund county-wide tourist promotion. It set up an appointment process for auxiliary boards of assessment appeals in fourth through eighth class counties and repealed sections of the Mental Health and Mental Retardation Act and the Mental Health Procedures Act that required counties to pay up to \$120 per day for treating county residents convicted and sentenced of crimes.

The referendum was held on Nov. 4, 1997, in the counties of Allegheny, Armstrong, Beaver, Butler, Clarion, Fayette, Greene, Indiana, Lawrence, Washington and Westmoreland. Proceeds would have been used by a newly created Regional Growth Fund and a Regional Destination Facilities Fund.

The Regional Growth Fund would have funded capital costs of new or improved projects that involve industrial site development; cultural, recreational, historical and entertainment facilities; transportation projects; revolving loan funds for business expansion; and, new or improved water or sewer facilities serving residential customers. All of the revenue collected in a particular county and allocated to the Regional Growth Fund would have been spent in that county. The fund could not finance more than 50 percent of the total cost of a project.

The Regional Destination Facilities Fund would have been used to fund the following projects:

-- 30-40 percent of the funds would have been used for expansion of the David L. Lawrence Convention Center. Not more than 50% of the total cost could be financed by the fund unless authorized by the county commissioners.

-- 28-32 percent would have been used for construction/renovation of an NFL football stadium in Pittsburgh.

-- 28-32 percent would have been used for a Major League Baseball park in Pittsburgh.

-- 5-10 percent would have been used for construction of parks, parking facilities and theaters in Pittsburgh Cultural District.

-- up to 15 percent could have been used for developments relating to the convention center, sports stadiums and cultural district.

A Regional Renaissance Authority would have been established to receive revenues from the temporary sales tax and administer both major funds. The authority would have also owned, but not directly operated, the convention center and the sports stadiums; entered into contracts for ownership, construction and facilities operations; made grants from the Regional Growth Fund to other agencies for projects; exercised the power of eminent domain in Pittsburgh with the approval of appointees from Pittsburgh and Allegheny County; and borrowed money and issued bonds.

*** PEMA Takeover of 911 System -- The Pennsylvania Emergency Management System (PEMA) will be the responsible agency for the statewide 911 system under Act 17, which was signed into law on Feb. 12, 1998.

House Bill 911 amends the Public Safety Emergency Telephone Act to provide for training standards and county plans for emergency 911 programs. It requires 911 providers to submit plans every three years to PEMA and the Independent Regulatory Review Commission.

PEMA will also audit the collection of 911 surcharge funds and counties will be authorized to use such funds for continued training. Counties will be allowed to enter into agreements to create regional systems.

V Stealth Legislation on Stadiums -- A "housekeeping" bill that would have allowed counties to establish training schools for paid and volunteer firefighters became the subject of controversy amid claims that it would also authorize state funding for stadiums in Pittsburgh. House Bill 907 was rejected by Gov. Tom Ridge on December 2, 1998 as Veto 1.

The measure may have been a back-up plan in case Senate Bill 672, which would have increased the debt ceiling for redevelopment capital assistance projects to \$1 billion, failed. While it passed the Senate, 29-19, Senate Bill 672 was never considered in the House.

Legislators from both parties maintained that they did not know about the possible stadium funding aspects of House Bill 907. The governor has promised to revisit the issue of stadium funding early in the new session.

*** Hiring Special and Assistant District Attorneys -- Third through Eighth Class Counties will be able to hire assistant district attorneys under Act 72, which was signed into law on June 18, 1998.

House Bill 1108 amends the County Code to allow the appointment of a "Special Assistant and Deputy Assistant" by the District Attorney. It also exempts county commissioners from seeking bids on expenditures of more than \$10,000 for maintenance, repairs and additions to their facilities.

*** Funding Local Disasters and Emergencies -- Counties will be allowed to send emergency and disaster relief funds to municipalities within their borders according to Act 23, signed into law on Feb. 18, 1998.

House Bill 109 allows counties to make such appropriations from their operating reserve funds.

*** Submitting Records to Historical and Museum Commission -- Second through Eighth Class Counties will have to maintain and annually submit a records log to the Pennsylvania Historical and Museum Commission detailing the status of nonpermanent records under Act 29,

signed on Feb. 18, 1998.

Under House Bill 1114, all counties -- except Philadelphia -- will have to receive permission from the Historical and Museum Commission before destroying any original records.

*** Photocopying of Official Records -- Three bills establishing procedures for handling and photocopying official records became Acts 27, 28 and 29 on Feb. 18, 1998.

House Bill 1111 establishes a Local Government Records Committee in all counties, except Allegheny and Philadelphia, which will oversee the removal or permanent retention of official records. The Local Government Commission will also make a study of public records and prepare retention and disposition schedules of official documents.

House Bill 1113 sets photocopying and reproduction standards for official documents in every county except Philadelphia and House Bill 1116 provides for additional photocopying fees in Philadelphia.

*** County Records Improvement Fund -- Legislation providing for a County Records Improvement Fund became Act 8 on Jan. 29, 1998.

House Bill 196 allows Second Class A through Eighth Class counties to charge an additional \$2 to the fee normally charged by a recorder of deeds or an equivalent officer in a home rule charter county.

The fee will be equally distributed between the office of recorder of deeds and a County Records Improvement Fund. Each county will establish a County Records Improvement Committee made up of row officers. County Commissioners will also adopt a comprehensive records management plan.

*** Auxiliary Appeal Boards -- Third Class Counties will be allowed to create up to four temporary auxiliary appeal boards in conjunction with a county-wide revision of assessments under legislation (SB 168) signed into law as Act 4 on April 22, 1997.

The boards will be comprised of three members appointed by the county commissioners and will not be in existence for more than 18 months.

*** Purchasing Used Equipment Without Bids or Ads -- First Class Townships will be able to purchase used equipment, including vehicles, from a public utility without having to advertise or go through a bidding process under legislation (HB 479) signed into law as Act 36 on June 25, 1997.

This bill also establishes authority for a First Class Township to assess water/sewer tapping fees. It affirms authority with regard to connection, customer facilities and tapping fees for sanitary sewers.

*** First Class Township Exemption and Additional Taxing Powers - First Class Townships will be exempt from advertising and bidding requirements for the sale of township property to nonprofit agencies engaged in commercial and affordable housing development. Act 64 (HB 959) was signed into law on Dec. 19, 1997, and does not apply to property owned and operated by a township used for government purposes.

The bill also allows certain home rule municipalities to levy, assess and collect a mercantile tax and a business privilege tax on gross receipts or gross receipts.

*** Removal of Judge from Prison Board -- The president judge of a Court of Common Pleas will be able to delete his position on prison boards in third through eighth class counties under legislation (HB 231) signed into law as Act 45 on Oct. 6, 1997. Other members of county prison boards include the district attorney, the sheriff, the controller and county commissioners.

*** Public Funds for Nonprofit Development Organizations - Second Class "A" Counties will be able to appropriate funds for landscaping improvements, recreation areas, open space projects, outdoor projects and historic museum projects to county agencies and nonprofit development organizations under legislation signed into law as Act 1 on Jan. 27, 1998.

Senate Bill 382 will also allow money to be granted to nonprofit development organizations with a 501 © 3 status under the IRS code.

*** No Property Resale to Slum Lords -- A bill prohibiting current slum landlords from purchasing their own property from a tax claim bureau's repository of unsold property was signed into law as Act 69 on June 18, 1998

Senate Bill 540 would also prevent a change in name or business status. A list of repository properties would be made available to the general public.

*** Jury Commissioner May be Abolished in Selected Counties -- A bill that allows a referendum to abolish the position of jury commissioner in Third through Eighth Class Counties was signed into law as Act 79 on June 18, 1998.

Senate Bill 220 will allow such counties to put the measure to a vote upon receiving a petition signed by at least 5 percent of eligible voters. The bill also includes a measure that allows county treasurers to collect taxes should the position of tax collector become vacant.

Finally, the bill includes a provision that allows residents of Second Class A Counties with more than 675,000 residents to approve the expenditure of airport development funds from the Aviation Restricted Revenue Account of the Motor License Fund.

*** Purchasing Without Bids -- A bill that allows municipalities to purchase goods, real and personal property when no bids are received was signed into law as Act 104 on Nov. 24, 1998.

The law allows negotiations to take place if no bids are received within 15 days of a second advertisement. The municipality must publicly identify the parties and the sale price, along with terms and conditions. At least 30 days must elapse after the public announcement for a final transaction to take place.

*** Allowing Curative Agreements -- A bill that requires joint municipal agreements involving two or three municipalities to be enacted within nine months of the declaration of partial or total invalidity was signed into law as Act 97 on Oct. 16, 1998.

When four or more municipalities are involved in a joint municipal zoning ordinance, an additional month will be extended according to the number of parties. However, the total period for enactments could exceed one year.

*** Including Townships in Definition -- A bill that requires "townships" to be included under the definition of "municipal corporation" which currently refers only to "cities, boroughs or incorporated towns" was signed into law as Act 50 on May 5, 1998.

The bill also adds a section on small borrowing to the Local Government Unit Debt Act.

*** New Tax Levy Classifications -- Boroughs will be allowed to levy separate and different rates of taxation on real estate as land and real estate classified as buildings on land according to legislation signed into law as Act 108 on Nov. 24, 1998. Rates will be determined by the borough's budget requirements.

V Second Class A and Third Class County Assessments -- Gov. Ridge vetoed legislation on Nov. 11, 1997, that would have limited the increase in the total amount of taxes levied after a county-wide reassessment or change in predetermined ratio in Second Class A and Third Class Counties.

House Bill 502 would have excluded Home Rule counties and school districts that have undertaken construction projects authorized by school boards where debt will or has been incurred.

*** No Ownership for Tax Delinquents -- Legislation that will prohibit delinquent taxpayers from bidding on properties sold under the provisions of the Real Estate Tax Sale Law was signed into law as Act 133 of 1998.

Senate Bill 510 applies to delinquent taxpayers who want to purchase properties in the municipality where they live. They will be considered delinquent if they have not paid real estate taxes within 30 days of the final deadline. The bill also applies to those who are delinquent on their municipal utility bills for at least 120 months.

The legislation includes individuals, corporations, partnerships, limited liability companies, business trusts, estates, trusts, foundations and other government entities other than the state.

*** Neighborhood Improvement Districts -- A bill that will create "Neighborhood Improvement Districts" (NID) in Philadelphia and allow an increase in the hotel tax to be used for tourism and marketing was signed into law as Act 174 of 1998.

Under House Bill 2858, NIDs will be limited geographic areas where a special assessment is levied on all non tax-exempt property. Improvements may include sidewalks, retaining walls, street paving, recreational equipment and facilities, open space, street lighting, trees, sewers, water lines, etc. Philadelphia will have the authority to designate NIDs and set up management associations for oversight.

The legislation will also let Philadelphia impose an excise tax of no more than 1 percent on hotel rooms. The revenue would be used for tourism and marketing promotion.

*** Adding Sections to Prothonotary Fee Law -- A bill that amended the Prothonotary Fee Law by adding two sections regarding fees was signed into law as Act 164 of 1998.

Under House Bill 1715, home rule counties and Third Class through Eighth Class counties will be able to establish, increase, decrease, modify or eliminate fees and charges with the approval of the president judge.

An additional fee for the initiation of any action or legal proceeding may be assessed by the Prothonotary's office. All of the collected funds would be deposited in a special fund to be solely used for automation and updates in the office.

* Certifying Real Estate Appraisers for Assessment Appeals -- A bill that would authorize certified real estate appraisers to represent property owners in some real estate assessment appeals was approved by the Senate, 28-21.

Senate Bill 1047 would allow real estate appraisers to appear on behalf of homeowners at the county board of assessment appeal level. Appraisers would still be prohibited from representing property owners at higher appeals.

The bill is in the House Judiciary Committee.

* Reimbursing Elected Officials for Meetings -- A series of bills that would reimburse elected officials for lost wages while attending annual meetings passed the Senate, 48-0.

Senate Bills 664, 665 and 666 would allow boroughs and townships of the First and Second Class, respectively, to reimburse township supervisors and borough council members for lost wages as a result of attending annual meetings of their county or state associations.

The bills were sent to the House.

*** Homestead Exemption -- A bill that provides for a Homestead Exemption throughout the Commonwealth as well as establish a "Taxpayer Bill of Rights" was signed into law as Act 50 of 1998.

The legislation (SB 669) allows school districts to impose higher earned income taxes and lower property taxes by excluding from taxation a fixed dollar amount of the assessed value of a homestead property. The primary definition of a homestead is a person's place of residence with provisions for mobile homes, cooperative housing, corporations, non-profit incorporated associations and mixed use properties. Residential rental properties are excluded.

Act 50 also provides for new construction, reassessments and appeals.

The bill also provides for a referendum should a governing body wish to impose an earned income and net profits tax up to 1.5 percent. Revenue from the tax must first be used to eliminate occupational assessment, per-capita and other nuisance taxes. The referendum will be initiated by a local school board or through a petition by a district's voters if the board fails to act within two years.

A second "back end" referendum was included despite the fact that legislators can raise taxes without voter approval.

A series of Democratic amendments that would have provided statewide property tax cuts of up to \$200 million a year for five years were all rejected by Senate Republicans.

Environmental Resources and Energy

*** Run-of-the-River Dams -- A person who is permitted by the Department of Environmental Protection to maintain a run-of-the-river dam is required to mark the area to warn of hazards posed by the dam under a new law (Act 91 of 1998).

House Bill 10 defines how new and existing run-of-the-river type dams are to be marked and establishes the penalty for failing to meet the requirements. Maintenance of the signs and buoys are the responsibility of the dam owner.

*** Pennsylvania Conservation Corps -- The Pennsylvania Conservation Corps is reauthorized under legislation unanimously approved by the Senate and signed into law as Act 38 on June 25, 1997.

House Bill 798 incorporates a definition for "corps member development and training" and changes eligibility requirements, as well as the terms of the program. A section on volunteers allows the Secretary of Labor & Industry to recruit and train individuals to assist the corps without compensation. Volunteers are not considered state employees.

The bill increases the amount of the appropriated funds that may be used for program administration from 3 percent to 5 percent. Additionally, the existence of the conservation corps is extended until June 30, 2000.

*** Topographic and Geologic Survey Information -- The Department of Conservation and Natural Resources is permitted to distribute topographic and geologic survey information without registration of a copyright under legislation signed into law as Act 39 on June 25, 1997. House Bill 924 also provides for the copying and distribution of any previously copyrighted topographic or geologic survey without permission or a license.

*** Forest Lands Beautification --In an effort to reduce illegal dumping of roadside litter, municipal trash and waste, the Senate and House unanimously approved House Bill 1020. The legislation, similar to Senate Bill 970, which passed the Senate earlier this year, provides for the prevention and removal of waste illegally dumped on state forest and state park lands or abutting such lands and for the closure of illegal disposal sites.

The bill was signed into law as Act 125 by the governor on December 3, 1998.

*** Storage Tank and Spill Prevention -- New storage tank cleanup and loan programs will be created under the Storage Tank and Spill Prevention Act under legislation signed into law as Act 13 on January 30, 1998.

House Bill 1476 would create the Underground Storage Tank Environmental Cleanup Program, Underground Storage Tank Pollution Prevention Program and Upgrade Loan Program. It would also expand the Underground Storage Tank Indemnification Fund to include certified tank installers and add a representative of the Tank Installers of Pennsylvania to the fund board.

* Recycling Fees -- Authorization for the recycling fee accepted at Pennsylvania municipal waste landfills and resource recovery facilities was to be extended until Oct. 26, 2008, under legislation approved by the

Senate (48-1). Senate Bill 316, which was not acted upon in the House, would have reauthorized the \$2 per ton fee for all solid waste processed at resource recovery facilities and disposed of at municipal waste landfills.

The fee was scheduled to sunset in October 1998.

* Forest Lands Beautification -- State forest and state park lands would have been protected under legislation passed unanimously by the Senate. Senate Bill 970 attempted to create the Forest Lands Beautification Act, under which the Department of Conservation and Natural Resources could clean up waste illegally deposited on state forest and state park lands or adjacent land that is affected by the waste; recycle materials collected and removed; enforce laws prohibiting unauthorized waste disposal; and establish educational programs to increase public awareness of the problem and encourage recycling, waste reduction and proper waste disposal.

This legislation died in the House while a similar bill, House Bill 1020, was signed into law.

Consumer Protection and Professional Licensure

*** Certifying Public Accountants -- The process of certifying Public Accountants was clarified under a new law (Act 9 of 1997).

Prior law had established certified accountant standards but interpretation of that law by the Department of Education resulted in some applicants being denied the opportunity to take the C.P.A. examination.

House Bill 844 was fast-tracked to meet a May deadline for the 1997 exams. The new law also reduces the required continuing education hours from 160 hours in four years to 80 hours in two years.

*** Hearing Aid Guarantee -- People who purchase new or certain reconditioned hearing aids will be protected by a 30-day money back guarantee under legislation signed into law as Act 153 of 1998.

Under House Bill 558, customers will be entitled to a full refund if the hearing aid is returned in the same condition as purchased, ordinary wear and tear excluded. However, a hearing aid dealer may charge a cancellation fee of up to 10 percent of the purchase price or \$150. The bill also requires people seeking to renew their hearing aid fitter's certificate to prove that they completed an approved continuing education course. To cover enhanced enforcement provisions, the legislation will double the existing fees for certification and renewal.

*** Dual Agency for Realtors -- Legislation that would define the relationships between consumers and realtors was signed into law as Act 112 of 1998.

House Bill 1172 statutorily recognizes the concept of dual agency, which has been common practice in Pennsylvania for many years. It provides a definition of "agency," defines disclosure and consent

requirements that licensees must make to consumers and creates new categories of agency relationships. a standard disclosure form will be developed by the state Real Estate Commission and used throughout the state.

The bill formally defines terms like dual agent, designated agent and transactional licensee. The measure also includes a limitation on vicarious liability. A real estate consumer will not be liable for the acts of a licensee unless the licensee is acting under the express direction of the consumer. Likewise, the licensee will not be liable for the acts of a consumer unless the consumer is acting at the express direction of the licensee.

*** Architectural Seals -- A new law (Act 31 of 1998) exempts builders from obtaining architectural seals on one and two-family dwellings of not more than three stories in height. Because previous sections of Architects Licensure Law prohibited the employment of a licensed architect by any non-licensed person, builders and construction contractors found themselves being prosecuted for civil penalties and fines by the Architect Licensure Board. The law now protects builders from prosecution by the board for using the word "design" in their advertisements. The measure (HB 1291), passed the Senate by a vote of 46-1.

*** Higher Pilotage Rates -- Legislation (HB 2194) signed into law by Gov. Tom Ridge will increase the pilotage rate for ships entering or exiting the Delaware River. The new law (Act 62 of 1998) phases in the 19 percent rate hike over a three year period. The old rate of \$6.58 will rise to \$7.83 by the year 2001. The measure also includes various fee increases. The law will take effect on Jan. 1, 1999.

*** Asbestos Abatement Licenses --Asbestos abatement contractors will be required to obtain an annual license from the Department of Labor and Industry under legislation signed into law as Act 161 of 1998.

House Bill 1473 also mandates that municipalities require proof of certification from anyone engaged in asbestos abatement.

*** Social Worker Licensing -- Legislation that changes how social workers, family therapists and professional counselors are trained and licensed was signed into law as Act 136 of 1998.

Senate Bill 619 will transform the existing seven-member "Board of Social Work Examiners" into a 13-member "Board of Social Workers, Marriage & Family Therapists and Professional Counselors." Members will be appointed by the governor and serve four year terms.

The board will have the power to approve, revoke, deny, issue, suspend or renew licenses of qualified applicants, establish regulations and conduct hearings. To receive a license, a candidate will have to fulfill various educational, criminal clearance and license fee requirements.

*** Liens to Assure Broker's Commission -- There is now a law (Act 34 of 1998) that authorizes real estate brokers to file a lien against commercial real estate (at least five residential units) to secure their broker's commission. Before the lien can be filed, a written listing agreement must exist and be signed by the

owner of the property or the owner's agent. The Senate approved the final version of the bill (SB 492) by a 46 to 2 vote.

*** Second Chance at Psychology Exams -- Seven Psychology Masters Degree candidates will have another opportunity to take Pennsylvania's Psychology Law Examination under a new law (Act 19 of 1997). The measure (SB 415) corrected a problem caused by previous licensure revisions.

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* More Lemon Law Protection -- People who lease cars would have been protected by Pennsylvania's Automobile Lemon Law under a bill unanimously approved by the Senate.

Senate Bill 763 would also have extended coverage under the law to 18 months or 18,000 miles, rather than the current limit of 12 months or 12,000 miles. The revised Lemon Law would have given manufacturers a "final attempt" to make repairs to the same defect after three failures. A final attempt would be triggered by consumer notification of intent to invoke the lemon law after the initial three failures.

The bill was in the House Consumer Affairs Committee when the session ended

* Right to See Faulty Parts -- Motorists who take their cars to repair shops would have had the right to request the return of replaced parts under legislation (SB 435) unanimously approved by the Senate and sent to the House. Failing to return replaced parts would constitute a violation of the Unfair Trade Practices and Consumer Protection Law.

The bill was in the House Consumer Affairs Committee when the session ended.

* Enrollment in Cosmetology Schools -- The Senate unanimously approved a bill (SB 922) that would have enabled vocational technical students to enroll in schools of cosmetology. Currently, licensed cosmetology schools may only enroll students who have completed a ninth grade education or who have received training from the Bureau of Rehabilitation in the Department of Labor & Industry.

The bill was in the House Professional Licensure Committee when the session ended.

Labor and Industry

*** Self-Employment Assistance Act -- Act 54 of 1997 (HB 1475) will allow people to remain eligible for unemployment compensation benefits while engaging in "self-employment assistance activities".

The Act would provide for self-employment assistance for those on unemployment compensation. Funding for the program was included in the 1997-98 budget. The idea was motivated by the North American Free Trade Agreement (NAFTA).

*** Name Change for Advisory Council -- The name of the Advisory Council for the Deaf and Hearing Impaired has been officially changed to the "Advisory Council for the Deaf and Hard of Hearing." House Bill 711 was signed into law as Act 37 on June 25, 1997.

The term "hearing impaired" signifies a disability while "hard of hearing" is a progressive condition that includes more people.

*** Prohibiting Penalization of Workers During Snow Emergencies -- Companies will no longer be allowed to penalize workers who don't show up for work as a result of an emergency travel ban under legislation signed into law as Act 4 on Jan. 29, 1998.

Senate Bill 307 was proposed when workers complained of being penalized for missing work after Gov. Ridge declared a snow emergency travel ban during the Blizzard of 1996. The law forces companies to reinstate employees with back pay and to pay any legal fees associated with wrongful discipline or termination from employment..

*** Boilers and Unfired Pressure Vessels -- A bill that would regulate construction, equipment, maintenance, operation and inspection of boilers and unfired vessels was signed into law as Act 85 on June 18, 1998.

Senate Bill 888 designates the Department of Labor as the state's regulating agency. Also, insurance companies will not be held liable for losses stemming from inspections or lack thereof.

Owners must also register with L & I and conduct an annual inspection.

*** Regulating Combustible and Flammable Liquids -- The Department of Labor and Industry will be responsible for the regulation of combustible and flammable liquids according to legislation signed into law as Act 15 on June 18, 1998.

House Bill 440 shifts the responsibility to L & I from the State Police.

*** Amending Child Labor Laws -- A bill that will allow minors to participate in theatrical, educational or other nonprofit activities, including firefighting, without a special permit has been signed into law as Act 158 of 1998.

House Bill 1064 amends the Child Labor Law to allow minors to participate in such activities without a special permit if the activity is for no more than 14 days, no money is involved, there are no conflicts with school hours and the minor receives parental or guardian consent.

The bill also allows 14- and 15-year old minors to be trained in firefighting activities between 7-10 p.m. on a school night with parental consent.

*** Prompt Payment of Sales Commissions -- A bill that provides for prompt payments of sales commissions and establishes procedures to determine when sales commissions are to be paid in the absence of a written contract was signed into law as Act 173 of 1998.

House Bill 2703 requires that sales commissions be paid within 14 days of the termination of a contract or within 14 days after goods are delivered. A person can be sued for failure to comply and would also be liable for attorneys fees and suit costs. Anyone intentionally withholding payment may be liable for three times the amount of the original commission.

*** Food Service Employee Incentive Program -- A food service employee incentive program was created to train welfare recipients and other unskilled individuals for entry-level food service positions under legislation (HB 2038) signed into law as Act 168 of 1998.

Participating employers will deposit the difference between the minimum wage and an entry-level wage for the appropriate position in an "Employee Incentive Account" (EIA). People who are qualified to be hired in the food-service industry and who work a minimum of 20 hours per week will be eligible for the program.

Deposits into the EIA will be credited until training is completed or the employee is promoted. At that time, the employer will pay the employee the normal entry-level wage in addition to the amount in the EIA. The amount of money credited to the employee will be divided by the number of weeks he or she was in training and will be paid in installments equal to the length of training.

Employees will forfeit funds in the EIA if they leave voluntarily or are terminated for "willful misconduct."

* Recognizing Safety and Hygiene Professionals -- Legislation that would legally recognize hygiene and safety professionals and provide minimum qualifications passed the Senate, 41-5.

Senate Bill 698 would create the Protection Act for Industrial Hygiene and Safety Professions and would recognize an Industrial Hygienist in Training, Certified Industrial Hygienist, Associate Safety Professional and an Occupational Health and Safety Technologist as certified professionals.

The bill was House Judiciary Committee when the session ended.

Agriculture and Rural Affairs

*** Puppy Lemon Law -- Legislation (SB 182) to protect dog purchasers and discourage disreputable breeders was signed into law by the governor as Act 27 on June 25, 1997.

The new law requires pet retailers or "for-profit" breeders to refund the purchase price of a dog if, through no fault of the owner, it becomes ill or dies within 10 days. The law also applies to any congenital defect found in an animal within 30 days of its purchase. Other remedies in the law include replacing the sick animal with a healthy one or reimbursement by the seller for veterinary bills not exceeding the purchase price.

A seller -- defined as the owner of a kennel or pet shop or an individual who breeds and sells dogs to the public -- will be required to provide a health certificate from a licensed veterinarian and any other pertinent information regarding a dog's health at the time of purchase.

A \$1,000 fine will be imposed upon anyone in violation of the new law.

*** Agricultural Law Resources and Reference Center -- An Agricultural Law Resources and Reference Center was established under legislation signed into law as Act 11 on January 29, 1998.

House Bill 1345 lets the Department of Agriculture enter into a contract with Dickinson School of Law and Penn State College of Agricultural Sciences to create the center, which will serve as a resource on agricultural law and related issues for farmers, agribusinesses, attorneys, government officials, community groups and the general public.

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*** Farm Community Protection -- The state's farm community will receive some protection against lawsuits under legislation signed into law as Act 58 on May 15, 1998.

Senate Bill 682 limits the ability of individuals to bring public nuisance suits against owners of agricultural operations. It also eliminates nuisance actions against agricultural businesses that expand or alter their land use into non-agricultural areas as long as the function has been addressed in a nutrient management plan pursuant to the state's Nutrient Management Act.

*** Ag-Linked Investment Program -- Farmers will be eligible for low-interest loans through an Agriculture-Linked Investment Program created by legislation signed into law as Act 90 on June 18, 1998.

Senate Bill 1423 will provide low-interest loans to farmers who use "best management practices" as part of an approved nutrient management plan. Best management practices include tillage, crop rotation, soil testing, manure testing and nutrient application. Only agricultural operations in existence on or before Oct. 1, 1997 are eligible.

*** Agriculture Education Loan Forgiveness -- The state Agriculture Education Loan Forgiveness Act was extended indefinitely by legislation signed into law as Act 60 on May 15, 1998. The program was due to expire July 1, 1998.

House Bill 9 authorizes the program to continue as long as funds are available. The 1998-99 budget includes a \$212,000 appropriation to the program.

*** Pig Garbage -- Pennsylvania farmers would have to cook garbage they feed their pigs if the garbage contains meat by-products under legislation signed into law as Act 39 on March 24, 1998.

House Bill 1573 further defines the term "garbage" to correct a problem the U.S. Department of Agriculture had with Pennsylvania's previous definition. The bill also adds language to current law allowing for indemnification and depopulation incentives for poultry producers affected by avian influenza and extends by one year the effective date for the Agriculture Department's monitoring of scanning devices.

*** Farmland Preservation -- Legislation that permits local governments to participate in the state's Farmland Preservation Program was signed into law on Dec. 21, 1998, as Act 138.

Senate Bill 930 requires a local government to work in conjunction with its County Board and to have an agricultural security area in place before purchasing agricultural conservation easements. The legislation also expands the definition of Local Government Unit to include a home rule municipality.

*** Aquaculture -- Legislation (SB 283) that designates aquaculture -- the propagation of water life -- as an agricultural practice within the Commonwealth was signed into law as Act 94 on Oct. 16, 1998.

Under the measure, the state Department of Environmental Protection will develop a general permit for all new and existing aquaculture facilities. Registration will also be required for dealers of live aquatic animals and for artificial propagation businesses. The new law establishes a 21-member Aquaculture Advisory Committee to develop a plan to promote the industry both within and outside Pennsylvania.

Money from fees and permits will be used for administrative costs and the promotion of the aquaculture industry.

*** Clean and Green Amendments -- Legislation to amend the Pennsylvania Farmland and Forest Land Assessment Act, also known as the Clean and Green Act was signed into law on Dec. 21, 1998 as Act 156.

House Bill 680 provides greater clarification for counties and landowners to determine if a landowner has a right to preferential assessment under the Clean and Green Program. It adds and amends definitions of terms used in the application process.

The bill also gives landowners a choice in how they apply for the program and it imposes a \$50 cap on the application fee.

State Government

*** Procurement Act -- The state's various purchasing requirements were consolidated into one compact code under legislation signed into law as Act 57 on May 15, 1998.

Senate Bill 5 makes the first major changes to the procurement code since 1929. It is expected to save taxpayers thousands of dollars and provide greater accountability of money the state spends on goods and services. The legislation was designed to help state agencies streamline their purchasing operations and to consolidate all procurement functions -- through a simplified blueprint -- under the Department of General Services. Vendors will be permitted to bid on projects over the Internet and the department will establish a central office where procurement information can be obtained by contractors and vendors.

*** Election Code -- Candidates for the state House and Senate do not have to sign affidavits certifying that they are eligible for legislative office under legislation signed into law as Act 18 on February 13, 1998.

House Bill 1760 eliminates a state law that required legislative candidates to sign an affidavit certifying that they met constitutional requirements for service in the General Assembly. Under the bill, candidates are no longer required to swear that they have lived in their legislative district for at least a year and in Pennsylvania for four years, meet constitutional age requirements and have not been convicted of any crimes involving public money, bribery or perjury.

The measure also establishes tougher penalties for election fraud, increases the crime from a misdemeanor to a third-degree felony and increases the maximum fine from \$1,000 to \$15,000 and/or seven years in prison instead of five.

*** Registration of Athletic Agents -- Legislation that regulates the lucrative business of athletic agents was signed into law as Act 2 on January 27, 1998.

Senate Bill 425 defines "athletic agent" and requires people who want to work as agents in Pennsylvania to register with the State Athletic Commission. The bill prohibits agents from providing a student athlete or his family with gifts or cash before his collegiate eligibility has expired or pressuring an athlete into an oral agreement in order to keep other agents from negotiating. Violations will result in civil penalties of up to \$5,000.

Athletic agents will be required to obtain a surety bond of at least \$20,000 and pay registration fees of \$100 for an individual or \$200 for an association or corporation.

*** Legislative Information on Internet -- People across the country, and the world, will be able to follow legislative activity in Pennsylvania via the Internet under legislation signed into law as Act 55 on May 7, 1998.

House Bill 1347 authorizes the Legislative Data Processing Committee to release legislative information to the general public. Information released will have to be approved by the Senate Committee on Management Operations and the House Bi-Partisan Management Committee.

The bill also adds two members from each of the four legislative caucuses to the Legislative Data Processing Committee.

*** Political Subdivisions -- Legislation that defines "political subdivisions" under the state's Sunshine Law was signed into law as Act 81 on June 18, 1998.

Senate Bill 253 addresses a recent Bucks County court ruling. It defines a political subdivision as "any county, city, borough, incorporated town, township, school district, vocation school district, intermediate unit, and county institution district." The court had ruled that the state Sunshine Law did not apply to school districts.

*** Hostile Takeovers -- Act 124, signed on Dec. 3, 1998, will help eliminate the practice of "hostile takeovers" in the state's banking community.

House Bill 1479 requires all financial institutions and holding companies, domestic or foreign, to obtain prior approval from the state Banking Department before trying to acquire, or make a proposal to acquire, voting shares of large Pennsylvania banks or their parent holding companies.

The law affects only financial institutions with deposits in excess of \$10 billion where the acquisition would total more than 5 percent of the outstanding voting shares of the institution. It will not affect an acquisition where a majority of the board of directors of the institution approves the transaction, unless 25 percent of the board votes to acquire.

The Banking Department has authority to approve or reject a proposal based upon numerous considerations such as the number of lost jobs, the effect on competition, long-term interests of the institution and consumer needs.

The measure also lowers fees for new trademark registrations and ancillary trademark transactions from \$52 to \$25. The fees were lowered to reflect a reduced trademark registration term contained in separate legislation.

*** Brandywine Battlefield Park Commission Abolished -- Legislation (HB 1636) to eliminate the Brandywine Battlefield Park Commission and transfer their powers, duties, assets, records and property to the Pennsylvania Historical and Museum Commission was signed into law as Act 163 on Dec. 21, 1998.

*** Independent Regulatory Review Act Revisions -- Legislation making a number of changes to the state's Independent Regulatory Review Act (SB 7) was signed into law as Act 24 on June 25, 1997.

The revisions clarify the functions of the Independent Regulatory Review Commission's executive director, chief counsel and commission members and the procedure and basis for the removal of a commissioner. The bill replaces the mandatory meeting schedule with a system requiring "general authority approval" for meetings based on need and redefines what is considered "conflict of interest" for commission members.

Additionally, Act 25 provides an increase in compensation to \$300 per day for the commission chairperson and \$250 per day for commission members.

*** Compensation for Election Workers -- Election officials and county officers are getting a raise under legislation signed into law as Act 48 on Oct. 31, 1997.

Senate Bill 1136 authorized a minimum payment of \$45 and a maximum payment of \$100 to judges of elections. Inspectors of elections, clerks and machine operators can be paid from \$40 to \$95. The actual pay rates will be set by the Board of Election in each county.

The pay increases were approved by the General Assembly earlier this year as part of Senate Bill 200, but the legislation was vetoed by the governor on June 25, 1997.

*** Sale of Harrisburg International Airport -- The state sold Harrisburg International Airport to a regional authority under legislation signed into law as Act 60 on Dec. 19, 1997.

Senate Bill 1160 provided the mechanism to sell both HIA and Capital City Airport to the Susquehanna Area Regional Airport Authority for \$1. The 15-member authority includes representatives from the counties of Cumberland, Dauphin and York, as well as the cities of Harrisburg and York and two townships in which the airports are located.

The authority took over operations in January 1998.

*** Housing Advertisement Requirements -- Legislation to prohibit discriminatory practices in advertisements for housing was signed into law as Act 34 on June 25, 1997.

House Bill 337 requires the Pennsylvania Human Relations Commission to publish a list of words, phrases and symbols that cannot be used for housing ads. The new law further provides for citations and penalties, not exceeding \$500, for advertising violations; requires the PHRC to refuse complaints it determines to be frivolous or without merit; exempts advertisers from penalties if they prove a good faith attempt to comply with the list or PHRC's interpretations and creates an appeals process for violators.

*** Changes to Administrative Code -- An omnibus bill amending the state's Administrative Code was signed into law as Act 57 on November 26, 1997.

House Bill 1027 will:

- prohibit state agencies from charging a fee for the use of state owned property in the making of a commercial motion picture;
- add international terrorism to the definition of "crime" under the Crime Victims Compensation Program;
- permit the Department of Corrections to require prisoners to pay for property lost or damaged during a crime and allow the department to deduct restitution from a prisoner's institutional account;
- create the Pennsylvania Infrastructure Bank, with funds to be administered by PennDOT and the state Treasury, to encourage investment in transportation infrastructure projects sponsored by public or private entities; and
- provide more power to campus police of state-related universities to investigate crimes, apprehend criminal offenders and order people under the influence of liquor to leave the campus.

*** Adjudicatory Expenses Award Act -- Legislation (HB 1375) to remove the sunset provision of the Commonwealth Adjudicatory Expenses Award Act was signed into law as Act 43 on June 25, 1997.

The Adjudicatory Expenses Award Act requires a state agency to award reasonable fees and expenses to the prevailing party in adversary adjudicated proceedings initiated by the agency. Awards for attorneys

fees may not exceed \$75 per hour and total awards including expert witness fees and costs of reports and documents necessary for the preparation of the case cannot exceed \$10,000.

V Election Code Changes -- Legislation making a variety of changes to the state's Election Code -- including raises for election officers -- was vetoed by the governor on June 25.

Senate Bill 200 had been amended by Republican staff to include a provision that would have made it much more difficult for independent candidates to run for office. The bill, which was approved by both the Senate and House in marathon sessions June 11, would have required a third-party candidate to obtain petition signatures totaling 2 percent of the highest total number of votes a candidate received in the previous election for that post. In many cases independent candidates would have been required to get a minimum of 25 to 30 percent more signatures than their Republican or Democrat counterparts.

The bill was approved by wide margins in both chambers, largely because it contained long-overdue pay increases for election officers. When news reports revealed the new third party restrictions, the governor faced a barrage of criticism over what was seen as an effort to smooth his re-election effort. He responded by making the bill his first veto of the 1997-98 session, saying third party signature requirements were too severe and claiming he did not review the measure's language prior to passage. Republicans in the General Assembly said his staff had been consulted as the bill was being drafted.

V Mental Hospital Closings -- Legislation that would have required the state Department of Public Welfare (DPW) to hold a public hearing within 30 days of announcing the closure of a mental health or mental retardation facility was vetoed by the governor on Dec. 23, 1998 as Veto 3. A public hearing would have also been required before the patient-to-staff ratio could be reduced by more than 10 percent.

House Bill 2261 required a public hearing to be held before the patient-to-staff ratio could be reduced by more than 10 percent in any mental health facility and that the hearing be held in the county where the facility is located. It further stipulated certain considerations to be given to both the patients and housing community before a final decision could be made. The measure would have prohibited DPW from implementing a decision if a public hearing had not been held. The measure would have applied to all closing decisions made after Dec. 31, 1997.

*** Flag Displays -- Legislation that permits the display of the American Flag, in any manner, in or out of a person's home was signed into law as Act 117 on Dec. 3, 1998.

House Bill 2410 prohibits the display if it is in violation of the state's desecration of flag law or the rules of any zoning authority, regulatory authority or political subdivision of the state.

*** Lobbyist Disclosure -- Pennsylvania's lobbying disclosure law will be toughened significantly under legislation (SB 254) signed into law on Oct. 15, 1998 as Act 93.

The new law requires lobbyists to report a quarterly estimate of the amount of money they spend on various activities involving government officials. Lobbyists will have to report the names of legislators,

public officials or staffers who accept gifts valued at \$250 or more per year and meals or lodging totaling \$650 per year.

Lobbying firms will be required to register with the state and must disclose the name of any organization that supplies more than 10 percent of their total funding.

The measure also repeals a sunset provision covering the state Ethics Commission, awards reasonable attorney fees and litigation costs to people who successfully challenge government actions under the state's Sunshine Act and allows fees and costs to be awarded to defendants if a court finds that a legal challenge is frivolous.

Law and Justice

*** Liquor License & Sales -- The Senate unanimously approved legislation to amend the state's Liquor Code addressing a variety of issues involving the licensing of establishments that serve alcohol.

House Bill 985 allows hotel and restaurant licensees without a Sunday sales permit to sell alcohol on Super Bowl Sunday. It also increases the number of days a special occasion permit may be used by non-retail establishments.

The bill will permit a liquor license to be issued to the authority of any sports stadium or arena in Second Class townships of Fifth Class counties with a seating capacity of 5,000 or more.

The bill will also allow individuals to manufacture less than 200 gallons of malt or brewed beverage for personal use each year; give greater authority to the Pennsylvania State Police to bring action against "nuisance establishments;" give voters the option to approve special occasion licenses in "dry" communities; and exclude certain brewery pubs from the food volume requirement for Sunday sales of alcohol.

The House concurred in Senate amendments and the governor signed it into law as Act 25 on February 19, 1998.

*** Sale of Alcoholic Cider -- Alcoholic cider could be sold by beer distributors and taverns under legislation approved by the Senate. Under current law, alcoholic cider may only be sold in state liquor stores.

Senate Bill 1164 will also make a variety of other changes to the state Liquor Code. It extends the license renewal time from 10 months to two years; permits veteran clubs with a liquor license to serve non-members; prohibits the sale of alcohol at stadiums and arenas when programs will attract a high school or college age audience; ease restrictions on license transfers among counties or municipalities; and allow volunteer fire, ambulatory or rescue squads, who own their own facility and catering license, to apply for a special occasion liquor license.

The bill was approved by the House and it was signed into law on June 18, 1998 as Act 86.

*** Liquor Code Changes -- Legislation that would make a variety of changes to state Liquor Code was signed into law as Act 155 on Dec. 21, 1998.

House Bill 613 repeals the surety bond requirements for hotel, restaurant and club licenses; grants additional privileges to airport restaurant license holders; allows facilities located in Third Class cities and Fourth Class counties to receive a special occasion permit valid for up to six times a year; provides new guidelines for determining a nuisance bar; and allows the LCB to issue - outside of quota - licenses to performing arts theaters in certain areas of the state.

*** Volunteer Police -- The governor of Pennsylvania will no longer have the authority to appoint volunteer police officers in the Commonwealth when the nation is engaged in any military conflict.

House Bill 2243, signed into law as Act 170 on Dec. 21, 1998, repeals the authority that was granted to all Pennsylvania governors in 1917.

Transportation

*** Gas Tax Increase -- Pennsylvanians are paying 3½ cents more for each gallon of gas, and 50 percent more to register their vehicles under a new law (Act 3 of 1997).

The measure resulted from more than two years of intensive Ridge Administration lobbying. The tax and registration fee increases are expected to raise more than \$400 million for highway improvements. Under the law, \$196 million will be spent on repairs and \$208 million will be spent on new construction. One-half cent of the gas tax increase will be used to fund turnpike expansion projects such as the Mon-Fayette Expressway.

The legislation also appropriates an additional \$150 million for mass transit but only half of that amount is dedicated. The rest will come from federal funds and from the capital budget.

House Bill 67 was approved in the Senate on a vote of 26-23 and in the House on a vote of 107-88. Most Senate Democrats voted against the legislation, saying Pennsylvania's large budget surplus -- estimated at more than \$500 million -- made a tax increase unnecessary. Supporters of the bill said additional revenue is needed to maintain and improve Pennsylvania's 40,000 miles of state highways.

The law increased Pennsylvania's \$24 automobile registration fee to \$36. Truck registration fees will go up beginning January 1, 1998. The measure also includes changes to the formula used to allocate funds for road maintenance.

Several Democratic Senators have since announced that they will sponsor legislation that would repeal a provision in House Bill 67 that creates a complicated new bureaucracy aimed at controlling the selling price of used cars. The provision was buried in the 112-page bill that majority Republicans rushed out of committee and brought up for an almost immediate vote. It requires notaries and other agents who handle automobile title transfers to verify that a used car was sold for "fair market value." Sales for less than fair market value will be reviewed by the Pennsylvania Department of Revenue. Purchasers can be forced to pay additional sales tax if the Revenue Department determines that the price was too low.

Another controversial provision in House Bill 67 gave large trucks access to more state roadways.

V Motorcycle Helmet Repeal -- The state's mandatory motorcycle helmet law would have been repealed under a bill approved in the Senate by a 27-21 vote.

Under Senate Bill 279, which was also approved by the House, most motorcycle operators and their passengers who are at least 21 years of age would be exempt from wearing protective headgear and eye protection. The exemption would apply to people who have had a motorcycle license for at least two years; and/or those who have completed a motorcycle safety course. Others could only be convicted for violating the helmet/eye protection law if they are also convicted of another highway offense.

Supporters claimed that the proposed repeal is a matter of individual rights. Opponents argued that the measure would lead to increased highway carnage and higher insurance costs for all motorists.

Governor Tom Ridge vetoed the bill citing concerns about the repeal of the eye protection requirement.

*** Rails-to-Trails -- Nonprofit recreational organizations or municipal authorities can take over railroad bridge crossings for rails-to-trails purposes under a bill (SB 914) signed into law as Act 113 of 1998. Under prior law, the bridges had to be removed before a recreational entity could take over a rail-bed.

*** School Bus Security -- Anyone entering a school bus without authorization with an intent to commit a crime commits a third-degree misdemeanor under a new law (Act 65 of 1998). In addition, a person who enters a school bus without authorization and refuses to leave is committing a third-degree misdemeanor, punishable by a fine of up to \$1,000 and one year in jail.

*** Organ Donor Awareness -- a new law (Act 74 of 1998) lets people contribute \$1 to the "Organ Donor Awareness" program when they renew their automobile registration. Such a donation opportunity already exists for driver's license renewal. House Bill 1502 also allows for an anatomical gift of a whole body to be made when consent is given by the legal next of kin.

*** Flexibility with Liquid Fuels Money -- By a 29-19 vote, the Senate approved a measure that lets municipalities maintain and repair alleys, ways or courts with their state Liquid Fuels money. Under prior law, municipalities could use their state allocation for maintenance and construction on roads and bridges.

Senate Bill 101 was signed into law as Act 114 of 1998.

*** Highway Capital Budget -- A law (Act 78 of 1998) was enacted that approves the use of \$4.7 billion for highway construction work. The authorized projects, which are itemized by county, are financed by revenues in the Motor License Fund. Senate Bill 185 was unanimously approved in the Senate.

*** Roxanne H. Jones Avenue -- Legislation (SB 1193) that would rename a portion of Allegheny Avenue in Philadelphia as the "Roxanne H. Jones Avenue" was signed into law as Act . The former Democratic state senator died in 1996. The bill is now in the House Transportation Committee.

*** Combating Illegal Chop Shops -- Police will have additional enforcement tools to use against illegal "chop shops" under legislation approved by the General Assembly.

Under one bill (SB 1373, Act 145 of 1998), electronic surveillance can be used to help apprehend individuals for operating a chop shop. Another measure (SB 1372, Act 110 of 1998), authorizes law enforcement to seize chop-shop-related property (such as tools, equipment and buildings).

*** Vehicle Code -- An omnibus transportation bill that makes numerous changes to the state Vehicle Code was signed into law as Act 151 of 1998.

House Bill 433 prohibits most people under age 18 from riding in the back of pick-up trucks. People age 18 and older will be able to ride in the bed of pick-ups if the vehicle is traveling less than 35 miles-per-hour.

The bill also permits self-propelled wheelchairs to travel on sidewalks; prevents motorists from turning right on red at intersections where a school bus is unloading; and enables car dealers to donate vehicles to individuals who are participating in the Welfare-to-Work program and do not have access to public transportation.

The measure includes two Democrat-sponsored provisions that will toughen penalties against drunken drivers. One initiative mandates that individuals convicted of committing more than one homicide while driving under the influence (DUI) must serve consecutive rather than concurrent prison sentences. Another amendment requires that DUI license suspensions cannot begin until an individual's jail term ends.

* Clearing Needless Traffic Backups -- School buses and trucks would no longer have to stop at abandoned railroad crossings or certain utility spur lines under legislation (SB 361) unanimously approved by the Senate.

The bill also would have clarified which vehicles must stop at active railroad crossings. These include school buses, and trucks and tractor trailers transporting fuel or explosive materials. The bill was prompted by traffic jams caused by these vehicles at inactive railroad crossings.

The legislation was in the House Appropriations Committee when the session ended.

Public Health and Welfare

*** Indefinite Simulcasting Allowed -- Simulcasting of horse races at Pennsylvania racetracks will continue indefinitely under legislation signed into law as Act 71 on June 18, 1998. The simulcasting authorization was scheduled to sunset this year.

House Bill 135 repeals the expiration period for televised international and interstate simulcasting. The bill also creates an Osteoporosis Prevention and Education Program to promote public awareness about the causes of the bone-thinning disease. Personal risk factors, prevention and early detection and treatment options will also be included in the program.

*** Premarital Tests Eliminated -- Pennsylvanians will no longer undergo premarital tests for syphilis under legislation (HB 385) signed into law as Act 35 on June 18, 1997.

*** Minors Sent To Drug and Alcohol Treatment Programs By Judges -- Minors could be sent to drug and alcohol treatment programs by juvenile court judges under legislation (HB 679) signed into law as Act 53 on Nov. 26, 1997. Under prior law, judges could only recommend involuntary commitment. The bill establishes strict guidelines to determine if a minor should undergo treatment.

*** Pennsylvania Hospices Licensed by State - Pennsylvania hospices will be licensed by the state Department of Health under legislation signed into law as Act 95 on October 16, 1998. Hospices provide services to people who are dying and to their families.

The new law (SB 996) will affect approximately 100 hospices that are not already licensed by the Health Department. The department only licenses hospices that receive Medicare funding..

*** Lifeguards on Duty -- Public swimming pools, water rides and wave pools will be among those required to have certified lifeguards on duty under a measure signed into law as Act 75 on June 18, 1998.

House Bill 1597 applies to any facility specifically designed for swimming where a fee is charged. Facilities owned by condominiums, apartment buildings, hotels or motels, campgrounds, private clubs and organizations will not fall under this legislation since they are not open to the public.

The bill also authorizes owners of private swimming pools to use general pesticides to care for their pools.

*** Domestic Violence Health Care Response Program Established -- A Domestic Violence Health Care Response Program was established under legislation (HB 2268) signed into law as Act 115 on December 3, 1998.

The new law establishes a program that provides education and training to identify victims of domestic violence who are seeking medical treatment, regardless of whether or not they are suspected to be victims of domestic violence. The process, known as "universal screening," will target urban and rural sites to identify more victims of abuse. The program will be administered by the Department of Public Welfare.

*** Human Services Development Fund Redistributes Revenue -- An additional method of distributing revenue within the Human Services Development Fund was established under legislation (HB 2459) signed into law as Act 116 on December 3, 1998.

The new law allows for any increase in state funds to counties to be distributed as a cost-of-living adjustment in an equal percentage to all counties. Any remainder of the increase will continue to be distributed according to the statutory formula of 50 percent allocation on a per capita basis and 50 percent on a poverty basis.

Aging and Youth

*** Older Pennsylvanians Protected -- Two measures designed to crack down on the abuse of older Pennsylvanians were signed into law as Acts 13 and 14 on June 9, 1997.

Act 13 (HB 132) requires that suspected abuse of older Pennsylvanians living in institutions be reported to local protective service agencies and to the state Department of Aging. The agencies are required to notify law enforcement officials in cases of homicide, sexual abuse and serious bodily injury.

Act 14 (HB 133) requires that nurse aid training programs include training on identifying, reporting and preventing abuse, neglect and exploitation of older adults. Applicants for the programs will have to provide criminal history record information and will be prohibited from enrolling if they were convicted of a specified controlled substance or violent criminal offenses.

*** Guardians Named -- Guardians will be named for minors whose parents are terminally ill or periodically incapable of caring for the child under legislation (SB 1051) signed into law as Act 103 on November 24, 1998.

The new law will not terminate or limit parental rights.

*** Committee Established to Fight Crime Against Senior Citizens -- A committee to help fight crime against Pennsylvania's senior citizens was established under legislation (HB 501) signed into law as Act 152 on December 21, 1998.

The committee will be within the Pennsylvania Commission on Crime and Delinquency (PCCD). The members will include the Attorney General, Secretary of Aging and the Victim Advocate.

*** Legislative Members Can Delegate Votes on Board -- In order to ensure a quorum for the Children's Trust Fund Board, legislation (HB 185) was signed into law as Act 123 on December 3, 1998.

The new law permits legislative members to delegate their vote to a designee acting on their behalf. The nine public members will not be permitted to delegate their votes in this manner.

Game and Fisheries

*** Boating Under the Influence -- People who operate a water craft under the influence of alcohol or a controlled substance will commit a second degree misdemeanor under legislation (SB 55) signed into law as Act 49 on Oct. 31, 1997.

*** Class A Lake Designation -- Legislation that will allow a Class A designation to be applied to lakes of less than 20 acres that are wholly contained within the grounds of a private sportsmen's club was signed into law as Act 7 January 29, 1998. The designation allows patrons to fish without a license and without size, season or possession limits.

The new law (HB 13) also clarifies the status for liability purposes of uncompensated Fish and Boat Commission employees and volunteers.

*** Shooting Range Owners Immune to Noise Ordinances -- Shooting range owners will not have to comply with local noise control ordinances if no law existed at the time construction of the range was initiated under legislation (SB 56) signed into law as Act 130 on December 21, 1998.

Under the new law, range owners will not be forced to comply with newly enacted local ordinances.

Military and Veterans Affairs

*** AWOL Prevention -- Pennsylvania National Guard members who are absent without leave (AWOL) will be punished in civil proceedings before district magistrates under legislation signed into law as Act 9 of 1998.

A person convicted of the summary offense of being AWOL faces a fine between \$50 and \$200 for the first offense and a fine of not less than \$300 or more than \$1,000 for a subsequent offense. Convicted guard members will also be responsible for court costs.

House Bill 441 is intended to encourage young National Guard members to take their Guard service seriously and reduce the likelihood of dishonorable discharges under the military court martial system.

*** Burial Details for Veterans -- Pennsylvania will arrange for burial details for veterans at Fort Indiantown Gap National Cemetery according to legislation signed into law as Act 56 on May 10, 1998.

Senate Bill 1561 allows the Pennsylvania Department of Military Affairs to enter into an agreement with a state-wide nonprofit fraternal society that would represent veterans' organizations and provide burial details. The department will pay \$150 each day a burial detail is provided.

A minimum of three veterans must participate in an honor guard.

*** Oversight of Admissions to State's Veterans' Homes -- Legislation that gives the Adjutant General the authority to oversee admissions to veterans' homes in Pennsylvania was signed into law as Act 59 on May 15, 1998.

Senate Bill 981 authorizes the oversight according to U.S. Department of Defense regulations and also allows the Adjutant General to approve construction and repair contracts on armories and other state-owned military buildings up to \$100,000.

***Deputy Adjutant General for Veterans' Affairs -- Legislation allowing the Adjutant General to appoint a Deputy Adjutant General for Veteran's Affairs was signed into law as Act 49 on April 28, 1998.

House Bill 1633 designates the Deputy as the Director of the Bureau for Veterans' Affairs.

The Deputy must be a veteran and an active member of a veterans' organization. The Deputy will also serve as a liaison to veterans and their dependents. He or she will also submit biannual reports to the Governor and General Assembly.

*** Veterans' Home Advisory Council -- A bill that expands the number of members on an advisory council for each veterans' home in Pennsylvania was signed into law as Act 96 on Oct. 16, 1998.

According to the law, each council will have 15 members with 12 appointed by the governor from a list of nominations submitted by the Adjutant General from the Pennsylvania War Veterans' Council. The bill also exempts certain veterans' organizations from sales and property taxes.

Communications and High Technology

*** Public Television Network Commission -- Legislation creating a public television network commission and an advisory council was signed into law as Act 87 on June 18, 1998.

Senate Bill 1203 establishes the Pennsylvania Public Television Network Commission as an independent commission. It will be comprised of 24 members including the state Secretary of Education, the Chairman of the Pennsylvania Council for the Arts, the President pro tempore of the Senate, the Minority Leader of the Senate, the Speaker of the House, the Minority Leader of the House and nine appointees made by the governor with Senate approval. Members will be approved for three-, four- and six-year terms with no pay.

The Public Television Broadcast Advisory Board will be comprised of the highest-ranking, full-time professional employees from each of the seven public television stations in the Commonwealth. Members would meet as needed and also receive no pay.

* Long-term Nursing Care Information on the Internet -- A bill that would require the state Health Department to place some long-term nursing care information on the Internet was unanimously approved by the Senate.

Under Senate Bill 1216, people with access to the Internet could obtain information about:

- ombudsman programs;
- standard visiting hours;
- availability of telephone access for private use;
- patient's rights and responsibilities;
- written policies;
- federal and state requirements;
- facility information including name, address, license and owners;
- type of sponsorship (government, nonprofit, private, etc.);
- acceptable payment sources;
- availability of specific therapy services;
- resident council;
- availability of registered dietician;
- special units to include Alzheimer;'s/Dementia cases
- onsite medical service such as dentistry, podiatry, pharmacy, etc.;
- how to contact local area agency on aging;
- community resources; and
- using public information regarding facility history, licensing, current certification status, deficiencies and correction plans.

A Democratic effort to require the posting of information about potential problems at nursing homes was defeated on a party-line vote.

Senate Bill 1216 was in the House Aging and Youth Committee when the session ended.

Community and Economic Development

*** Export Financing Loan Fund and Family Savings Account Established -- An Export Financing Loan Fund and a Family Savings Account Program will be created under legislation (HB 1414) unanimously approved in the Senate and signed into law as Act 23 on June 24, 1997.

The bill implements a Family Savings Account Program for people whose annual income is no more than 200 percent of the federal poverty level. Participants could start a savings account at an approved financial institution that would allow them to receive matching grants for specific purposes, including post-secondary education, purchasing a home and any work related activity.

In order to qualify for an Export Financing Loan, a small business involved in exporting activities would be required to meet the following six criteria established in the legislation.

- The company must be eligible for a credit insurance policy offered by the Export-Import Bank of the United States.
- The loan must be guaranteed by the Working Capital Guaranty program offered by the Export-Import Bank.
- The company must have facilities within the Commonwealth involved in export activities.
- The company must have an export contract that requires payment in U.S. dollars.
- The loan must be for the purpose of financing export activity.
- The company must have 250 or fewer full-time employees.

*** Infrastructure Development Program -- Job retention will be added as a category for program eligibility within the Infrastructure Development Act under Act 106, signed by the governor on November 24, 1998.

Under Senate Bill 491, a company will be eligible for assistance if the number of full-time jobs retained for a period of five years equaled the number of full-time jobs in existence at the time of the loan. The bill will also expand infrastructure development grants to include long-term vacant commercial sites.

*** Job Creation and Economic Development -- A number of job enhancing and economic development methods will be available under legislation (SB 1013) approved by both the Senate and House.

An annual financing project strategy, opportunity grants, job creation tax credits, small business assistance, community development bank grants and loans and tax-exempt bond allocations will all be provided through Act 100, signed into law by the governor on November 17, 1998.

* Community Development Bank Grant and Loan Program -- The Community Development Bank Grant and Loan Program would have been established as a part of the Pennsylvania Economic Development Financing Authority within the Department of Community and Economic Development under legislation unanimously approved by the Senate. Senate Bill 10 died after receiving second consideration in the House.

* Grant Requirements -- Under Senate Bill 508, the Department of Community & Economic Development would be authorized, as part of its loan or grant process, to require certification that a developer has no delinquent taxes.

The bill, amended in the House, returned to the Senate and died in committee.

* Repeal of Bureau of Statistics and Information -- The Bureau of Statistics in the former Department of Commerce would have no longer existed under Senate Bill 1012. The bill died without consideration in the House.

* Job Creation Tax Credits -- The Job Enhancement Act of 1996 would have been amended to provide for job creation tax credits under Senate Bill 1188. The bill would have changed the definition of small businesses from companies with 25 or fewer employees to companies with fewer than 100 employees.

The legislation was unanimously approved in the Senate and wasn't voted out of committee in the House.

