



LEGISLATIVE REVIEW

2007-2008 Legislative Session

Prepared by the

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Senate of Pennsylvania
SENATE LEGISLATIVE REVIEW 2007-08

FOR EDITORIAL BACKGROUND:

Openness and bipartisanship were hallmarks of the highly productive 2007-08 legislative session.

During the two-year period, senators embraced institutional rule changes and passed an “open records law” (*See Senate Bill 1, State Government*) that made government more transparent, accessible and accountable to the public. From doing away with late night sessions to making more government records available and on the Internet, lawmakers sought ways to improve public access to government.

With a national energy crisis looming, the Senate opened a Special Session on Energy in September of 2007, and passed several bills (*See Energy Policies*) aimed at investing in clean alternative energy sources, conserving energy and reducing consumer electric costs (*See House Bill 2200, Consumer protection and Professional Licensure*).

While Senate Democrats futilely prodded majority Republican leaders to extend health care coverage to more low income workers, the Senate did pass two components of Gov. Ed Rendell’s “Prescription for Pennsylvania” plan designed to make health care more available and affordable. (*See Senate Bill 968, Public Health and Welfare and House Bills 1251, 1252, 1253, 1254 and 1255, Consumer Protection and Professional Licensure*).

The Senate approved consecutive state budgets that held the line on taxes and limited spending while making key investments in education, the environment and economic development (*See House Bill 1286 and Senate Bill 1389, Appropriations*).

The Senate also passed new laws that: exempt low-income workers from the local Emergency and Municipal Services tax (*See Senate Bill 218, Finance*); ban indoor smoking in nearly all public places (*See Senate Bill 246, Public Health and Welfare*); make coal mines safer (*See Senate Bill 949, Environmental Resources and Energy*); provide greater diversity on juries (*See Senate Bill 116, Judiciary*); provide a \$100 income tax credit to help recruit and retain emergency service volunteers (*See House Bill 377, Finance*); impose a 20 year minimum prison sentence against anyone who intentionally shoots at a police officer (*See House Bill 1845, Judiciary*); prevent PACE and PACENET enrollees from losing prescription benefits due to cost of living adjustments (*Senate Bill 4, Aging and Youth*); require insurance companies to provide medically necessary treatments for children with autism (*See House Bill 1150, Banking and Insurance*); and provide unprecedented funding to rebuild and revitalize the state’s aging water and sewer infrastructure (*See Senate Bills 2 and 1341, Environmental Resources and Energy*).

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Legislation is coded as follows:

- * Senate Passage**
- ** Senate and House Passage**
- *** Became law**
- V Vetoed by the Governor**



AGING AND YOUTH

*** **PACENET and PACE Program Extension** — The Senate unanimously approved **Senate Bill 4**, which prevents PACE and PACENET enrollees from losing prescription benefits due to cost-of-living adjustments.

The measure allows any person enrolled in PACE or PACENET to remain eligible for the program even if they exceed the maximum income limit because of a Social Security cost of living adjustment.

The bill amends the State Lottery Law by allowing individuals who are enrolled in the PACENET program as of December 31, 2007 or December 31, 2008 for those enrolled in the PACE program, to remain eligible for these programs until December 31, 2010.

This legislation was signed into law as **Act 69 of 2008**.

*** **Public Health Child Death Review Act** — The Senate unanimously passed **Senate Bill 684**, which creates the Public Health Child Death Review Act in which state and local review teams will examine the circumstances surrounding deaths of children in Pennsylvania. The purpose of the program is to promote safety and reduce child fatalities.

The measure was signed into law as **Act 87 of 2008**.

*** **Assisted Living Residence Administrators** — The Senate unanimously approved **Senate Bill 704**. The measure amends the Public Welfare Code by providing for rules and regulations for personal care homes and assisted living residences.

The measure requires the Intra-Governmental Council on Long-Term Care to have two representatives of the assisted living residence community, one of whom will be the owner or administrator of a licensed assisted living residence and the other a consumer of a licensed assisted living residence.

The bill was signed into law as **Act 56 of 2007**.

* **Long-Term Living Facility Licensure Information Act** — The Senate unanimously passed **Senate Bill 811**. The measure would have established the Long-Term Living Facility Licensure Information Act.

The Department of Aging would have been required to maintain a monthly updated listing on its publicly-accessible Internet website for each type of facility. The legislation would have required the department to keep a facility's license, certification, inspection, and any violations on its website. The Department of Health and the Department of Public Welfare would have provided information to the department as necessary to establish and maintain the Internet website.

The bill died in the House.



AGRICULTURE & RURAL AFFAIRS

*** **Puppy Mills** — The Senate voted 49 to 1 in favor of legislation that raises the standards for dogs in breeding kennels.

Known as the “Puppy Mill Bill,” **House Bill 2525** adds requirements to the state’s Dog Law for the housing, treatment, exercise and veterinary care of dogs while they are housed at the kennel, including environmental standards like ventilation, humidity and lighting and floor support. Additional standards can be developed by the newly-created Canine Health Board, consisting of nine small-animal veterinarians with dog expertise.

In addition, the measure requires that dogs in commercial kennels may only be euthanized by a veterinarian; dogs must be examined by a veterinarian at least twice a year; and kennels must be inspected two times a year.

A kennel license or out-of-state dealer license will be revoked or denied upon a conviction of animal cruelty either in Pennsylvania or in any other state.

The bill was enacted as **Act 119 of 2008**.

* **University of Pittsburgh Grants** — The Senate unanimously passed **Senate Bill 799**, which would have added the regional campuses of the University of Pittsburgh to the list of colleges and universities whose faculty members are eligible for grants from the Center for Rural Pennsylvania.

The bill died in the House.



APPROPRIATIONS

2007-08 State Budget — Following a lengthy and contentious negotiation process that stretched into mid-July, the Senate voted 46-2 in favor of the conference committee report on **House Bill 1286** – the state’s fiscal 2007-08 spending plan.

While lawmakers expressed disappointment over the \$27.2 billion budget being 16 days late, most lauded the spending plan for holding the line on taxes, keeping increased spending to a conservative 3.2 percent, and making key investments in education, transportation, health care, and alternative energy.

Highlighting the budget was a \$567 million increase in education spending, which includes \$75 million for the governor’s “Pre-K Counts” funding; \$90 million to upgrade high school classrooms with laptop computers; and \$75 million to the state’s Educational Improvement Tax Credit program. In all, 70 percent of the state’s increased spending went to education.

Buoyed by a \$650 million budget surplus from 2006-07, lawmakers were also able to cut numerous business taxes and bring the state’s “Rainy Day Fund” up to \$750 million – its highest level since 2001-02.



The Cover All Kids health insurance program received \$12.2 million. Combined with \$20 million in federal funding, this program will allow coverage for an additional 21,000 children.

The budget also provided sizable increases for mental retardation programs, autism support services, \$56.8 million for “Keystone Stars” child care providers’ initiative, an additional \$74 million to provide child care assistance to low-income families, and an extra \$18.9 million to help communities provide support services for the mentally ill.

The Governor signed the bill into law as **Act 8A of 2007**.

*****Fiscal Code Changes** — The Senate unanimously approved **House Bill 1295**, which amended the state’s Fiscal Code.

Under the measure, the Governor is permitted to transfer up to \$20 million to respond to disaster emergencies. The measure also allocates \$19.9 million from the Keystone Fund to the State System of Higher Education for deferred maintenance projects per a 2006-07 budget agreement. The law also establishes an account for funds from the prospective Blues merger that would be used for health care-related programs.

The measure redirected \$107.8 million in Tobacco Settlement funds; and loaned the Gaming Board \$22.5 million from the Property Tax Relief Reserve Fund. Lawmakers noted that the loan would have no impact on the amount or timing of anticipated property tax relief.

The bill was signed into law as **Act 42 of 2007**.

2007-08 Fiscal Year Appropriations – The Senate approved the following appropriations bills:

- By a 47 to 2 vote, the Senate approved **Senate Bill 791**, which appropriates \$26.6 million for the general government operations of the State Employee’s Retirement Fund. The bill was enacted as **Act 1A of 2007**.
- The Senate voted 48 to 1 in favor of **Senate Bill 792**, which appropriates \$40.8 million for the general government operations of the Public School Employee’s Retirement Fund. The bill was signed into law as **Act 2A of 2007**.
- The Senate unanimously approved **Senate Bill 793**, which makes various appropriations from the Professional Licensure Augmentation Account and restricted revenue accounts to the professional licensure boards within the Department of State. The bill was enacted as **Act 3A of 2007**.
- The Senate unanimously approved **Senate Bill 794**, which appropriates \$63.4 million from the Workmen’s Compensation Fund to the Department of Labor and Industry and provided \$174,000 from the Workmen’s Compensation Administration Fund to the Office of Small Business Advocate within the Department of Community and Economic Development. The bill was enacted as **Act 4A of 2007**.
- This Senate unanimously approved **Senate Bill 795**, which appropriated \$51.48 million to the Pennsylvania Public Utility Commission for its operation during the 2007-08 fiscal year. Additionally, it appropriates Federal augmentation funds to the PUC to enforce the regulations of the National Gas Pipeline Safety Act. The bill was enacted as **Act 5A of 2007**.



- The Senate unanimously approved **Senate Bill 796**, which made a \$5.069 million appropriation from the restricted account in the General Fund for the operation of the Office of Consumer Advocate. The bill was signed into law as **Act 7A of 2007**.
- The Senate unanimously approved **Senate Bill 797**, which appropriated \$993,000 through the Department of Community and Economic Development for the Small Business Advocate for the 2007-08 fiscal year. The bill was signed into law as **Act 6A of 2007**.
- The Senate unanimously approved **Senate Bill 798**, which established the annual debt authorization limits for the Capital Budget Act of 2007-2008. The bill specifies the maximum principal amount of additional debt that could be incurred during the 2007-08 fiscal year for capital projects itemized in a capital projects itemization bill. The amounts in the bill mirror those that Governor Rendell proposed. Under the measure, \$1.015 billion is authorized for 2005-06, and \$752 million requested for fiscal 2006-07. The bill was enacted as **Act 43 of 2007**.

Non-Preferred Appropriations for Fiscal 2007-08. The Senate approved the following non-preferred appropriations bills totaling \$785.2 million for fiscal 2007-08 (percentage change from 2006-07 in parentheses). All of the bills are now in the House:

The vote on the following bills was 46-2

Senate Bill 929 (Act 10A of 2007) — Penn State University — \$334.2 million (1.9 percent)
Senate Bill 930 (Act 11A of 2007) — University of Pittsburgh — \$168.1 million (2.1)
Senate Bill 934 (Act 15A of 2007) — University of Pennsylvania and Museum \$49.4 million (0.5)
Senate Bill 947 (Act 28A of 2007) — Lancaster Cleft Palate Clinic — \$150,000 (154.2)

The vote on the following bills was 48-2

Senate Bill 931 (Act 12A of 2007) — Temple University — \$172.9 million (1.9)
Senate Bill 932 (Act 13A of 2007) — Lincoln University — \$13.7 million (2)
Senate Bill 933 (Act 14A of 2007) — Drexel University — \$7 million (0.5)
Senate Bill 935 (Act 16A of 2007) — Philadelphia Health & Education Corp. \$12.6 million (0.4)
Senate Bill 936 (Act 17A of 2007) — Thomas Jefferson University and Tay-Sachs (\$9.8 million (0.1 less))
Senate Bill 937 (Act 18A of 2007) — Philadelphia College of Osteopathy — \$6.5 million (0.5)
Senate Bill 938 (Act 19A of 2007) — Philadelphia College of Optometry — \$1.693 million (0.4)
Senate Bill 939 (Act 20A of 2007) — Pennsylvania University of the Arts — \$1.2 million (0.5)
Senate Bill 943 (Act 24A of 2007) — Lake Erie College of Osteopathic Medicine — \$1.8 million (0.4)
Senate Bill 944 (Act 25A of 2007) — Fox Chase Institute for Cancer Research — \$776,000 (0)
Senate Bill 945 (Act 26A of 2007) — Wistar Institute AIDS and Research — \$306,000 (0)
Senate Bill 946 (Act 27A of 2007) — Central Penn Oncology Group — \$130,000 (0)
Senate Bill 948 (Act 29A of 2007) — Burn Foundation of Greater Delaware Valley — \$418,00 (0)
Senate Bill 950 (Act 30A of 2007) — Children's Institute of Pittsburgh — \$970,000 (0)
Senate Bill 951 (Act 31A of 2007) — Children's Hospital of Philadelphia (CHOP) — \$451,000 (0)
Senate Bill 952 (Act 32A of 2007) — Beacon Lodge Blind Services — \$105,000 (0)



The vote on the following bills was 46-4

Senate Bill 940 (Act 21A of 2007) — Berean Training School — \$1.5 million (0.4)

Senate Bill 941 (Act 22A of 2007) — Johnson Technical School — \$194,000 (0.5)

Senate Bill 942 (Act 23A of 2007) — Williamson Free School — \$71,000 (0)

The vote on the following bills was 40-8

Senate Bill 953 (Act 33A of 2007) — Carnegie Museums — \$508,000 (0)

Senate Bill 954 (Act 34A of 2007) — Franklin Institute — \$769,000 (0)

Senate Bill 955 (Act 35A of 2007) — Philadelphia Academy of Natural Sciences — \$471,000 (0)

Senate Bill 956 (Act 36A of 2007) — African-American Museum — \$359,000 (0)

Senate Bill 957 (Act 37A of 2007) — Everhart Museum — \$46,000 (0)

Senate Bill 958 (Act 38A of 2007) — Mercer Museum — \$196,000 (0)

Senate Bill 959 (Act 39A of 2007) — Whitaker Center for Science and the Arts in Harrisburg — \$141,000 (0)

*** **Gaming Industry Administration and Oversight** — The Senate unanimously approved **House Bill 1287**, which authorizes of \$53.9 million in Gaming Fund revenues for the Department of Revenue, State Police, Gaming Board and Attorney General's Office for their continued administration and oversight of the state's gaming industry for the remainder of fiscal 2006-07 and 2007-08. The bill, which was amended to reduce the earmarks to the departments of Revenue and State Police, was enacted as **Act 9A of 2007**.

*** **2008-09 Fiscal Budget** — By a vote of 49-1, the Senate approved a lean 2008-09 fiscal year spending plan that holds the line on taxes while making key investments in education, alternative energy development and economic stimulus.

Senate Bill 1389 appropriates \$28.2 billion while restraining increased spending to 3.8 percent – less than the rate of inflation.

Key parts of the budget include:

- \$350 million for bridge repair to address the worst of the state's crumbling bridges; and
- \$275 million for schools. No district will receive less than a 3 percent subsidy hike.

The increased education dollars, coupled with gaming proceeds, are expected to help school districts hold the line on property taxes. Education spending includes \$600 million in targeted investments in early learning programs, tutoring assistance, science and math instruction, classroom technology, and high school restructuring.

Other bills that were included under the budget agreement included:

- \$1.2 billion to fix aging water and sewer treatment systems;
- \$650 million in energy investment to help Pennsylvanians become more energy efficient; and
- an \$800 million RCAP investment will fund new construction projects and help spur economic growth.

The conference committee report on Senate Bill 1389 was enacted as **Act 38A of 2008**.

*** **Capital Budget** — By a vote of 49 to 1, the Senate approved **House Bill 1589**, the capital budget projects for 2007-08. Under the bill, a total of \$10.4 billion is authorized for



projects. Of that amount, \$9 billion can be financed by the sale of bonds. The bill was signed into law as **Act 41 of 2008**. The capital projects breakdown is as follows:

• Public Improvement	\$ 4,479,227,000
• Furniture and Equipment	\$149,846,000
• Transportation Assistance	\$695,639,000
• Redevelopment Assistance	\$4,852,177,000
• Flood Control	\$39,226,000
• Keystone Recreation, Park & Conservation	\$28,613,000
• Environmental Stewardship Fund	\$142,255,000
• Motor License Fund-State Forestry Bridges	\$8,300,000
• General Fund Current Revenue Projects	\$32,600,000
• Manufacturing Fund Projects	\$3,000,000
• <u>Fish and Boat Fund Projects</u>	<u>\$30,600,000</u>
TOTAL	\$10,461,483,000

* **Lottery Spending** — By a 29-21 vote, the Senate approved **Senate Bill 546**, a \$31.6 million supplemental appropriations bill. Under the measure, federal spending authorizations would be increased by \$52 million, and Lottery spending would be hiked by an additional \$100,000. The bill died in the House.

* **Gaming Administration** — The Senate unanimously approved **Senate Bill 1006**, which is the Senate's version of legislation that would have appropriated over \$45 million in funds to the Department of Revenue, State Police, Gaming Board and Attorney General's Office for their continued administration and oversight of Pennsylvania's gaming industry. Act 9A (House Bill 1287) also included the appropriations. However, the Senate version would have loaned the agencies an additional \$7.4 million.

The bill died in the House.

* **Supplemental Spending** — By a 42 to 7 vote, the Senate approved **Senate Bill 846**, which would have provided \$211.5 million in supplemental spending for a prior year, fiscal 2006-07. The bill died in the House.

* **State System of Higher Education Funding** — By a unanimous vote, the Senate approved **Senate Bill 728**, which would have amended the Fiscal Code to provide that all of the money deposited in the Keystone Recreation, Park and Conservation Fund (Keystone Fund) in 2006-07 be transferred to the State System of Higher Education (SSHE). The bill would have ensured that SSHE receives its full-deferred maintenance allocation of \$12.9 million for Fiscal 2006-07.

The bill would also have continued the state's \$25 million grant program to volunteer fire and ambulance companies. In addition, the measure would have prohibited the Pennsylvania State Police from closing stations in fiscal 2007-08 without first holding a public hearing.

The bill died in the House.

2008-09 Fiscal Appropriations Bills — On concurrence, the Senate approved the following non-preferred appropriations bills for fiscal 2008-09 (percentage change in parenthesis). All of the bills were signed by the Governor:

The vote on the following bills was 49-1

House Bill 2313 (Act 7A of 2008) — Penn State University — \$336.8 million (0.78 percent)

House Bill 2314 (Act 8A of 2008) — Fox Chase Institute for Cancer Research, Philadelphia —



\$776,000 (0)

House Bill 2315 (Act 9A of 2008) — University of Pittsburgh — \$170.3 million (1.29)

House Bill 2316 (Act 10A of 2008) — Wistar Institute, Philadelphia — \$306,000 (0)

House Bill 2318 (Act 12A of 2008) — Central Penn Oncology Group — \$130,000 (0)

House Bill 2319 (Act 13A of 2008) — Lancaster Cleft Palate Clinic — \$59,000 (-60.67)

House Bill 2320 (Act 14A of 2008) — Lincoln University — \$13.993 million (1.5)

House Bill 2321 (Act 15A of 2008) — Burn Foundation of Greater Delaware Valley — \$418,000 (0)

House Bill 2322 (Act 16A of 2008) — Children's Institute of Pittsburgh — \$970,000 (0)

House Bill 2323 (Act 17A of 2008) — Drexel University — \$7.037 million (0.5)

House Bill 2324 (Act 18A of 2008) — Children's Hospital, Philadelphia — \$451,000 (0)

House Bill 2325 (Act 19A of 2008) — Beacon Lodge Blind Services — \$105,000 (0)

House Bill 2326 (Act 20A of 2008) — University of Pennsylvania — \$46,525 (-6.34)

House Bill 2328 (Act 22A of 2008) — Philadelphia Health & Education Corp. (\$6.717 million (-31.4)

House Bill 2331 (Act 25A of 2008) — Thomas Jefferson University — \$4.950 million (-49.76)

House Bill 2334 (Act 28A of 2008) — Philadelphia College of Osteopathy — \$6.609 million (0.48)

House Bill 2337 (Act 31A of 2008) — Philadelphia College of Optometry — \$1.701 million (0.47)

House Bill 2338 (Act 32A of 2008) — University of the Arts, Philadelphia — \$1.220 million (0.49)

House Bill 2342 (Act 35A of 2008) — Lake Erie College of Osteopathic Medicine — \$1.870 million (0.47)

The vote on the following was 47-3

House Bill 2317 (Act 11A of 2008) — Temple University — \$175,504 (1.5)

House Bill 2340 (Act 33A of 2008) — Johnson Technical School, Scranton — \$195,000 (0.52)

The vote on the following was 48-2

House Bill 2341 (Act 34A of 2008) — Williamson Free School, Delaware County — \$71,000 (0)

The vote on the following was 41-9

House Bill 2327 (Act 21A of 2008) — Carnegie Museums — \$508,000 (0)

House Bill 2329 (Act 23A of 2008) — Franklin Institute — \$769,000 (0)

House Bill 2330 (Act 24A of 2008) — Philadelphia Academy of Natural Sciences — \$471,000 (0)

House Bill 2332 (Act 26A of 2008) — African-American Museum, Philadelphia — \$359,000 (0)

House Bill 2333 (Act 27A of 2008) — Everhart Museum, Scranton — \$46,000 (0)

House Bill 2335 (Act 29A of 2008) — Mercer Museum, Doylestown — \$196,000 (0)

House Bill 2336 (Act 30A of 2008) — Whitaker Center, Harrisburg — \$141,000 (0)

*** **Gaming Oversight Funding** — By a 46-4 vote, the Senate approved **House Bill 2458**, which makes appropriations totaling \$34.7 million from the State Gaming Fund to the Pennsylvania Gaming Control Board, the Department of Revenue, the Pennsylvania State Police and the Attorney General for their gaming-related oversight/regulatory activities for fiscal year 2008-09. The bill was enacted as **Act 36A of 2008**.

*** **Capital Budget** — The Senate approved **House Bill 2522**, the state's capital budget for fiscal 2008-09 by a vote of 49-1. The measure authorizes \$1.225 billion in debt for projects ranging from transportation to public improvement.

The bill was enacted as **Act 54 of 2008**.



*** **Appropriations Bills** — The Senate approved, and the Governor enacted the following:

- The Senate unanimously approved **Senate Bill 1344**, which appropriates \$27.3 million from the State Employees' Retirement Fund to the State Employees' Retirement Board (**Act 1A of 2008**).
- By a vote of 48 to 1, the Senate approved **Senate Bill 1345**, which appropriates \$42.3 million for the general government operations of the public school employees' retirement fund. It represents an increase of 3.6 percent over 2007-08's amount (**Act 2A of 2008**).
- The Senate unanimously approved **Senate Bill 1346**, which appropriate \$32.3 million from the Professional Licensure Augmentation Account to various Boards within the Department of State's Bureau of Professional and Occupational Affairs (**Act 3A of 2008**).
- The Senate voted 48 to 1 in favor of **Senate Bill 1347**, which appropriates \$76 million from the Workmen's Compensation Administration Fund to the Department of Labor and Industry and the Department of Community and Economic Development (**Act 4A of 2008**).
- By a unanimous vote, the Senate approved **Senate Bill 1348**, which appropriates \$52.1 million from a restricted revenue account within the General Fund for the operation and administration of the Pennsylvania Public Utility Commission and its commissioners (**Act 37A of 2008**).
- The Senate unanimously approved **Senate Bill 1349**, which appropriates \$5.2 million from a restricted revenue account within the General Fund to the Office of Consumer Advocate for fiscal 2008-09 (**Act 5A of 2008**).
- The Senate unanimously approved **Senate Bill 1351**, which appropriates \$1 million through the Department of Community and Economic Development to the Small Business Advocate for fiscal 2008-09 (**Act 6A of 2008**).



BANKING AND INSURANCE

*** **Reimbursement for Social Workers** — The Senate unanimously approved legislation that allows licensed clinical social workers to receive reimbursement from insurance companies for providing mental health services.

House Bill 1177 also allows reimbursement for services offered by occupational therapists, licensed marriage and family therapists, and licensed professional counselors.

The bill was enacted as **Act 108 of 2008**.

*** **Mortgage Protection** — The Senate unanimously passed **House Bill 2179**, which targets predatory and other questionable mortgage lending practices in Pennsylvania.

This bill amends the Mortgage Bankers and Brokers and Consumer Equity Protection Act to create a new licensing category for individual mortgage originators who deal directly with the consumer by soliciting, accepting or offering to accept mortgage loan applications or negotiating mortgage loan terms.

The bill includes the same provisions for mortgage originators who deal directly with the consumer by soliciting, accepting or offering to accept secondary mortgage loans (home equity) applications or negotiating secondary mortgage loan terms.

The bill was enacted as **Act 56 of 2008**.

*** **Debt Management Services Regulation** — The Senate approved legislation that requires the licensure and regulation of the debt management services businesses operating in Pennsylvania.

No one can offer debt management services or debt settlement services without being licensed by the Pennsylvania Department of Banking under **House Bill 2294**.

It also prohibits anyone from becoming involved in the debt settlement business in Pennsylvania until the Department of Banking publicizes enabling regulations.

The bill was signed into law as **Act 117 of 2008**.

*** **Insurance Protection** — The Senate unanimously passed **House Bill 2428**, which places limitations on the amount of insurance required to receive a loan for property.

The measure forbids a lender from requiring a borrower, as a condition of obtaining or maintaining a loan, to obtain insurance that exceeds the replacement value of the buildings and property that are on the land used to secure the loan.

The Governor signed the bill into law as **Act 51 of 2008**.

** **MCARE/PA ABC** — The Senate overwhelmingly supported an early version of **Senate Bill 1137**, which would have extended the Mcare abatement for doctors.

However, the bill went over to the House and was amended to include the Access to Basic Care (PA ABC) program, which would have provided low cost or no cost health care to an estimated 272,000 low-income working Pennsylvanians.

PA ABC would have expanded adultBasic to include eligible working people; would have added prescription drug coverage, behavioral health services, wellness care, and disease management; would have reduced the heavy use of hospital emergency departments as basic care by uninsured patients by giving working people the chance to get preventative maintenance care and regular checkups by family doctors; and would have continued the MCARE payments with continued abatements guaranteed until 2017.



Although the House passed the bill that included the PA ABC health care program — and despite the vocal support of the Senate Democrats, the bill died in the Senate.

* **Service Contracts** — The Senate approved **Senate Bill 1254**, which would have amended the Insurance Company Law of 1921 to clarify that service contracts are not an insurance product and are exempt from insurance regulation.

Service contracts are defined as agreements to repair, replace, or service property for a specific time period for operational or structural deficiencies as a result of poor parts, workmanship, or normal wear and tear. Currently, the Insurance Department does not regulate service contract providers.

The bill died in the House.

* **Insurance Company Board of Directors** — The Senate unanimously approved **Senate Bill 1370**, which would have changed the Insurance Company Law to require that at least a third of the members of each committee of the board of directors of any domestic insurer not be officers or employees of the insurer or controlling entity.

Under the bill, one of these committees would have been responsible for recommending candidates to be nominated by the board of directors as well as evaluating and recommending compensation of the principal officers to the board of directors.

The bill died in the House.

* **Mini-COBRA Coverage** — The Senate unanimously approved legislation that would have allowed employees of small businesses to continue their group health insurance coverage through COBRA.

Senate Bill 1422 would have allowed employees or dependents of employees of small employers (2-19 employees) who lose health care coverage through a qualifying event to continue the group health insurance coverage at cost. The continuation of coverage would have included coverage for the employees' dependents.

The bill died in the House.

* **Extending Children's Health Coverage** — The Senate unanimously approved **Senate Bill 1453**, which would have allowed dependent children, up to age 30, to receive health insurance coverage through their parent's policy.

To be eligible, the dependent child would have had to have been 29-years-old or younger, unmarried, have no dependents, be a state resident or enrolled as a full-time student at an institution of higher education in Pennsylvania, and have no coverage through any other health insurance plan.

The extension of coverage would not have applied to hospital indemnity, accident, specified disease, disability income, dental or vision insurance; insurance provided by the U.S. military; Medicare supplemental insurance; long-term care; and other limited benefit plans.

The bill died in the House.

** **IBC-Highmark Merger** — By a 30-18 vote, the Senate passed legislation that would have enabled the state Insurance Department to review the planned merger of the state's two largest health insurers, Independence Blue Cross and Highmark.

House Bill 112 would also have renamed and reworked the Insurance Restructuring Board. It would have transformed the board from a regulatory board with veto powers to an advisory board with the authority to review, make recommendations, and have input into the merger and consolidation of health plan corporations or professional health services plan corporations.

The bill died in the House.



**** Blue Cross/Blue Shield Consolidations** — By a 29-19 vote, the Senate passed **House Bill 966**, which would have given the Insurance Department additional tools to review, approve, or disapprove consolidations of Blue Cross/Blue Shield companies. It would also have amended the definition of Long Term Care Insurance and provided for long term care insurance coverage through the Guaranty Fund.

The bill would also have created a nine-member Insurance Restructuring Public Interest Review Board to oversee the Insurance Department's review of mergers. The board would have included a member of the public who is a policyholder of a health care corporation, a health care provider who has a contract with a health care corporation, the Secretary of Health, the Secretary of Public Welfare, and the leaders of the four state legislative caucuses.

The bill died in the House.

***** Pennsylvania Long Term Care Partnership** — The Senate unanimously approved legislation that creates the Pennsylvania Long Term Care Partnership (LTCP).

Senate Bill 548 encourages the purchase of LTCP insurance policies, increase guaranty fund coverage for long-term care insurance, and allows consumers to exchange their Long Term Care (LTC) insurance policies for LTCP insurance policies.

The governor signed the bill into law as **Act 40 of 2007**.

*** Blue Cross/Blue Shield Consolidations** — The Senate unanimously passed a bill that would have brought hospital plan corporations and professional health services plan corporations, like Blue Cross and Blue Shield, under the Insurance Holding Company Act.

Under **Senate Bill 550**, the consolidation of any Blue Cross/Blue Shield parent company would have fallen under the oversight and review requirements of the Insurance Department.

The bill died in the House.



COMMUNICATIONS AND TECHNOLOGY

* **Breach of Personal Information** — The Senate unanimously passed **Senate Bill 1266**, which would have required that any state agency or political subdivision report, within seven days, breaches of personal information to the person whose information was accessed.

The bill would also have required that such breaches be reported to and investigated by the state Attorney General's Office.

The bill died in the House.

*** **Voice over Internet Protocol** — The Senate unanimously passed legislation that provides for Voice over Internet Protocol (VoIP) telephone service and establishes the VoIP Emergency Services Fund.

Senate Bill 385 requires VoIP telephone service providers to assess a \$1 fee for each customer service line. This fee would be distributed by the Pennsylvania Emergency Management Agency to help counties implement their 911 plans. The fee is stated separately on a customer's bill and collected separately from any other fee levied by the provider for 911 services.

The Governor signed the bill into law as **Act 72 of 2008**.

*** **More on Voice over Internet protocol** — The Senate passed legislation that prohibits the regulation of voice over Internet protocol (VoIP) and establishes consumer protection measures, fees and rates, and preserves cable franchise authority.

Senate Bill 1000 forbids a department or agency from enacting or enforcing any law, rule or standard that regulates the rates, terms and conditions of VoIP service.

The Governor signed the bill into law as **Act 52 of 2008**.

* **Phishing** — The Senate unanimously approved legislation that would have outlawed "phishing."

Senate Bill 390 defined "phishing" as the intentional act to defraud or injure anyone through unauthorized communication on behalf of a legitimate business; false communication to solicit identifying information; or the providing of solicited, identifying information to an accomplice. These offenses would have been graded as a third-degree felony.

In phishing scams, identity thieves send an email that looks like it comes from a bank, credit card company or online payment service. The email usually states that the recipient's account has been compromised in some way and it contains a link to an official looking Web site where the recipient can enter account information.

The bill died in the House.

* **Computer Spyware Distribution** — The Senate voted unanimously in favor of legislation that would have prohibited the deceptive installation of spyware.

Senate Bill 711 would have prohibited the distribution of "spyware" that modifies a user's preferences or security settings, collects personal information, prevents installation or operation of anti-spyware software, or takes control of a user's computer.



Those convicted of using spyware to collect protected information, take control of another person's computer, or modify a user's security settings would be guilty of a second-degree felony and would be subject to a fine up to \$25,000 and/or one to 10 years in prison. The bill died in the House.

COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT

*** **Main Street Improvements** — The Senate unanimously passed **House Bill 420**, which change the Main Street Act to allow for the grants established in 2002 to be used for residential facades within an established downtown. Money can also be used for promoting residential opportunities within a Main Street area.

The bill was signed into law as **Act 99 of 2008**.

*** **Slots Funding for Economic Development** — The Senate voted 31-17 in support of legislation that authorizes economic development projects – including the new arena in Pittsburgh – to be funded using 5 percent of gross terminal casino revenues.

Under Act 71 of 2004, each licensed gaming entity is required to pay 5 percent of daily gross terminal revenue into the Pennsylvania Gaming Economic Development and Tourism Fund. The governor's budget office estimated that, by the end of the 2007-08 fiscal year, approximately \$55 million would be available for economic development projects.

House Bill 1631 allocates up to \$7.5 million annually over the next 30 years for the new arena, which will be home to the Pittsburgh Penguins. It will also allocate up to \$64 million annually for debt service and operations for the Pennsylvania Convention Center in Philadelphia and at least \$12.4 million over the next 10 years for expansion at the Pittsburgh International Airport.

The legislation also authorizes other key projects in Allegheny County including debt service and development at the Pittsburgh International Airport as well as funds for the David Lawrence Convention Center, the Urban Redevelopment Authority and a countywide development fund. Authorization for funding also goes to the convention center in Philadelphia.

The Governor signed the bill into law as **Act 53 of 2007**.

*** **Elm Street Program** — The Senate unanimously passed **House Bill 2233** repealing the expiration of the Elm Street Program, which was scheduled to sunset on June 30, 2011.

The bill also allows for grants to be renewed for an additional five years, with DCED approval, after the initial five year period has ended. It also allows for the grants to be used for promoting development of traditional neighborhood consumer services and goods, including banking institutions, grocery stores and pharmacies.

The measure provides for DCED to develop guidelines that allow municipalities to reestablish an Elm Street Project in a neighborhood that had previously been designated as an Elm Street Project.

The bill was signed into law as **Act 115 of 2008**.

*** **Tourism Promotion** — The Senate unanimously passed **House Bill 2302**, which provides financial assistance to agencies promoting tourism in Pennsylvania.

The bill provides grants to tourist promotion agencies and regional marketing partnerships working in consultation with the Governor's Tourism Partnership. The new law



merges the two programs currently in effect, namely, the Matching Funds program (TPA) which directs grants to local tourist promotion agencies and the Regional Marketing Initiative (RMI) program into a one line appropriation.

In fiscal year 2008/09, the TPA portion will receive 63 percent and the RMI portion 37 percent; in fiscal year 2009/10 the TPA portion will receive 57 percent and the RMI portion 43 percent. In fiscal year 2010 and thereafter, each program will receive half of the total line-item appropriation. Eligibility guidelines will be established by DCED.

The Governor signed the bill into law as **Act 50 of 2008**.

CONSUMER PROTECTION AND PROFESSIONAL LICENSURE

**** MCARE Changes** — The Senate voted unanimously in favor of **House Bill 489**. This bill would have changed the Medical Care Availability and Reduction of Error (MCARE) Act by setting up a procedure for retired physicians to provide volunteer services in approved clinics.

This bill would have also created an MCARE Reserve Fund as well as Medical Safety Automated Fund. A maximum \$25 million would have been transferred to the MCARE Reserve Fund. The Medical Safety Automated Fund would have received a maximum \$25 million.

The bill was passed by the House. The Senate made changes and sent it back to the House where it was laid on the table and died.

***** Medical Practice Act Changes** — The Senate voted 46-4 in favor of **House Bill 500**, which changes the Medical Practice Act to provide for perfusionist licensing, qualifications, supervision and scope of practice, regulations and exemptions.

House Bill 500 is part of a two-bill package (HB 500 and HB 501). Both bills contain the same language pertaining to perfusionists. House Bill 500 changes the Medical Practice Act and House Bill 501 changes the Osteopathic Medical Practice Act.

House Bill 500 outlines licensing requirements, continuing education, licensure fees, and the issuing of a temporary license for an individual who has graduated from an educational program that complies with the education requirements of the act. A licensed perfusionist practicing in Pennsylvania has to have professional liability insurance coverage of at least \$1 million per occurrence or claims made.

This legislation was introduced last year as Senate Bills 1105 and 1106 but the bills never got out of committee.

The governor signed the bill as **Act 19 of 2008**.

***** Osteopathic Medical Practice Act Changes** — The Senate voted 45-4 in favor of **House Bill 501**, which changes the Osteopathic Medical Practice Act to further provide for perfusionist licensing, qualifications, supervision and scope of practice, regulations and exemptions.

Like House Bill 500, the act outlines licensing requirements, continuing education, licensure fees, and the issuing of a temporary license for an individual who has graduated from an educational program that complies with the education requirements of the act. A licensed perfusionist practicing in Pennsylvania has to have professional liability insurance coverage of at least \$1 million per occurrence or claims made.

The governor signed the bill as **Act 20 of 2008**.



*** **Crane Operators** — The Senate voted unanimously in favor of **House Bill 647**, which creates a safer work environment for crane operators.

This act establishes a seven-member State Board of Crane Operators to provide oversight licensing for all crane operators. All operators have to be certified by the National Commission for the Certification of Crane Operators or another organization approved by the board.

The act also requires all crane operators to be at least 18 years old and mandates that only certified cranes can be used. Cranes used for coal mining, forklifts, digger derricks and bucket trucks are excluded from these requirements.

The bill was signed into law as **Act 100 of 2008**.

*** **Certified Real Estate Appraisers** — The Senate voted unanimously in favor of **House Bill 949**, which improves the process for individuals training to become certified real estate appraisers. This act limits the number of times a trainee can renew his or her license.

The bill was signed into law as **Act 103 of 2008**.

*** **Physical Therapy Practice Act** — The Senate voted unanimously in favor of **House Bill 1199**, which changes the Physical Therapy Practice Act.

The certification of athletic trainers no longer falls under this act. The State Board of Medicine will regulate them.

Under the bill, a physical therapy assistant must be at least 20 years old. An applicant who completed their professional study of physical therapy after 2002 must have at least a master's degree from a regionally accredited institution of higher education. An applicant completing the professional study of physical therapy between January 1967 and 2002 must have at least a baccalaureate degree from a regionally accredited institution of higher education. The supervision requirement of the certified physical therapist assistant by a licensed physical therapist is also changed under this law.

A licensee must have a minimum of \$1 million of professional liability insurance coverage per occurrence or claims made.

In addition, a licensed physical therapist and a certified physical therapist assistant must have at least 30 hours of continuing education every two years in order to renew their license.

The bill was signed into law as **Act 38 of 2008**.

*** **Cigarette Fire Safety and Firefighter Protection Act** — The Senate voted unanimously in favor of **House Bill 1612**, which creates the Cigarette Fire Safety and Firefighter Protection Act.

Cigarettes sold in Pennsylvania must be "fire-safe" starting Jan. 1, 2009 under this law. Cigarettes will now have to be made with layers of slow-burning paper that extinguish unless continuously smoked. This will make them less likely to cause fires if left unattended. It does not apply to cigars.

Cigarettes or tobacco products will have to be tested in accordance with the American Society of Testing and Materials "Standard for Measuring the Ignition Strength of Cigarettes" before they are sold. A written certification will then have to be given to the Department of Revenue and all packages will be marked.

In 2005, roughly one-in-four fire deaths were attributed to smoking materials and more than 82,000 smoking-material fires caused approximately 800 deaths and 1,660 injuries. These statistics do not include injuries or deaths among firefighters involved in responding to the scene.

After July 1, 2009, outlets can be fined up to \$500 for the first violation and up to \$5,000 for an offense after the first, with a maximum fine of up to \$25,000 in one month.

The bill was signed into law as **Act 42 of 2008**.



*** **Social Worker Definition, Licensing and Education** — The Senate voted unanimously in favor of **House Bill 1693**, which changes the “Social Workers, Marriage and Family Therapists and Professional Counselors Act” to include out-of-state clinical social workers, marriage and family therapists, and professional counselors. It also protects the use of the term “social worker.”

Under this law, a “social worker” is defined as someone who has a current license under the act or has received a bachelor’s degree or higher from an accredited school or program of social work or social welfare. It is against the law for any person to say they are a social worker if they do not fit this definition.

Licensed Clinical Social workers, marriage and family therapists and professional counselors from out-of-state that want to practice in Pennsylvania will be allowed to do so without an examination.

Those from out-of state who want to apply for a clinical social work license will have to complete at least three years or 3,000 hours of supervised clinical experience after they have received a master’s degree in social work.

The bill was signed into law as **Act 68 of 2008**.

*** **Respiratory Care Practitioner and Physician Assistant Requirements** — The Senate voted unanimously in favor of **House Bill 1804**, which changes the Medical Practice Act.

A “respiratory care practitioner” will now be called a “respiratory therapist.” They must complete a continuing education requirement of 30 hours every two years for a new license. One credit hour will have to be taken in ethics and one credit hour in patient safety. A respiratory therapist will be able to become licensed by the State Board of Medicine and to obtain title protection, under this law.

Under this legislation a physician assistant will be able to order durable medical equipment, issue verbal orders to the extent permitted by a health care facility’s bylaws, order physical therapy and dietitian referrals, order respiratory and occupational therapy referrals, perform disability assessments for TANF program, issue homebound schooling certifications, and perform and sign the initial assessment of methadone treatment evaluations.

A licensed physician assistant will have to maintain a level of professional liability insurance coverage of at least \$1 million per occurrence or claims made.

The bill was signed into law as **Act 45 of 2008**.

*** **Osteopathic Medical Practice Act Changes** — The Senate voted unanimously in favor of **House Bill 2088**, which changes the Osteopathic Medical Practice Act.

House Bill 2088 is very similar to HB 1804. Both bills contain the same language pertaining to respiratory therapists, physician assistants and licensed physicians. However, House Bill 2088 changes the Osteopathic Medical Practice Act and House Bill 1804 the Medical Practice Act.

A “respiratory care practitioner” will now be called a “respiratory therapist.” They must complete a continuing education requirement of 30 hours every two years for a new license. One credit hour will have to be taken in ethics and one credit hour in patient safety. A respiratory therapist will be able to become licensed by the State Board of Osteopathic Medicine and to obtain title protection, under this law.

Under this measure, a physician assistant will be able to order durable medical equipment, issue verbal orders to the extent permitted by a health care facility’s bylaws, order physical therapy and dietitian referrals, order respiratory and occupational therapy referrals, perform disability assessments for TANF program, issue homebound schooling certifications, and perform and sign the initial assessment of methadone treatment evaluations.

A licensed physician assistant will have to maintain a level of professional liability insurance coverage of at least \$1,000,000 per occurrence or claims made.

The bill was signed into law as **Act 46 of 2008**



*** **Energy Costs and Conservation** — The Senate voted unanimously in favor of **House Bill 2200**, which addresses electric generation issues and encourages energy conservation in order to lower consumer electric costs.

This act requires electric companies to purchase electricity for customers at the lowest cost rather than the market average.

The act also phases in smart meters and other energy conservation equipment that should help households keep track of how much energy they are using.

The Senate Democrats wanted this bill to include a way to phase in higher electric rates when the rate caps come off. Democrats pledged to continue this effort when the Senate reconvenes for the 2009-10 session.

The bill was signed into law as **Act 129 of 2008**.

*** **Massage Therapist Licenses** — The Senate voted 47-3 in favor of **House Bill 2499**, which requires massage therapists to have a state license.

Under this act, massage therapists have to be licensed under the new State Board of Massage Therapy. Applicants have to complete a minimum of 600 hours of in-class and postsecondary training approved by the Department of Education and pass an exam. Therapists are also required to have 24 hours of continuing education every two years.

Current therapists do not have to complete the applicant requirements if they have:

- been in practice for more than five years; or
- passed a national certification test; or
- passed a licensing exam and completed 100 hours of instruction; or
- completed 500 hours of instruction from an institution approved by the Department of Education.

The bill was signed into law as **Act 118 of 2008**.

*** **Protecting Underground Lines** — The Senate voted unanimously in favor of **House Bill 2644**, which requires facility owners to specify where construction work is going to take place in order to protect underground lines.

Under this act, a facility owner has to identify where the lines are connected on their property. They have to do this no later than the business day before the day of construction.

The bill was signed into law as **Act 121 of 2008**.

*** **Protection Against Home Repair Scams** — The Senate voted 39-11 in favor of **Senate Bill 100**, which provides stronger protections against home repair scams.

The act makes it easier to prosecute dishonest contractors by imposing stricter criminal penalties for home repair fraud. The act also imposes tougher penalties if the victim is 60 or older.

The act requires home improvement contractors to register with the Attorney General's Bureau of Consumer Protection. The Bureau has a toll-free number that consumers can check on the registration status of a contractor.

The act also requires home improvement contracts for all work totaling more than \$500. The contract has to include exactly what work is to be completed, the deadline for completion and the total costs.

District Attorneys and the Attorney General have strong enforcement authority for investigating and prosecuting home improvement scams. Those who violate the law could face a felony conviction, and the revocation or suspension of their registration.

The bill was signed into law as **Act 132 of 2008**.



* **Power of the Commissioner of Professional and Occupational Affairs** — The Senate voted unanimously in favor of **Senate Bill 147**, which would have given the Commissioner of Professional and Occupational Affairs more power when it comes to civil penalties.

This bill would have allowed the commissioner to fine an individual up to \$10,000 per violation on any licensee, registrant, certificate holder, permit holder or unlicensed person who violates a lawful disciplinary order. An additional penalty up to \$10,000 per violation on any corporation, partnership, institution, association or sole proprietorship which aids and abets any individual in the unlicensed practice of a profession could also have been added.

The bill died in the House Appropriations Committee.

* **Pharmacy Technician Registration and Qualification** — The Senate voted unanimously in favor of **Senate Bill 313**, which would have changed the Pharmacy Act to require the registration and qualifications for pharmacy technicians.

Under the bill, a pharmacy technician would have been defined as someone who works in the practice of pharmacy under the immediate supervision of a licensed pharmacist.

The bill would have required yearly registration and mandated that applicants: be at least 17- years-old, complete a board-approved training program and submit a criminal history background check.

The bill died in the House Professional Licensure Committee.

*** **Changes to Certified Real Estate Appraisers Board** — The Senate voted unanimously in favor of **Senate Bill 485**, which would change the Real Estate Appraisers Certification Act.

Under this bill, the number of certified real estate appraisers on the Certified Real Estate Appraisers Board expands from four members to six. The bill also adds the Attorney General and the Secretary of Banking or a person they assign. This new law also allows a Federal or State governmental agency's right to practice be suspended or revoked if they are found guilty of performing a false appraisal.

The authority of the board now will contain a paragraph regarding the suspension or revocation of the right to practice by a Federal or State governmental agency and a paragraph regarding having been found by a civil court of competent jurisdiction to have performed a fraudulent appraisal.

The bill was signed into law as **Act 59 of 2008**.

*** **State Board of Accountancy Changes** — The Senate voted unanimously in favor of **Senate Bill 838**, which changes the Certified Public Accountants (CPA) Law.

The measure increases the number of CPA's on the State Board of Accountancy from eight to nine. A CPA is a person who has received a degree in accounting; completed exams; worked for an established accounting firm; acquired hours of auditing time to earn their Pennsylvania certification to become a CPA.

A public accountant is a person who is not certified by the state and and only needs a certain number of qualified hours to practice. The number of public accountants will be decreased from two to one.

The Board of Accountancy is allowed to hire, fire and determine the payment for people who work full time for the board as executive director, legal counsel and prosecutor.

The bill was signed into law as **Act 73 of 2008**.

*** **Auctioneer Licensure Requirements** — The Senate voted unanimously in favor of **Senate Bill 908**, which allows people to continue to sell items through on-line auctions without auctioneer licensure requirements.



This act allows people selling items on online bidding sites, such as eBay or Craigslist, to be excluded from the requirements of becoming a licensed auctioneer. Only those who are selling other people's items on-line (trading assistants) are required to pay a \$100 fee, twice a year, to the State Board of Auctioneer Examiners.

Under this act, trading assistants have to be bonded, place money from sales into escrow and are not allowed to sell if, in any state, they are convicted of forgery, embezzlement, obtaining money under false pretenses, extortion, criminal conspiracy to defraud or other like offense.

The bill was signed into law as **Act 89 of 2008**.

*** **Out-of-State Recreational Vehicle Dealers** — The Senate voted unanimously in favor of **Senate Bill 1019**, which addresses the issue of sales activities by out-of-state recreational vehicle dealers.

Under this act, out-of-state RV dealers will be disciplined for violating Pennsylvania law regarding selling, titling, registering, or financing of RV's, or for failure to obey the laws of the RV dealer's resident state.

A person acting as an RV dealer will have to post a \$30,000 bond with the State Board of Vehicle Manufacturers, Dealers and Salespersons to ensure compliance with all laws and regulations. RV dealers who already have a bond in that amount with PennDOT do not have to post the additional bond.

The act also requires out-of-state dealers to register with the board, provide a list of their salespeople, and post the appropriate bond and fee prior to participating in a Pennsylvania show.

The act states that RV shows, off-premise sales, exhibitions and rallies may be open and complete final sales on Sundays.

The bill was signed into law as **Act 90 of 2008**.

*** **Acupuncture Act and Registration** — The Senate voted 42-8 in favor of **Senate Bill 1023**, which changes the Acupuncture Registration Act.

The requirement for the Acupuncture Registration Act will change from "registration" to "license."

Acupuncturists have to be licensed with either the State Board of Medicine or the State Board of Osteopathic Medicine.

The bill was signed into law as **Act 91 of 2008**.

* **Permanent Do Not Call List** — The Senate voted unanimously in favor of **Senate Bill 1116**, which would have changed the Telemarketer Registration Act to make telephone numbers on the "Do Not Call" list permanent.

Currently, Pennsylvania consumers have to re-register on the "Do Not Call" registry every five years.

Under this bill, a consumer's number would have stayed on Pennsylvania's "Do Not Call" registry until they asked to be removed from the list or until the number is no longer valid.

Pennsylvanians were first given the opportunity to register for the "Do Not Call" list in 2002. More than one million citizens registered in a two-week period that year.

The bill died in the House Appropriations Committee.

*** **Car Dealer Licensing Costs** — The Senate voted 49-1 in favor of **Senate Bill 1424**, which limits the costs a car dealer can charge a person for fees associated with titling and registering a vehicle including messenger fees, notary fees and electronic transaction fees.



A dealer who allows electronic transactions can charge a maximum of \$100 for 2008 and a maximum of \$120 for 2009.

A dealer who does not provide electronic transactions can charge a maximum of \$80 for 2008 and \$100 for 2009.

The bill was signed into law as **Act 77 of 2008**.

*** **Re-selling Event Tickets** — The Senate voted unanimously in favor of **Senate Bill 86**. The measure permits the owner of an event ticket to resell that ticket through the Internet if the internet site has a business presence and street address in Pennsylvania and this is clearly posted on the website.

If the business does not have a Pennsylvania address but does have a presence they must be registered, have a foreign business license or a certificate of authority issued by the Department of State.

They must also guarantee to all purchasers that they will provide a full refund of the amount paid by the purchaser if the event is canceled, if the ticket is void or if the ticket does not meet the description on the website.

The Governor signed the bill into law as **Act 32 of 2007**.

*** **Electrical Distribution Companies** — The Senate unanimously passed **House Bill 1530**, which regulates electrical distribution companies. Currently, electric companies operate under rate caps, restricting the amount they may charge for service.

Under the bill, alternative electricity suppliers may provide service once the rate caps have ended in an effort to induce competition as a means for lowering prices.

The bill also clarifies that electric distribution companies may authorize long-term contracts to provide electric energy to large customers.

The companies would be subject to review by the PUC.

The Governor signed the bill into law as **Act 36 of 2007**.

*** **Nurse-Midwives Prescribing Medication** — The Senate unanimously passed **House Bill 1255**, part of the “scope of practice” package of legislation, which permits nurse-midwives to prescribe medication. The measure was part of Gov. Ed Rendell’s “Prescription for Pennsylvania” health care package.

The nurse midwives must complete relevant coursework and work under a collaborative agreement that sets out the drugs the nurse-midwife may prescribe or dispense on her/his own and those that require referral, consultation, or co-management with a supervising physician. Nurse-midwives will also be permitted to prescribe medical devices, immunizations, laboratory tests, and other therapeutic, diagnostic, and preventative measures.

The Governor signed the bill into law as **Act 50 of 2007**.

*** **Requirements for a Clinical Nurse Specialist** — The Senate unanimously passed **House Bill 1254**, which establishes educational and certification requirements for obtaining a designation as a clinical nurse specialist.

A clinical nurse specialist is a licensed registered nurse with a graduate preparation and expert training in clinical diagnosis in specialized populations, diseases, settings, and types of care.

The bill was part of the Governor’s “Prescription for Pennsylvania Package.” The Governor signed the bill into law as **Act 49 of 2007**.



*** **Nurse Practitioners** — By a unanimous vote, the Senate passed **House Bill 1253**, which permits nurse practitioners to take on added duties (such as issuing oral orders, performing disability assessments for welfare programs, and making physical therapy referrals) while working under a collaborative agreement with a supervising physician.

The bill was part of the Governor's "Prescription for Pennsylvania" package.

Nurse practitioners will be required to maintain professional liability coverage in the amount established for health care providers that conduct less than half of their business or practice in Pennsylvania. They will not be eligible to participate in the state's supplemental medical liability fund.

The Governor signed the bill into law as **Act 48 of 2007**.

*** **Osteopathic Physician Assistants** — The Senate unanimously passed **House Bill 1252**, which increased the number of physician assistants, from two to four, that an osteopath might supervise.

In a hospital or health care facility, the attending physician now acts as the physician assistant's supervisor.

The Governor signed the bill into law as **Act 47 of 2007**.

*** **Medical Doctor's Physician Assistants** — The Senate unanimously passed **House Bill 1251**, which increased the number of physician assistants, from two to four, that a medical doctor might supervise.

In a hospital or health care facility, the attending physician now acts as the physician assistant's supervisor.

The Governor signed the bill into law as **Act 46 of 2007**.

*** **Prizes for Buying Real Estate** — The Senate unanimously passed **Senate Bill 886**, which sets guidelines for when prizes are offered to influence those who may purchase real estate, such as a 'time-share.'

Under the measure, if a prize recipient must attend a time-share sales presentation in order to obtain the benefits offered under the promotion, a disclosure of the requirement must be provided to the prospective purchaser up front.

The Governor signed the bill into law as **Act 65 of 2007**.

* **Real Estate Licensing Changes** — By a vote of 50-0, the Senate approved **Senate Bill 844**, which would have amended the Real Estate Licensing and Registration Act. The bill was part of a mortgage protection package.

Senate Bill 844 would have defined "qualified association" to allow associate brokers and salespersons to set up entities such as S corporations or LLCs to conduct their real estate business and receive commissions.

The bill would have also imposed a suspension or revocation of a license or registration certificate; and the imposition of fines could have been levied where a licensee or registrant participates in prohibited acts.

Lastly, the bill would have created provisions for handling of deposits and other escrows accepted by a broker.

The bill died in the House Appropriations Committee.

*** **Charges for the Port of Philadelphia and Delaware River** — The Senate unanimously passed a bill that amends the law that regulates pilots and pilotage for the Port of Philadelphia and the Capes of the Delaware.



Senate Bill 755 will gradually change the charges per unit for conducting a vessel within the Port of Philadelphia and the Delaware River — starting at \$10.88 per unit in 2007 to \$12.36 per unit by January 2010.

The maximum unit charge will change gradually to 1,350 in 2007 to 1,400 units by January 1, 2010.

The Governor signed the bill into law as **Act 19 of 2007**.

*** **Certified Real Estate Appraisers** — The Senate voted unanimously in favor of **House Bill 949**, which allows the state Board of Certified Real Estate Appraisers to limit the number of times a trainee can renew his or her license.

The bill was signed into law as **Act 103 of 2008**.

* **Continuing Education Licensure for Landscape Architects** — The Senate passed **Senate Bill 612** by a 46-3 vote. This bill would have raised the minimum continuing education requirement for landscape architects from 10 hours per licensure period to 24 hours per licensure period. This would have brought Pennsylvania's continuing education requirement more in alignment with the standards found in surrounding states.

The bill would have also deleted a grandfather clause that permits certain individuals to be registered and licensed to practice without a written examination.

The bill died in the House Appropriations Committee.

* **Fraudulent Air Bags** — The Senate unanimously passed **Senate Bill 537**, which would have made it a crime for any person to knowingly install or reinstall a fraudulent air bag in a motor vehicle.

Offenders would have been committing a first-degree misdemeanor.

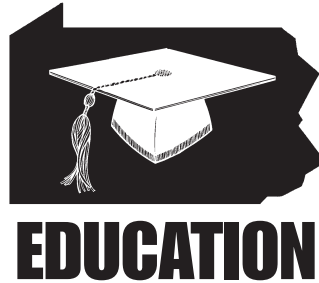
Many states are advancing identical legislation to address a growing scam in the car repair and auto maintenance industry – installing faulty or fake air bags.

The bill died in the House Judiciary Committee.

*** **Changes to State Dental Council and Examining Board** — The Senate unanimously passed **Senate Bill 455**, which changes the name of the “State Dental Council and Examining Board” to the “State Board of Dentistry.”

The bill also changes the certification of a dental hygienist to now include completing 1,800 hours of practice under a licensed dentist and purchasing a malpractice policy.

The Governor signed the bill into law as **Act 51 of 2007**.



*** **York Academy** — The Senate unanimously passed **Senate Bill 1376**, which repeals any legislation relating to York Academy.

Assets of now-closed York Academy will be transferred to York College, which has been running the academy for some years now.

The bill was signed into law as **Act 95 of 2008**.

* **Graduation Requirements** — The Senate voted 48-2 in favor of **Senate Bill 1442**, which would have given the General Assembly control over all future statewide graduation requirements.

This bill would have required any statewide high school graduation requirements to be put into effect by the General Assembly.

In effect, the bill's introduction and strong Senate support convinced the Pennsylvania State Board of Education to abandon plans to require high school students, starting with the class of 2014, to pass multiple graduation tests in order to receive a diploma.

Some senators said they wanted to block the Board of Education's proposal because they believed the statewide testing would be costly, compel some teachers to stop teaching and just go into preparing for the test, and unfairly penalize students who do not do well on standardized tests.

The bill died in the House.

* **Philadelphia School District** — The Senate passed **Senate Bill 1397** by a vote of 31-19. This bill would have shifted the burden of proof in financial disputes involving students attending schools located outside of their residing district.

This measure was designed to address a problem that suburban districts were having with the Philadelphia School District. There were complaints that when a student residing in the Philadelphia School District attends another school, Philadelphia is not forwarding the money they receive for that student on to the next school.

Currently the process allows for the receiving school to petition for the money, but the appeals process could end up taking years.

This legislation would have required the city automatically pays the other school for that student, and if the school district that the student resides in believes that the money was sent in error, it could have appealed the decision.

The bill died in the House.

* **Epi-Pen** — The Senate unanimously passed **Senate Bill 731**, which would have required that schools develop written policy for possession and self-administration of an epinephrine auto-injector (epi-pen) by a child in a school setting, transportation, activity or program.

The Public School Code currently provides for the possession and use of asthma inhalers and prescribed medication by the school.

This bill would have also required that the school develop a system to verify a child's capability to use the epi-pen.

The bill died in the House.



* **Internet Based Course Tuition for Military Personnel and Families** — The Senate unanimously passed **Senate Bill 739**.

The legislation would have allowed for Pennsylvania's community colleges, the State System of Higher Education universities and the four state-related universities to charge in-state tuition to military personnel and their dependents while they are enrolled in internet based courses. The measure died in the House.

*** **Basic Education Subsidy** — **House Bill 1067** provides for \$5.2 billion in the basic education subsidy, a 5.6 percent spending increase compared to last fiscal year, as part of a commitment by the state to provide funding to school districts so that all students can attain academic proficiency. Special education funding will receive \$1 billion, a 1.7 percent increase over last year.

The bill increases the reimbursements to school districts, related to charter school costs, to \$226 million an increase of \$65 million. All districts will receive the full 30 percent reimbursement.

The bill also addresses numerous education issues, including the following provisions:

- Requires that a student's disciplinary record be transferred to another school – public or nonpublic – upon the transfer of a student;
- Requires background checks for potential employees;
- Requires the Department of Education to pay to each School District, during the 2008-09 school years, an Accountability Grant equal to the amount paid during the 2007-08 school years;
- Prohibits any regulation approved by the PA State Board of Education to change any high school graduation requirement for 2008-09 fiscal year;
- Provides parents the ability to request that their twins or children of higher multiple births be placed in the same or separate classrooms;
- Authorizes the Office of Safe Schools Advocate to make targeted grants to schools to fund violence prevention programs;
- Requires schools to adopt an anti-bullying policy;
- Provides that funding for the Educational Assistance Program be available to each eligible school;
- Requires day care centers to increase their quality star rating from a STAR 2 to STAR 3 in order to continue to be eligible in the Pre-K Counts program;
- Establishes a commission to examine the possibility of creating a state-operated, Internet-based high school to be known as the PA Virtual High School;
- Grants authority to the Commonwealth Partnership School District to dispose of unused and unnecessary lands and buildings in excess of 25 years old through certain provisions;
- Provides community colleges with a calculated economic development stipend;
- Makes improvements to Educational Improvement Tax Credits (EITC);
- Makes state funding available for state libraries;
- Requires that the School District of Philadelphia file a report with the Department of Education providing information with regard to the use of state funding for partnership schools by Sept. 1, 2008 and every Sept. 1 of each subsequent year; and
- Makes several modifications for charter schools.

The bill was signed into law as **Act 61 of 2008**.

* **Science Technology Partnership Program** — The Senate unanimously passed **Senate Bill 472**. The bill would have amended the Public School Code to create a Science Technology Partnership Program between institutions of higher education and schools or school districts.

The purpose of the Science Technology Partnership Program would have been to improve science education in schools that are members of science technology partnerships. This



would have been accomplished by making scientific equipment available to students; enhancing the science curriculum; and providing professional development opportunities to science educators.

The bill died in the House.

* **Disruptive Student Programs** — The Senate passed **Senate Bill 1277** with a vote of 30-20. This bill would have amended the Disruptive Student Programs section of the Public School Code to include certain charter schools in the definition of “applicant.”

The Disruptive Student Program currently provides education to students that pose clear threats to the safety and welfare of other students or staff or disrupts the overall educational process in a school district or combination of school districts.

This bill would have added “charter schools” that provide alternative education programs as their central mission to the entities (school district or combination of school districts) that may apply for funding under this section.

The bill died in the House.

* **Students with Active Military Duty Parents** — The Senate unanimously passed **Senate Bill 1281**, which would have addressed school district residency qualifications of a student whose parents have been ordered to active military duty.

Currently, a child is considered a resident of the school district in which his or her parents live. This bill would have permitted a child who lives outside of Pennsylvania whose parents have been ordered to active military duty, other than training, to be considered a resident of his or her school district immediately prior to the relocation. This is providing the parents maintain the residence.

The bill died in the House.

* **Tuition Reimbursement** — The Senate approved **Senate Bill 1315** with a unanimous vote. This bill would have created a Postsecondary Education Tuition Reimbursement Program within the Pennsylvania Higher Education Assistance Agency (PHEAA) for volunteer firefighters, fire police, and emergency services personnel.

The program would have consisted of a credit or payment to state-owned institutions of higher education, independent institutions of higher education, state-related institutions of higher education, or community colleges of 50 percent of a qualified student’s share of tuition for each credit course not to exceed the actual cost. In the case of an independent institution, PHEAA would have reimbursed the institution up to 50 percent of the state-related institution’s average tuition cost. These course credit payments would have been directly subsidized by PHEAA.

The bill died in the House.

*** **2007-08 Education Funding** — The Senate passed the conference committee report on **House Bill 842** by a vote of 41-7. The bill is the Education Code and appropriates the following funds for the 2007-08 fiscal year:

- Small District Assistance \$2.4 million — 108 districts with average daily membership of 1,500 or less and an aid ratio of .6000 percent or greater
- Basic Education Funding for 2007-08 School Year — \$4,951,505,537 — The legislation calls for a \$166,684,974 or 3.48 percent increase in the Basic Education Funding.

Included in the Basic Education Funding are:

- Hold Harmless (\$4,784,820,563) — Each school district will receive the same amount it did the previous year.
- Base Supplement (\$48,695,000) — Every school district receives this amount.
- Poverty Supplement (\$25,999,999) — shared between 189 school districts



- Foundation Supplement — \$58 million — shared between 169 school districts
- Tax Burden Supplement — \$3.5 million — shared between 35 school districts
- Growth Supplement — \$2.5 million — shared between 46 school districts
- Payments on Account of Limited English Proficiency Supplement — \$2.7 million
- Inflation Index Supplement — \$14.3 million — if needed, split per district
- Minimum 2 Percent Increase — \$4.6 million — increases Basic Education subsidy
- Special Education Funding — 3 percent increase from \$29.4 million
- Charter School Reimbursements — \$161.3 million
- Pennsylvania Accountability Grants — \$275 million

In addition, the bill also has provisions that provide transfers to surrounding school districts for students displaced by the closing of Duquesne High School in Allegheny County. The measure also implements Governor Rendell's \$75 million Pre-K Counts initiative to expand education opportunities for children ages 3 and 4.

The governor signed the bill into law as **Act 45 of 2007**.

* **School Yard Violence** — In an effort to stop schoolyard violence, the Senate passed **Senate Bill 71** with a 42-6 vote. The measure would have amended the Public School Code to require schools (for the 2007-2008 school year) to adopt a policy on bullying or to include such policy as part of its existing code of student conduct. Such policies would have included discipline consequences, as well as prevention and intervention techniques.

Each school would have been required to review the policy every three years, and provide a copy to the Department of Education.

The bill died in the House.

* **Reporting Crimes On School Property** — By a 48 to 1 vote, the Senate approved **Senate Bill 112**, which would have required schools to be more forthcoming in reporting violent crimes on school property.

Under the bill, chief administrators of public school districts, vocational-technical schools, intermediate units and charter schools would have entered into notification agreements with local police departments.

The measure would also have required the Department of Education to include bullying in the development of research-based violence prevention programs that address risk factors to reduce incidents of problem behaviors among students.

The bill died in the House.

* **Clearinghouse for Continuing Education Programs** — The Senate passed **Senate Bill 154** by a vote of 49-1. The bill would have amended the Public School Code to require that certain school districts revise their professional education plans. The measure would have also required the Department of Education to create a clearinghouse of continuing professional education programs.

The bill died in the House.

* **Educational Advisors** — The Senate passed **Senate Bill 155** by a vote of 49-1. The bill would have amended the Public School Code to authorize intermediate units to establish and coordinate a pool of educational advisors to provide assistance to any school district or school assigned to the intermediate unit and identified for school improvement or corrective action.

The bill died in the House.



* **Academic Improvement Teams** — The Senate voted 44-4 in favor of **Senate Bill 157**, which would have amended the Public School Code to require intermediate units to coordinate academic programs for school districts and establish academic improvement teams for school districts.

Eligible school districts would have included any school district that has a school placed on the warning list for not meeting yearly academic performance targets; or any other school district that requests assistance.

The bill died in the House.

* **Parent Involvement Programs** — Voting 38-10, the Senate passed a bill aimed at getting parents more involved in their child's education. **Senate Bill 158** would have amended the Public School Code to provide for the establishment of parent involvement programs and policies in school districts.

The program would have, among other things, identified existing school resources that parents could have used to improve the academic achievement of their children and identify new communication systems for parents and the school board.

The bill died in the House.

* **Teacher Certification** — The Senate unanimously approved **Senate Bill 219**, which would have amended the Public School Code to add certified registered nurse practitioners and physicians' assistants to the list of professionals who can perform the physical tests needed by teachers in order to get their certification.

The bill would have also required the Department of Education to prescribe a method of submitting a set of fingerprints for new applicants to the Federal Bureau of Investigation, in accordance with federal law.

The bill died in the House.

* **Accountability Block Grant Program** — The Senate unanimously passed **Senate Bill 399**, which would have added additional block grant options to the list of approved programs that school districts can tap from the Accountability Block Grant Program.

The programs funded by the grant program are aimed at helping students meet state academic performance targets.

The bill died in the House.

* **Educational Assistance Tutoring Program** — The Senate voted 43-2 in favor of **Senate Bill 805**, which would have required the Department of Education to provide the House and Senate Education and Appropriations committees with an annual report on the operation of the "Educational Assistance Tutoring Program" by February 1, 2008, with subsequent reports being required by February 1 of each subsequent year.

In addition, enrollment of students in a charter or cyber school would not have been subject to a cap or otherwise limited by any past or future action of a school board, a board of control, or any other governing authority unless agreed to by a written charter.

The bill died in the House.

* **Advisory Council on Library Development** — The Senate unanimously passed **Senate Bill 834**, which would have amended the Library Code to add two additional members to the Advisory Council on Library Development.

Currently, the council has 12 members appointed by the Governor.

The bill died in the House.



ENERGY POLICIES (SPECIAL SESSION)

*** **Alternative Sources of Energy Act** — By a 47-3 vote, the Senate passed the Alternative Sources of Energy Act.

Special Session House Bill 1 provides for alternative sources of energy; establishes the Alternative Energy Development Program, the Consumer Energy Program, the Home Energy Efficiency Loan Program, the Home Energy Efficiency Loan Fund and the Alternative Energy Production Tax Credit Program.

The package provides funding for clean energy projects and alternative energy initiatives, including \$25 million for pollution-control technology projects; \$165 million in grants and loans to businesses, non-profits, and municipalities undertaking clean energy and alternative energy production projects; \$92.5 million in loans, grants, reimbursements or rebates to individuals residing in owner-occupied dwellings or to small businesses for the implementation of consumer energy conservation projects; and \$100 million in consumer or small business solar energy grants, reimbursements, and rebates.

This legislation also provides for an alternative energy production tax credit program in which \$43 million is available through 2015 for taxpayers who invest in alternative energy production projects.

It also establishes the Home Energy Efficiency Loan Program, which provides loans to eligible households for energy efficiency projects.

The measure also provides funding for geothermal technologies, and the plan targets \$40 million in funds for new energy initiatives through the Ben Franklin Technology Development Authority.

The governor signed the bill into law as **Act 1 of 2008**.

*** **Renewable Fuels** — The Senate voted 46 to 4 in favor of **Special Session Senate Bill 22**, which amends the 2004 "Alternative Fuels Incentive Act" to increase the reimbursement for the production of renewable fuels, provide funding for alternative energy education and establish biodiesel production incentives.

The bill increases the current reimbursement of 5 cents per gallon for the production of renewable fuels to 10 cents per gallon. The amount of money that the department can use for administrative costs is reduced from 2 percent of the Alternative Fuels Incentive Fund to 1.5 percent of the fund. In addition, 0.5 percent of the fund may now be used for education and outreach to car dealers and consumers about the alternative fuels program.

The rebate program for purchasing hybrid vehicles is expanded to include biodiesel or other alternative fuel vehicles. The bill also sets aside \$100,000 from the AFIF for a nitrogen tire inflation grant program.

The bill establishes biomass-based diesel production incentives. A qualified biomass-based diesel producer will be paid 75 cents for each gallon of biomass-based diesel sold by the producer for commercial purposes. Individual producers cannot receive more than \$1.9 million in incentives annually. The incentives will be paid until June 30, 2011.

The governor signed the bill into law as **Act 2 of 2008**.

* **Alternative Energy Package** — By a 44-5 vote, the Senate passed the Alternative Energy Investment Act, a comprehensive energy package that was an alternative to Gov. Ed Rendell's Energy Independence Strategy.



Special Session Senate Bill 1 would have provided funding for investments in Pennsylvania businesses developing alternative energy technologies; pollution-control technology projects; grants and loans to businesses, non-profits, and municipalities undertaking clean energy and alternative energy production projects; and consumer home energy grants, reimbursements, and rebates. This legislation would have also provided for an alternative energy production tax credit program.

The energy package would have included new spending paid for by dedicated revenues from the Utility Gross Receipts Tax and the General Fund. It would not have required any new taxes.

The package would have spent \$210 million on clean energy projects and alternative energy initiatives. It also sought to put consumers in charge by spending \$100 million over 10 years on home energy programs. Weatherization and LIHEAP would have received new infusions of cash from this package.

Solar power, wind power, and geothermal technologies would have been funded. The plan targeted more funds for new energy initiatives under the auspices of the Ben Franklin Technology Development Authority.

The compromise package would have provided tax credits of \$130 million over 10 years for investments in alternative-energy production projects to promote energy independence.

Hybrid cars would have also received a new boost. Approximately \$15 million over five years was slated to aid the already operational hybrid car-purchasing program offered through Pennsylvania Department of Environmental Protection.

The bill died in the House.

* **Alternative Energy Standards** — The Senate voted 36-13 to approve **Special Session Senate Bill 25**, which would have made changes to the state's alternative energy portfolio standard.

Under current law, Pennsylvania's alternative energy portfolio calls for the state's utilities to produce 18 percent of their energy from alternative sources by 2020. These alternative sources are divided into two categories. The preferred list of renewable, clean sources is known as Tier I, and it includes solar, wind, low-impact hydropower, geothermal energy, biologically derived methane gas, fuel cells, biomass energy, and coal mine methane. By 2020, the utilities will be required to produce 8 percent of their energy from Tier I sources. The remaining 10 percent of alternative energy can come from Tier II sources, such as large-scale hydropower, waste coal, energy-efficiency measures (also known as demand-side management), municipal solid waste, byproducts of wood processing, and integrated combined coal gasification (also known as IGCC or "clean coal") technology.

The measure would have moved the wood-processing byproducts category from Tier II to Tier I and would have permitted two larger dams currently operating in Armstrong and Huntingdon counties to be considered Tier I sources. Some senators argued that these energy sources were originally considered for Tier I status when the Alternative Energy Portfolio Standards Act (Act 213 of 2004) was being negotiated and that this legislation would have helped Pennsylvania companies that are currently producing alternative energy. Other senators voiced concerns that adding new resources to the Tier I list could have crowded out the existing Tier I sources and discouraged the growth of solar and wind energy in Pennsylvania.

In addition, several senators said they are opposed to providing incentives to companies that are already operational and profitable, rather than start-up businesses that are developing new technologies and trying to get off the ground.

Special Session Senate Bill 25 died in the Senate Rules Committee.

* **Biodiesel Fuel** — By a 42 to 7 vote, the Senate approved **Special Session Senate Bill 36**, which would have stipulated the use of minimum amounts of biodiesel in Pennsylvania fuel.

Under the bill, all diesel fuel in Pennsylvania would have initially been required to contain at least 2 percent biodiesel by volume. This mandate would have taken effect one year



after the in-state production volume of biodiesel reached 60 million gallons and was sustained for three months. The standard would have increased to 5 percent biodiesel by volume one year after in-state production reached 150 million gallons; 10 percent if in-state production reached 300 million gallons; and 20 percent if it reached 600 million gallons.

Renewable diesel made from non-petroleum renewable resources could have also been used in the place of biodiesel fuel to meet the requirements of the act. Non-sulfur diesel fuel derived from coal may also have been used in place of biodiesel provided the fuel's carbon emissions were fully offset.

The new standards would not have gone into effect until the departments of Agriculture and Transportation certified that Pennsylvania had sufficient transportation, distribution, and other necessary infrastructure to accommodate the act.

The bill died in the House Appropriations Committee.



ENVIRONMENTAL RESOURCES & ENERGY

*** **Center for Environmental Education** — The Senate unanimously approved **Senate Bill 356**, which establishes the Pennsylvania Center for Environmental Education within the State System of Higher Education.

The bill also sets up a nine-member Pennsylvania Center for Environmental Education board. The board members will include representatives of the Department of Environmental Protection, Department of Conservation and Natural Resources, and the Department of Education.

The center will prepare a periodic report to the Governor and General Assembly outlining environmental education program achievements and recommending future program needs.

The bill was signed into law as **Act 71 of 2008**.

*** **Phosphorus Ban** — In a move aimed at improving the environment, the Senate unanimously passed **Senate Bill 1017**. The measure largely bans the use of phosphorus in household dishwashing agents. Current law permits no greater than 8.7 percent phosphorous.

The bill was signed into law as **Act 15 of 2008**.

*** **Mercury-Free Thermostat Act** — The Senate unanimously passed **House Bill 44**, which creates the "Mercury-Free Thermostat Act."

The measure prohibits the sale, installation and disposal of mercury thermostats.

The Department of Environmental Protection will have the authority to assess a civil penalty of up to \$2,500 a day for each violation of the law.

The bill was signed into law as **Act 97 of 2008**.

*** **Scrap Material Purchases** — With a vote of 47-3, the Senate passed **House Bill 1742**, which requires scrap processors and recycling facility operators to collect information on the purchase and sale of scrap material when the purchase exceeds \$100, involves a catalytic converter, or involves other restricted material listed in the measure. The information is required



to help prevent the theft of scrap materials.

Under the measure, if a police officer inquires about a possible theft, the scrap dealer must notify law enforcement within 24 hours if they have any items matching the stolen material. The dealer must then hold the scrap for at least 48 hours in case the enforcement agency needs it for evidence or the true owner wants the items back.

Scrap businesses that violate the law will be subject to fines of up to \$2,500 for a summary offense. Subsequent violations would be considered a third-degree misdemeanor.

The rising price of scrap metal has prompted a rash of thefts statewide. A couple from New Castle in Lawrence County stole 300 metal flag holders from a cemetery. Thieves stole over 2,500 manhole covers from Philadelphia streets in 2007. Harrisburg police broke up a car theft scheme where thieves stole cars by towing them away and then selling them for scrap metal.”

The measure was enacted as **Act 113 of 2008**.

***** H2O PA** — The Senate voted unanimously in favor of **Senate Bill 2**, which will provide \$800 million in funding over a six year period for critical water and sewer projects and other transportation needs.

The plan, called “H2O PA,” will also provide funding for storm water projects, flood control projects and repairing/replacing hazardous dams.

Funding will come from the Pennsylvania Gaming Economic Development and Tourism Fund.

To get funding, a municipality or authority must match the amount of funding. The Commonwealth Financing Authority (CFA) will evaluate applications. The Department of Environmental Protection and the Pennsylvania Infrastructure Investment Authority will review applications and assist the CFA.

The bill was signed into law as **Act 63 of 2008**.

*** Used Tire Pile Remediation Restricted Account** — The Senate voted 46-3 in favor of **Senate Bill 1050**, which would have created the Used Tire Pile Remediation Restricted Account.

This bill would have allowed \$3 million a year, for five consecutive years, to be transferred from the Recycling Fund to the Used Tire Pile Remediation Restricted Account.

The funds would have been used to get rid of waste tire piles found throughout the state.

The Department of Environmental Protection (DEP) would have reported to the General Assembly on the Used Tire Pile Remediation Restricted Account. The report, posted on DEP’s website, would have to include:

- how much money is in the Used Tire Pile Remediation Restricted Account and how much DEP projects will be in the account at the end of the fiscal year;
- a list of waste tire piles the DEP has fixed or expected to fix the previous fiscal year;
- a list of waste tire piles the DEP are planning on fixing during the current fiscal year; and
- a list of waste tire piles that still remain to be fixed and how much the DEP thinks it will cost to fix them.

The bill died in the House.

*** Coal Bed Methane Well Dispute Resolution Act** — The Senate passed **Senate Bill 1330** by a vote of 49-0. This bill would have created the “Coal Bed Methane Well Dispute Resolution Act” and established a review board to resolve disputes over the location of wells and access roads.

The measure would have established an alternative procedure to court action when objections to the location of certain coal bed methane wells or a road associated with those wells arises.

The three-member board would have consisted of one representative of the PA Farm Bureau; one member jointly appointed by the Pennsylvania Oil and Gas Association, the Independent Oil and Gas Association, and the Pennsylvania Coal Association; and one appointee



by the deans of the College of Agricultural Sciences and the College of Earth and Mineral Sciences of Penn State University with expertise in petroleum geology.

The board would have considered objections and attempt to reach agreement on the location for a coal bed methane well or access road in a conference with the two parties. If the parties at the conference failed to reach an agreement, the board would have made a determination establishing the location of the well or access road.

The bill died in the House.

*** **Clean Water Referendum** — The Senate voted unanimously in favor of **Senate Bill 1341**, which enabled voters, via referendum, to approve a \$400 million bond for construction, rehabilitation, and improvement of Pennsylvania's drinking water supplies and sewage treatment systems.

The bill includes funds for combined sewer overflow projects and for projects that are necessary for meeting the terms of the Chesapeake Bay Tributary Strategy. The Pennsylvania Infrastructure Investment Authority will manage the bond money, which will be given in the form of grants and low-interest loans.

The measure was signed into law as **Act 64 of 2008**.

* **Brownfields Redevelopment Act** — The Senate voted unanimously in favor of **Senate Bill 1062**, which would have been called the "Brownfields Redevelopment Act" and would have reimbursed developers of brownfield sites.

Brownfields are abandoned or under-used land where restoration or building is complicated because of environmental contamination.

This legislation would have created a program to pay back developers up to 75 percent of the cost of correcting the brownfield sites, including sites impacted by mining activity.

Cleanup would have had to have been in accordance with the Pennsylvania Land Recycling Program (Act 2) or approved by the state Department of Environmental Protection.

The bill died in the House.

*** **Clean Fuels and Energy Independence Act** — By a vote of 47-3, the Senate passed the Clean Fuels and Energy Independent Act — **House Bill 1202** — establishing minimum content standards and timetables for the sale of bio-diesel and ethanol within Pennsylvania.

The mandatory standards require:

- 2 percent renewable fuel content in diesel fuel one year after in-state production of bio-diesel reaches 30 million gallons.
- 5 percent renewable fuel content once in-state production reaches 75 million gallons.
- 10 percent renewable content when in-state production of bio-diesel reaches 150 million gallons.
- 20 percent renewable content when in-state production of bio-diesel reaches 300 million gallons.
- A requirement of 10 percent ethanol content within gasoline sold in Pennsylvania once in-state production reaches 200 million gallons.

There were two Democratic-sponsored Special Session bills (SSSB21 and 33) that would have established the PennSecurity Ethanol Initiative Act and the PennSecurity Biodiesel Initiative Act. The Acts would have established mandates for ethanol and biodiesel content in on-road gasoline sold at retail in Pennsylvania in order to diversify energy resources, thereby reducing reliance on imported energy. The measures would have also promoted economic development in Pennsylvania by requiring in-State production of ethanol before the mandates took effect.

The House concurred in Senate amendments to House Bill 1202 by a vote of 149-54, and the Governor signed the bill into law as **Act 78 of 2008**.



*** **Coal Mine Safety Board** — **Senate Bill 949** creates a “Coal Mine Safety Board” to review and recommend new mine safety technologies, mandate emergency shelters in bituminous coal mines, require greater safety precautions, establish a more reliable mine mapping system, and institute tough new penalties against mining companies that fail to comply with the law.

The bill incorporates key recommendations from the Governor’s Commission on Abandoned Mine Voids and Mine Safety, the Quecreek investigation team, and the Quecreek Grand Jury.

The bill, the first significant re-write of the state’s coal mining law in over 50 years, was amended in the House to strengthen safety provisions. The measure enables miners to accompany inspectors during mine safety inspections. The bill also mandates that tracks be located closer to where the miners are working to expedite possible evacuation.

The Governor signed the bill into law as **Act 55 of 2008**.

*** **River Basin Water Resources Compact** — The Senate unanimously passed **House Bill 1705**, entering Pennsylvania into the “Great Lakes-St. Lawrence River Basin Water Resources Compact.”

The waters and water-dependent natural resources of the basin are subject to regulation under the compact. Within, each party is required to develop a water resources inventory. The inventory must include the location, type, quantity, and use of water resources in the watershed of the Great Lakes and portions of the St. Lawrence River watershed.

Each state will manage and regulate new or increased water withdrawals, consumptive uses and water diversions in accordance with the compact. New and increased diversions of water from the basin are prohibited except as allowed by the compact.

Within two years, each state must commit to promoting measures for the efficient use of water. The Department of Environmental Protection has the power to enforce the compact as it applies to Pennsylvania consistent with regulations adopted by the Environmental Quality Board.

The Governor signed the bill into law as **Act 43 of 2008**.

*** **Pennsylvania Appalachian Trail Act** — The Senate voted 48-2 to approve **House Bill 1281**. The bill gives municipalities responsibilities along the corridor of the Appalachian Trail in Pennsylvania.

The measure requires municipalities, through which the Appalachian Trail passes, to adopt and implement zoning ordinances that protect the natural, scenic, historic, and esthetic values of the trail. Municipalities will adopt the ordinances within one year of the effective date of the act.

The measure was signed into law as **Act 24 of 2008**.

* **Recreational Land and Water Use** — The Senate unanimously approved **Senate Bill 497**, which would have amended Act 586 of 1965, relating to recreational land and water use limited liability for landowners by adding to the definitions of land and recreational purpose.

The legislation would have added “trails” to the definition of land and added “motorized recreation vehicle riding” to the definition of recreational purpose.

Land would have been defined as lands, roads, water, watercourses, trails, private ways and buildings, structures and machinery or equipment when attached to the realty.

Recreational purpose would have been defined as, but would not have been limited to, any of the following or any combination of: hunting, fishing, swimming, boating, camping, picnicking, hiking, pleasure diving, nature study, motorized recreational vehicle riding, water skiing, water sports, cave exploration and viewing or enjoying historical sites.

The bill died in the House.



*** **Nuclear Power Facility Fees** — The Senate unanimously passed **House Bill 496**, which increases the fees paid by nuclear power facilities for plant safety, monitoring, and emergency planning.

The legislation also significantly raises the annual fees paid by each of the state's five nuclear power facilities. The fees had not been increased in over 14 years.

The bill contains numerous increases in fees. The largest requires that each person who has a current nuclear reactor construction permit or operating license in Pennsylvania must pay the department \$100,000 per nuclear power reactor site, within 30 days of the effective date of the act, and by July 1, 2007, and each year thereafter the fee would be \$550,000 per nuclear power reactor site.

The bill also makes it illegal to transport spent nuclear fuel, high-level waste, transuranic waste, or a large quantity of radioactive material upon the waterways of Pennsylvania unless the Pennsylvania Emergency Management Agency is notified in advance.

The bill was signed into law as **Act 31 of 2007**.

* **Nuclear Power Facility Fee Increase** — The Senate unanimously approved **Senate Bill 782**, which would have amended the "Radiation Protection Act" to increase the fees paid by nuclear power facilities for plant safety, monitoring, and emergency planning.

The additional fees charged under this bill were projected to raise an additional \$2.64 million in 2007-08. The annual revenue would have been \$1.64 million since \$1 million was from one-time fees. The current fees have been in place since 1984.

The bill died in the House.

*** **PA Climate Change Act** — The Senate voted 47-3 in favor of **Senate Bill 266**, also known as the "Pennsylvania Climate Change Act."

The bill requires the Department of Environmental Protection (DEP) to prepare a report on the potential impact of climate change in Pennsylvania; establish a Climate Change Advisory Committee within DEP; create a voluntary greenhouse gas registry; and submit a climate change action plan to the Governor every three years.

The bill was signed into law as **Act 70 of 2008**.

*** **Storage Tank and Spill Prevention Act** — The Senate unanimously passed **Senate Bill 815**, which amends the "Storage Tank and Spill Prevention Act" of 1989 to extend the sunset date to June 12, 2012, for the Underground Storage Tank Environmental Cleanup Program and the Underground Storage Tank Pollution Prevention Program.

The bill was signed into law as **Act 20 of 2007**.

*** **Mine Families First Program** — The Senate unanimously approved **House Bill 483**, which establishes the "Mine Families First Program" within the Department of Environmental Protection.

The new program ensures a two-way communication between those persons in command of a mine emergency response operation and the families of miners trapped, injured or waiting rescue.

The response and communications plan outlines the steps that are to be taken by the department and mine owners and operators to communicate with the families of miners involved in a mine emergency.

This bill was enacted as **Act 57 of 2007**.

*** **Alternative Energy Supplies** — The Senate unanimously passed **House Bill 1203**, which clarifies parts of the Alternative Energy Portfolio Standards Act that permit the Public Utility Commission (PUC) to determine if the market place has enough alternative energy supplies to meet the law's requirements.



In addition, the PUC is now responsible for making sure companies bank and seek out alternative energy credits.

The bill also provides definitions for “alternative energy credit” and “customer-generator,” as well as clarifies the requirements for attaining alternative energy sources outside of Pennsylvania.

The Governor signed the bill into law as **Act 35 of 2007**.

***** Hazardous Sites Cleanup Fund** — The Senate unanimously passed **Senate Bill 1100**, which provides funding for the Hazardous Sites Cleanup Fund. Monies for the fund come from existing legislative accounts and the Capital Stock and Franchise Tax.

The Governor signed the bill into law as **Act 77 of 2007**.

*** Hazardous Sites Cleanup Fund** — The Senate passed **Senate Bill 1068** by a vote of 46-0. This measure would have required that any funds collected from civil penalties assessed as a result of violations of the Hazardous Sites Cleanup Act be deposited into the Hazardous Sites Cleanup Fund.

The bill died in the House.

*** Independent Counsel for Environmental Quality Board** — The Senate voted 47-1 in favor of **Senate Bill 105**, which would have allowed the Environmental Quality Board to have an independent counsel to assist the board in its review of proposed and final rulemakings and all other matters.

The independent counsel would have been appointed by the Department of Environmental Protection and would have been compensated out of funds for the general government operations of the Department of Environmental protection.

The bill died in the House.

*** Keystone Recreation, Park, and Conservation Fund Grants** — By a vote of 46-0, the Senate approved **Senate Bill 1069**. The measure would have required the Departments of Conservation and Natural Resources, Education, Historical and Museum Commission, and the State System of Higher Education to each submit an annual report to the Governor and the General Assembly by each July 1.

The report would have contained information on grants awarded from the “Keystone Recreation, Park and Conservation Fund,” a description of projects that received grants, and anticipated project completion dates.

The bill died in the House.

*** Clean Air Act Website** — The Senate unanimously passed **Senate Bill 355**, which would have amended the Air Pollution Control Act to require that all proposed and final state implementation plans (SIPs) that are required under the federal Clean Air Act be put on a publicly accessible Internet website.

The bill died in the House.

*** Environmental Funds Reporting and Disclosure Act** — By a 36 to 14 vote, the Senate passed **Senate Bill 913**, which would have established the “Environmental Funds Reporting and Disclosure Act.”

The measure would have required the Department of Environmental Protection to compile a comprehensive report of all special funds and restricted revenue accounts that it administers. It would have also provided funding for the Hazardous Sites Cleanup Fund.

The bill died in the House.



FINANCE

*** **Exempting Low-Income Workers From the EMS Tax** — By a vote of 48-2, the Senate approved **Senate Bill 218**, which exempts low-income workers from the Emergency and Municipal Services Tax.

In 2004, the legislature allowed municipalities to raise the tax from \$10 to \$52. This prompted complaints from low-income workers who had trouble paying the lump sum, and others who worked for businesses for a very short period of time.

Senate Bill 218 exempts workers who make less than \$12,000 annually as well as permanently disabled veterans. The measure also allows other workers to pay in installments instead of one lump sum.

The bill, signed into law as **Act 7 of 2007**, also renames the tax the “Local Services Tax.”

*** **Help for Emergency Volunteers** — The House and Senate exchanged a series of various tax bills that were amended and re-amended with provisions from numerous other bills.

In the end, local firefighters and other emergency responders received a \$100 state income tax credit. Under the new law, volunteers would be required to be certified by the State Fire Commissioner and the State Director of Emergency Services. Workers in the Department of Health and a local fire official will have to approve the application. The exemption covers not only active firefighters and ambulance personnel, but also those who volunteer a sufficient amount of time in fundraising or other activities to benefit the organization.

The emergency responder tax credit was amended into **House Bill 377**, which passed in the House and Senate unanimously and was signed into law as **Act 66 of 2008**.

House Bill 377 was originally drafted to direct the Joint State Government Commission to conduct a study on alternative forms of special tax provisions for poverty. That provision made it into the final bill and a report is expected in August 2009. The bill also contains a provision for a personal income tax check-off box that will allow taxpayers to donate refunds toward research into cervical and breast cancer.

* **Business Taxes** — On party-line votes, the Senate passed a series of bills addressing business and income taxes. Many Senate Democrats argued that slumping state tax revenue would have made the bills too costly this year.

- **Senate Bill 1385** would have expanded the cap on the Net Operating Loss (NOL) provision of the Corporate Net Income Tax to \$5 million or 20 percent of taxable income. The NOL cap is currently set at \$3 million or 12.5 percent of taxable income. The final vote was 31-19.
- **Senate Bill 1386** would have increased the eligibility limits for tax forgiveness for low-income wage earners. The bill would have increased claimant income eligibility limits by a total of \$2,000 over three years and the dependent allowance by \$500 over the same period. Under current law, a family of four with a combined income less than \$32,000 pays no state tax, the bill would have lowered that threshold to \$27,000. There would have been a loss of revenue of \$44 million in 2008-09. The final vote was 34-16.
- **Senate Bill 1387** would have doubled the amount that small businesses may deduct as Section 179 expenses on their income tax filings. Section 179 of the federal Internal Revenue Code provides for the deduction of all or part of the costs of machinery and equipment used for businesses. The bill would have increased the maximum annual



deduction to \$50,000. The bill would have cost the Commonwealth an estimated \$6.6 million. The final vote was 35-15.

- **Senate Bill 1388** would have amended the Corporate Net Income Tax to expand the sales factor to 85 percent. Most corporations that conduct business in more than one state use a three-factor apportionment to allocate business income among the states where they have activity. The three factors are: property, payroll, and sales factors. Currently, the sales factor accounts for 70 percent of the apportionment formula; property and payroll factors each account for 15 percent. Senate Bill 1388 would have raised the sales factor to 85 percent, lowering the property and payroll factors to 7.5 percent each. The final vote was 31-19.

Although the Senate bills died in the House Finance Committee, the Senate Finance Committee amended the provisions into House Bill 377 on a 7-4 party-line vote. The tax provisions were later removed unanimously in the Senate Appropriations Committee before the Senate passed House Bill 377 unanimously.

* **Help for Emergency Responders** — The Senate unanimously passed a package of bills intended to help retain and recruit emergency response volunteers. Along with tax credits for the volunteers, the bills also would have provided tax incentives for their employers as a way of encouraging flexibility in allowing volunteers to respond to calls during work hours.

- **Senate Bill 1314** would have provided for a \$100 state income tax credit in the first year of the program and up to a maximum of \$500 in the fifth year. (See HB 377)
- **Senate Bill 1169** would have provided for a local earned income tax credit of up to \$400. Local municipalities would have had to opt into the program for the tax credit to be awarded.
- **Senate Bill 1316** would have given employers a state tax credit of \$1,000 for allowing an emergency services volunteer to answer calls or attend training during work hours without penalty. The bill would have covered up to five employees.

The bills remained in the House Finance Committee when the session ended. However, the \$100 tax credit for emergency responders was amended into House Bill 377, which was signed into law as Act 66 of 2008.

*** **Goodwill Taxes** — The Senate passed **Senate Bill 97** by a vote of 45-3. The bill allows banks and trust companies to disregard “goodwill” taxes paid from June 30, 2001 to March 18, 2008. Goodwill is defined as the excess amount above fair market value that is paid during an acquisition or merger. Other states have passed similar legislation, which encourages future mergers.

The bill originally passed the Senate unanimously. After amendments, the bill excludes stock shares earned from acquisition as nontaxable. The measure also changes minor tax issues in the fields of the sales and use tax, the personal income tax, tax credits, and the corporate net income tax/capitol stock and franchise tax.

The bill was signed into law as **Act 55 of 2007**.

*** **Exempting Signs from Real Estate Tax** — The Senate concurred in House amendments to **Senate Bill 413** by a vote of 46-2. The bill prohibits second-class counties from assessing signs or sign structures for the purposes of a real estate tax.

The signs and sign structures are now no longer considered property. The bill applies retroactively to January 1, 2005. This could affect property taxes that might have been inaccurately assessed if sign structures were included.

The Governor signed the bill into law as **Act 38 of 2007**.



* **Grants for Saving Resources** — The Senate unanimously passed **Senate Bill 690**, which would have created the “Resource Enhancement and Protection Tax Credit Program Act.”

The proposed program was intended to encourage private investment in the implementation of best management practices on agricultural operations, the planting of riparian forest buffers and the remediation of legacy sediment.

An eligible applicant would have been granted a maximum of \$150,000 in tax credits and the entire program would have been capped at \$10 million for fiscal 2007-08. The bill died in the House Finance Committee.

*** **Tenant Leases not Taxable** — The Senate unanimously passed **Senate Bill 763**, which clarifies that residential tenant leases are not taxable. Leases prior to July 1, 2007 are not affected. The bill was passed unanimously in the House and was signed into law as **Act 130 of 2008**.

* **SERS Employer Contributions** — The Senate unanimously passed a measure intended to prevent dramatic fluctuations in employer contributions to the State Employee Retirement System. **Senate Bill 826** would have set the rate at no less than 4 percent, beginning after 2006. The bill remained in the House Education Committee when the session ended, but its provisions were passed in House Bill 876, which was signed as Act 8 of 2008.

* **Hazleton Income Taxes** — By a vote of 49-0, the Senate passed **Senate Bill 961**, which would have permitted the City of Hazleton to hike its local income by up to half a percent beyond the maximum legal rate. The tax increase would then have been funneled into reducing taxes on pension plans. The bill died in the House Finance Committee.

* **Delinquent Fees and Taxes** — By a vote of 28-22, the Senate passed a bill that would have made it easier for municipalities to hire third parties to collect delinquent fees and taxes. **Senate Bill 777** targeted the Municipal Claim and Tax Lien Law to clarify some definitions and expand the applicable fees to include garbage fees, recycling fees, landlord licensing fees and inspection fees.

The Senate narrowly (26-24) defeated a Democratic amendment that would have limited attorney fees to 20 percent of the delinquent account. The bill died in the House Finance Committee.

*** **Philadelphia Tourism Tax** — By a vote of 42-8, the Senate passed **House Bill 2167**, authorizing the city of Philadelphia to impose a Philadelphia hospitality promotion tax. Currently, Philadelphia has a 6 percent hotel tax. The bill adds an additional excise tax to be collected by each hotel within Philadelphia from the transaction of renting a room or rooms. The tax will not exceed 1.5 percent and will go into a special Philadelphia hospitality promotion tax fund.

The revenue will be used to promote tourist attractions and facilities in the area as well as promoting the use of the expanded Pennsylvania Convention Center, including attracting international markets.

The bill was signed into law as **Act 80 of 2008**.

*** **Dauphin County Hotel Tax** — The Senate voted 45-4 to allow Dauphin County to raise its hotel tax. **House Bill 1877** allows county commissioners of counties of the third class having a population between 237,000 and 240,000 (Dauphin County) to impose a hotel tax not to exceed 5 percent. The previous hotel tax was 3 percent. The money is to be used for tourism promotion and debt service on the construction of a regional sports facility. The bill was signed into law as **Act 72 of 2007**.



*** **RCAP Debt Ceiling Raised** — By a vote of 49-1, the Senate passed **House Bill 2231**, which raises the debt ceiling for redevelopment assistance (RCAP) by \$750 million. The new limit is \$3.4 billion. The last time the debt ceiling was raised was in 2005 when it went up by \$500 million. RCAP funds require local matching funds and must be used for redevelopment, but cannot include highways, bridges or water infrastructure.

The House concurred in Senate amendments and the Governor signed the bill into law as **Act 48 of 2008**.

*** **Local Tax Collection** — The Senate unanimously approved **Senate Bill 1063**, finishing the process of making various reforms in the collection of earned income tax that would consolidate, modernize, and introduce uniformity to the collection process.

The measure is expected to reduce the number of tax collectors from 560 to 66 (one for each county) by consolidating local income tax collection systems on a countywide basis. The bill was signed into law as **Act 32 of 2008**.

*** **Prudent Person Rule** — The Senate unanimously concurred in House amendments to **Senate Bill 1297**, extending for another two years the authorization for the State Treasurer to use the “prudent person rule” to make investments.

The rule was first established in 1998 and requires reauthorization every two years.

“Prudent person” is an accounting standard for large investment funds that allows more options for investment, but still maintains a long-term, rather than speculative, standard.

Before the standard was adopted, the Treasurer was limited to investing in funds named in the statute.

The bill was signed into law as **Act 53 of 2008**.

*** **Keystone Opportunity Zones Renewed** — By a vote of 49-1, the Senate approved **Senate Bill 1412**, updating Pennsylvania’s Keystone Opportunity Zone authorization. Keystone Opportunity Zones were created by the General Assembly in 1998, allowing tax exemptions for certain areas that were in need of economic redevelopment. Some areas were still undeveloped and faced program expiration within two years. The bill extends those authorizations.

Democrats fought to amend the bill to make KOZ’s subject to prevailing wage standards and the Separations Act to ensure that the quality of the jobs provided were worth the cost of the tax breaks. However, immediate passage was required to save a deal that would bring 1,100 jobs – averaging more than \$100,000 per year in salary – to Center City in Philadelphia.

Democrats supported the bill after receiving assurances from Gov. Rendell that he would support other initiatives to preserve wages and benefits for working families.

The bill was signed into law as **Act 79 of 2008**

*** **State Retiree Contributions** — To avoid drastic jumps in employer contributions to the State Employee Retirement System, the Senate unanimously passed **House Bill 876**, leveling the state agency contribution to 4 percent. This rate should dramatically reduce future increases in employer contributions. The bill was signed into law as **Act 8 of 2007**.

V*** **Assessment Appeals** — By a 48-2 vote, the Senate passed **Senate Bill 1247**, which would have limited the circumstances under which a taxing district can appeal an assessment. It would have limited appeals to periods of countywide reassessment, when a parcel of land is divided and conveyed away in smaller parcels, or when improvements are made to the property, or when existing improvements are removed from the property or are destroyed.



The Senate then passed **House Bill 1438** by a 46-4 vote. This bill contained the exact same language as Senate Bill 1247.

The Senate unanimously concurred in House amendments to **Senate Bill 1258** outlining requirements for businesses in fourth through eighth class counties to file assessment appeals. The bill would have allowed businesses to appeal an assessment if:

- the appeal is from an assessment established during a countywide reassessment and the appeal is filed no later than the first day of September of the taxable year following the year for which the newly established values takes effect;
- the property or parcel has been divided and conveyed away in smaller parcels;
- improvements have been made to real property; and or
- existing improvements are removed from real property or are destroyed.

All three bills were vetoed by the Governor who argued that the legislation would not have protected new property owners from a spot re-assessment process or provided reasonable protections to ensure an equitable sharing of the local property tax burden in the absence of countywide reassessment.



GAME AND FISHERIES

*** **Rules for buying and selling game, safety zones and mounted specimens** — The Senate voted unanimously in favor of **House Bill 69**, which defines a “mounted specimen”, makes new rules for buying and selling game and for safety zones.

This legislation defines “mounted specimen” as any game or wildlife, or any portion of game or wildlife prepared, preserved, arranged, set up or posed in a lifelike position or some other form of display.

This law allows game to be purchased or sold if it is raised following the laws of Pennsylvania. Game or wildlife can be captured and sold if a permit is received from the director of the commission and fees are paid. Tanned, cured or mounted heads, skins, or parts of any game or wildlife cannot be sold if it was not killed in a wild state in Pennsylvania. Any inedible game or wildlife part thrown away by the original owner can be sold if it is within 90 days after the close of the season. A permit is not required for the sale or purchase of mounted specimens by any licensed auctioneer who sells 10 or more mounted specimens during one sale at a registered auction house. The information from the sale must be given to the commission within 15 days.

A safety zone for licensed bow and arrow, cross bow or falconry hunters is within 50 yards of an occupied building, camp, barn or stable. The safety zone around a playground of any school, nursery school or daycare center is 150 yards.

The bill was signed into law as **Act 65 of 2008**.

*** **Elk Licenses** — The Senate voted unanimously in favor of **House Bill 747**, which allows elk licenses to be auctioned off to hunters as a fundraiser for the state Game Commission. This law allows the Game Commission to offer a special elk hunting license through an auction every year and the profits will go toward improving elk habitats in Pennsylvania. The commission



has to give an annual report to the General Assembly detailing how the proceeds were used.

Both residents and nonresidents are eligible to participate in the auction.

The bill was signed into law as **Act 101 of 2008**.

*** **Fishing Licenses and Replacements** — The Senate voted 46-3 in favor of **House Bill 1109**, which changes the requirements for obtaining a fishing license and replacement license. This act affects agents who issue licenses as well as the associated fees.

The beginning date for issuing one-day, nonresident/tourist and resident fishing licenses will now be March 15. The end date of April 30 stays the same.

Issuing agents made active on or before January 1, 2000 are no longer excused from paying any administrative fees set by the Pennsylvania Fish & Boat Commission.

The bill was signed into law as **Act 2 of 2008**.

*** **Hunting Vouchers** — The Senate voted unanimously in favor of **House Bill 1116**, which allows the Pennsylvania Game Commission to sell vouchers for hunting licenses and permits.

Vouchers, similar to a gift certificate, will be available for hunting licenses and permits. The person buying the voucher will have to pay the license or permit fee and the issuing agent's fee.

The voucher can then be redeemed for the type of license or permit indicated and must be honored by an issuing agent when presented for redemption, regardless of where it was purchased.

The bill was signed into law as **Act 67 of 2008**.

*** **Give the Gift of a Fishing License** — The Senate voted unanimously in favor of **Senate Bill 880**, which allows the Pennsylvania Fish and Boat Commission to give out gift vouchers for fishing licenses and permits purchased by a third party.

The voucher contains a voucher number, issuing agent identification number, type of license or permit for which the voucher may be redeemed, date issued, and date of expiration. The person purchasing the voucher has to pay the license or permit fee as well as the issuing agent's fee. The voucher can then be exchanged for a fishing license.

The Governor signed the bill into law as **Act 26 of 2008**.

*** **Wild Turkey Hunting Dogs** — The Senate voted 48-1 in favor of **Senate Bill 580**, which allows dogs to be used for wild turkey hunting.

Under the measure, a dog may pursue, chase, scatter and track wild turkeys during the fall wild turkey season.

The Governor signed the bill into law as **Act 18 of 2007**.

*** **Hunting with Artificial Light** — The Senate voted unanimously in favor of **House Bill 881**, which clarifies and refines the conditions in which the use of an artificial light is permitted during hunting.

The new law allows a light to be carried or mounted on a firearm, if it is not a laser beam, during the evening hours, if the source of power for the light is self-contained, carried on the person or on the firearm during the hunting of furbearers. This includes people who kill wildlife to protect their property.

The Governor signed the bill into law as **Act 26 of 2007**.

*** **Boating Under the Influence** — The Senate voted 48-2 in favor of **House Bill 778**, which reduces the maximum Blood Alcohol Content (BAC) level allowed while operating watercraft, Boating Under the Influence (BUI), in Pennsylvania from 0.10 percent to the federal standard of 0.08 percent.



In addition, the maximum fine was reduced from \$7,500 to \$5,000 and the minimum fine from \$2,500 to \$1,500.

Any person who operates a watercraft will automatically be consenting to a test to determine the presence of a controlled substance if an officer has reasonable grounds to believe the person was under the influence or the operator of the watercraft had a passenger who needed medical treatment or was killed.

Also under Act 27, those guilty of violating the “Threatened and Endangered Species law” must have intentionally violated the law.

The Governor signed the bill into law as **Act 27 of 2007**.

*** **Landowner Accountability** — The Senate voted unanimously in favor of **House Bill 13**. This bill does not hold landowners accountable for injuries occurred on their property unless they have been neglectful.

Under the measure, landowners will not be held responsible for injuries caused by others while hunting or participating in other recreational activities on their property unless they are neglectful for safety or if they charged a fee for use of the land.

This law is in response to a 2006 court case in which the owners of a Lehigh County orchard were found partially liable for damages. The lawsuit centered on a stray bullet, fired by a hunter who had permission to hunt the land. The bullet traveled about a half-mile before accidentally striking a woman sitting in a car on a different property.

The Governor signed the bill into law as **Act 11 of 2007**.



*** **Judicial Pay Raises** — The Senate voted 36-14 in favor of **House Bill 10**, which was amended to rescind part of a previous law that based the salaries of Pennsylvania judges on the pay scale used to determine what federal judges make.

Under the new law, judges will receive annual cost-of-living adjustments based on the percentage change in the Consumer Price Index for all urban consumers for the Pennsylvania, New Jersey, Delaware and Maryland area for the most recent 12 months reported by the U.S. Department of Labor.

The bill undid the last vestige of the 2005 pay raise law that the General Assembly rescinded later that year. The measure was prompted following a state Supreme Court ruling that reinstated the part of the law that raised salaries for judges and linked future judicial pay raises to the salary structure of federal judges.

The measure will also fund the state’s 65 percent reimbursement share for full-time district attorneys by requiring convicted criminal offenders to pay an additional \$50 fine.

The bill was signed into law as **Act 30 of 2007**.

*** **Bad Checks** — The Senate unanimously passed an amended version of **House Bill 296** that increases the amount of the bad check service charge permitted from \$20 to \$50.



The bill also changed the grade of the offense from a summary to a felony of the third degree depending on the amount of the check passed.

The bill was signed into law as **Act 70 of 2007**.

*** **Background Checks** — The Senate voted unanimously in favor of **House Bill 1961**, which made changes to the Child Protective Services Law relating to background checks.

Under this measure, all applicants seeking jobs at child-care facilities have to obtain a federal criminal history record including fingerprints. It also requires self-employed family day care providers to submit this to the department.

All potential adoptive parents, foster parents and any person in the household 18 years of age or older will have to submit a criminal background check, child abuse clearance certification from the Department of Public Welfare and federal criminal history record information including fingerprints.

The bill was signed into law as **Act 73 of 2007**.

*** **Public Breastfeeding** — By a vote of 48-1, the Senate passed **Senate Bill 34**, which assures a mother the freedom to nurse her child in public.

Previously, public breastfeeding of children could be prohibited by local ordinance. This legislation allows a mother to breastfeed her child in any location, public or private, where she and her child are otherwise authorized to be present.

The bill was signed into law as **Act 28 of 2007**.

*** **Continuing Medical Education** — The Senate unanimously passed **Senate Bill 72**, which amends the Volunteer Health Services Act to lower the Continuing Medical Education (CME) requirement for volunteer licenses.

The legislation reduces the mandatory CME hours for volunteer licensees from 100 hours to 20 hours. The 20-hour CME requirement will only apply to retired physicians holding a volunteer license.

The bill was signed into law as **Act 29 of 2007**.

*** **Jury Pools** — The Senate unanimously passed **Senate Bill 116**, which will help counties expand the size and diversity of their jury pools.

Under the bill, county jury commissions can expand the substance and diversity of their jury pools by contacting the state Administrative Office of the Pennsylvania Courts (AOPC) and requesting a list of prospective jurors for the county.

The list would be compiled by the AOPC from information submitted by the state Departments of Public Welfare, Revenue, State, and Transportation.

The Governor signed the bill into law as **Act 37 of 2007**.

*** **Juvenile Issues** — The Senate passed **Senate Bill 117** by a vote of 48-0. This measure enables the Judicial Court Judges Commission to work in cooperation with the Supreme Court's Office of Children and Families in the Courts and provides information and advice to the General Assembly and Executive agencies on a full range of juvenile issues.

The bill was signed into law as **Act 64 of 2007**.

*** **Sentencing and Parole** — The Senate passed an amended version of **House Bill 4** by a 48-2 vote. This bill addressed sentencing, re-sentencing, incarceration, probation and parole of certain offenders.

The legislation authorizes the Sentencing Commission to provide information on re-sentencing decisions as well as parole revocations. The commission is authorized to adopt



guidelines and circulate forms for the courts to consider and use when re-sentencing an offender following revocation of probation, county intermediate punishment or state intermediate punishment and would require the courts to consider these guidelines.

Further, the Commission will be responsible for adopting guidelines for parole that must be used by the Pennsylvania Board of Probation and Parole as well as any other paroling entity.

The bill will also create guidelines for reimbursement for confinement—that will begin three years after the effective date of this act:

- DOC is required to reimburse counties for reasonable costs of confinement of persons committed to the county for work release classified as level 4 or 5 offenders. The program may spend up to \$2.5 million.
- Counties may require payment from other counties for the incarceration of their prisoners with mutually agreeable rates.

Language from Senate Bill 397, which died in the House Appropriations Committee, was added to the bill. The measure also establishes a central or regional booking fee, following the adoption of a countywide Booking Center Plan. In addition to any other fines, penalties, costs or fees authorized by law, a person may be required by the court to pay a booking fee of up to \$300.

The bill was signed into law as **Act 81 of 2008**.

***** Corrections Officer Use of Force** — The Senate unanimously passed **Senate Bill 623**, which authorizes a corrections officer to use whatever force is necessary to defend himself or another from bodily harm during the pursuit of an escaped person.

The bill also allows a corrections officer to use deadly force when the officer believes that such force is necessary to prevent death or serious bodily injury to himself or another, or when the officer believes that deadly force is necessary to overcome resistance and capture the escaped persons, and when the person being pursued has been convicted of a forcible felony, possesses a deadly weapon or indicates that he or she will endanger others unless apprehended without delay.

Finally the bill requires local law enforcement to use whatever means exist to trace the commerce path of a firearm found to be illegally possessed by persons under 21.

The Governor signed the bill into law as **Act 41 of 2007**.

***** Hearings Concerning Children** — The Senate passed **Senate Bill 1156** by a 47-0 vote. This bill ensures that foster parents, pre-adoptive parent or relatives caring for the child be provided with the right to be heard at any hearing concerning the child.

The measure also requires that the court consult with the child in his or her permanency hearings.

The bill was signed into law as **Act 76 of 2007**.

***** Inmate Transfer** — The Senate unanimously passed **House Bill 5**, which details the conditions that must be satisfied in order to transfer an inmate to a state correctional facility that is closer in proximity to the judicial proceeding.

Conditions include a court order and finding by the court that the inmate's presence is required at the proceeding.

A transfer will also be accepted if the constitutional rights of the inmate do not permit participation in the judicial proceeding by video-conferencing technology.

The legislation authorizes the Department of Corrections to establish regulations and temporary guidelines to implement this policy.

The bill was signed into law as **Act 82 of 2008**.



*** **Sentencing Guidelines** — By a 49-1 vote, the Senate passed **House Bill 6**, which authorizes the Pennsylvania Commission on Sentencing to adopt guidelines, similar to current sentencing guidelines, for use in parole, probation or intermediate punishment decisions.

Previously there were no standardized guidelines for parole or recommitment from parole.

The legislation authorizes the Pennsylvania Sentencing Commission to propose recommendations to modify the provisions regarding the risk reduction incentive credit, qualified parole, rebuttable parole and state intermediate punishment; adopt guidelines for re-sentencing following revocation of probation, county intermediate punishment, or state intermediate punishment; and develop recommitment time ranges to determine the length of re-incarceration for those whose parole has been revoked.

The bill was signed into law as **Act 83 of 2008**.

*** **Hospice Care for Prisoners** — The Senate unanimously passed an amended version of **House Bill 7** that allows for the removal of state prisoners who are seriously or terminally ill for care in a hospital or hospice.

Under this legislation, the Department of Corrections, the prisoner, or anyone acting or appointed to act on their behalf, has to petition a sentencing court for an order authorizing temporary release of the prisoner for treatment. In making this decision, the court must consider the prisoner's history of violence. The bill also allows a victim and any other agency who was involved in the original sentencing an opportunity to voice their opposition.

Under the legislation, a prisoner being treated that escapes will be charged with contempt of court.

The bill was signed into law as **Act 84 of 2008**.

*** **Court of Common Pleas Judges** — The Senate unanimously passed **House Bill 301**. This bill adds judges to the courts of common pleas in various counties.

Under the bill, Northampton County will get one additional judge; Cumberland County will get one, Dauphin County will get two; York County will get one; Delaware County will get one; Montgomery County will get two; Franklin and Fulton counties will get one; Lackawanna County will get one; Adams County will get one; and Carbon County will get one.

The bill also requires that when a witness who is under 18 years of age is subpoenaed, a copy of the subpoena must be issued to the parent or guardian of the witness.

The bill was signed into law as **Act 98 of 2008**.

*** **Court of Common Pleas Appeals** — The Senate unanimously passed **House Bill 306**. The measure removes the jurisdiction of the court of common pleas for appeals of determinations issued by the Pennsylvania Labor Relations Board under the Pennsylvania Labor Relations Act.

The bill was signed into law as **Act 35 of 2008**.

*** **Failure to Pay Order of Support Penalty** — The Senate passed **House Bill 1027** by a 49-0 vote. This bill increases penalties for willful failure to pay an order of support.

Under this bill, a first offense will be graded a summary offense and any second or subsequent offense will be graded as a misdemeanor of the third degree.

Previously, a violation of this statute was graded as a summary offense in all cases.

The bill was signed into law as **Act 104 of 2008**.

*** **Chop Shops** — The Senate unanimously passed **House Bill 1147**, which narrows the definition of "chop shop" in an effort to prevent fraud.

Under the bill, a chop shop is any building, lot or other premises where individuals are



engaged in certain prohibited activities relative to the dismantling of motor vehicles that are known to be illegally obtained by theft, fraud or conspiracy to defraud.

The bill was signed into law as **Act 107 of 2008**.

*** **Electronic Transactions** — The Senate unanimously passed **House Bill 1152**, which will make extensive changes and conforming amendments primarily to provide enabling language for electronic transactions.

A substantial portion of the additions and changes comes from the emergence of electronic communications in commerce such as email and Internet encryption technologies for transmitting secure documents.

The aim of the revisions is not to construct a system for the transference of secure electronic documents, but to create a legal and intellectual architecture that supports the development and use of electronic documents in holding and shipping goods.

The bill requires that systems for the use of electronic documents ensure that the originals cannot be copied without a clear signature—one that distinguishes the single original from any copies. The new framework also permits the creation of systems that allow the transformation of electronic documents into written form, provided that clear safeguards exist to invalidate the former original.

The bill was signed into law as **Act 13 of 2008**.

*** **Use of Information from Children** — **House Bill 1511** unanimously passed the Senate. This bill states that, prior to a permanency hearing, a child's foster parent, pre-adoptive parent or relative may make a report to the court concerning the child's adjustment and progress.

Under this legislation, information obtained from a child in the course of screenings and assessments—whether court ordered or otherwise—cannot later be used against the child in determining if the child committed a delinquent act, or on the issue of the child's guilt in a criminal proceeding.

The bill was signed into law as **Act 109 of 2008**.

*** **Conviction Data Expungement** — The Senate passed an amended version of **House Bill 1543** by a unanimous vote. This bill allows for the expungement of certain criminal conviction data.

Under this bill, someone who has been free of arrest or prosecution for five years can petition the court for the expungement of a summary offense.

A person convicted of an offense graded as a misdemeanor or a felony offense or a person convicted of indecent assault is not eligible to petition for expungement.

Also, courts are prohibited from ordering the expungement of the criminal record of a person placed in Accelerated Rehabilitative Disposition for certain violations where the victim was under 18 years of age.

The bill was enacted as **Act 134 of 2008**.

*** **Wiretap Act Extension** — The Senate passed **House Bill 1664** by a 49-1 vote. This bill extends the Wiretap Act until Dec. 31, 2013, and amends Title 18 as it relates to the theft of leased property.

Before this change, if a person failed to return property to its owner within seven days after a written demand to return it had been delivered by registered or certified mail, the person was presumed to have the intent to commit theft of leased property. The new law provides that a written demand to return the property is delivered when it is sent simultaneously by first class mail and by registered or certified mail.



The bill also prohibits the release or disclosure of records or information regarding electronic communications or remote computing services by an electronic communication services under most circumstances.

The bill was signed into law as **Act 111 of 2008**.

***** Handgun Restrictions and Assault of Police** — By a 50-0 vote, the Senate passed **House Bill 1845**. This bill deals with handguns and amends Title 18 in the following ways:

- allows for the issuing of emergency concealed weapon permits; provides for the automatic renewal of concealed weapons permits for active duty military personnel;
- changes the standard questionnaire used when buying a handgun;
- creates a grant program aimed at stemming straw purchases of handguns;
- brings Pennsylvania into compliance with federal law that requires that involuntary mental health commitments be reported to the FBI for inclusion in the National Instant Criminal Background Check System;
- creates an appeals process for the denial of a firearm purchase based on criminal records;
- adds the murder of a law enforcement officer to the existing first and second degree murder statutes as well as the attempt, solicitation and conspiracy statute; and
- creates the offenses “criminal homicide of a law enforcement officer” and “assault of a law enforcement officer.”

The bill would also impose a mandatory minimum sentence of 20 years for the offenses criminal homicide of a law enforcement officer and assault of a law enforcement officer.

The bill was signed into law as **Act 131 of 2008**.

*** Expungement of Summary Offenses** — The Senate unanimously passed **Senate Bill 232**, which would have made it easier for ex-offenders to clear summary offenses from their criminal record.

Under current law, a record can only be expunged when an ex-offender turns 70 or dies. Senate Bill 232 would enable someone with a summary offense on their record to petition their county court to have the record cleared of that offense if they have gone five years with no arrests or convictions.

The original bill language would have also permitted non-violent ex-offenders convicted of second- and third-degree misdemeanors to also have their records expunged.

The bill died in the House.

*** Drug Courts** — The Senate unanimously passed **Senate Bill 584**, which would have allowed county courts of common pleas to create courts of specialized jurisdiction to serve as a single point-of-contact between criminal defendants with substance abuse problems and support services in the human services field.

Philadelphia, Allegheny and Lackawanna Counties currently have established drug courts. These courts ensure that criminals with a history of substance abuse receive intensive supervision, enhanced coordination of services and treatment during their criminal sentence.

These courts would have increased cooperation between criminal justice and drug rehabilitation systems, increased services for offenders with drug abuse problems, and reduced recidivism.

The bill died in the House.

*** Bail Bond Enforcement Agent Law** — The Senate unanimously passed **Senate Bill 615**, which would have created the Bail Bond Enforcement Agent Law.



The legislation would have provided regulation of Bail Bond Enforcement Agents defined as a person licensed to recapture suspects who are released on bail.

The legislation would have required that bail bond enforcement agents provide written notice to local law enforcement agencies or the State Police having jurisdiction of the municipality prior to engaging in the apprehension or surveillance of a fugitive. However, if exigent circumstances exist, oral notification could have been provided within 24 hours of such actions.

Under the bill, bail bond enforcement agents would have remained liable for damages, including punitive damages, to any person or property caused by their actions including unlawful arrest, trespass, unlawful detainment or assault.

The bill died in the House.

*** Intermediate Punishment Reevaluation** — The Senate unanimously passed **Senate Bill 1027**. The bill would have authorized the Department of Corrections to recommend to the sentencing court that an offender be re-sentenced to participate in the state intermediate punishment program if they were found to be eligible following evaluation.

Currently the court can only commit the offender for evaluation on the motion of the prosecuting district attorney. Senate Bill 1027 died in the House.

House Bill 6, which also addressed the intermediate punishment program, was enacted as Act 83 of 2008.

*** Intermediate Punishment Reevaluation** — The Senate unanimously passed **Senate Bill 1027**. The bill would have authorized the Department of Corrections to recommend to the sentencing court that an offender be re-sentenced to participate in the state intermediate punishment program if they were found to be eligible following evaluation.

Currently the court can only commit the offender for evaluation on the motion of the prosecuting district attorney.

The bill died in the House.

***** Child Custody** — The Senate unanimously concurred in House amendments to **Senate Bill 1107**. The bill forbids a court from entering an order altering an existing order of child custody while one of the parents is deployed in a contingency operation. However, the court may enter a temporary order if it is in the best interests of the child.

The bill was signed into law as **Act 127 of 2008**.

***** Child Death Reviews** — The Senate unanimously passed **Senate Bill 1147**, which requires reviews and reports on child fatalities and near-fatalities resulting from child abuse.

The bill establishes procedures for timely reviews and reports by the Department of Public Welfare (DPW) and county children and youth agencies regarding child fatalities and near-fatalities caused by child abuse. Previously, DPW and the counties conducted child death reviews, but were not permitted to release the information to the public regarding findings and recommendations.

Under this new law, the reports will be made available to the public so that communities will have more insight as to how the system worked or failed.

The Governor signed the bill into law as **Act 33 of 2008**.

*** Protection for Mass Transit Employees** — The Senate passed **Senate Bill 1149** by a vote of 47-3. The bill would have given added protections to mass transit employees who are assaulted while on the job.



Under this legislation it would have been a felony if a mass transit employee were assaulted, causing bodily injury. The felony would have either been first or second degree depending on the severity of the bodily injury.

The maximum punishment for a felony of the first degree would have been up to 20 years in jail and a fine of \$25,000. The maximum punishment for a felony of the second degree would have been up to 10 years in prison and a fine of \$25,000.

The bill died in the House.

* **Minor Judiciary Education Board Appointments** — The Senate passed **Senate Bill 1153** by a 36-9 vote. This legislation would have made it the responsibility of the Supreme Court to appoint the members of the Minor Judiciary Education Board.

Currently the Governor appoints members of the Minor Judiciary Education Board.

The appointments would have consisted of three persons who are judges of the Pittsburgh Magistrates Court or the Traffic Court of Philadelphia or magisterial district judges, three members of the bar of the Supreme Court, and one lay elector.

The bill died in the House.

* **Probate Law Amendments** — The Senate unanimously passed **Senate Bill 1203**, which had a series of technical amendments that would update and clarify provisions of the probate law.

The recommended changes included proposed amendments to repeal of the rule against perpetuities; the enforcement of the contribution or exoneration of federal estate tax; provisions addressing death during a divorce proceeding and powers of attorney.

The Joint State Government Commission, Decedents, Estates and Fiduciaries Task Force recommended the changes to the law.

The bill died in the House.

* **Wiretap Law Sunset Extension** — By a vote of 50-0, the Senate passed **Senate Bill 1263**, which would have extended the sunset date of the state law governing the issue and operation of wiretaps by state law enforcement to December 31, 2013.

The bill died in the House.

* **Juvenile Offender Rights** — The Senate passed **Senate Bill 1269** by a 45-4 vote. The legislation would have defined the confidentiality and non-incrimination rights of juvenile offenders in juvenile proceedings.

Under the legislation, assessments and screenings may have been court ordered or conducted by juvenile justice personnel for the purposes of evaluating the psychological, mental health, mental retardation, drug/alcohol dependency or co-occurring disorders of the youth.

Currently, there is no clear direction concerning whether statements made during assessments and screenings are admissible as evidence in juvenile proceedings.

The bill died in the House.

*** **PA Child Support Enforcement Program** — The Senate unanimously passed **Senate Bill 1278**, which would enhance the Pennsylvania Child Support Enforcement Program by providing more support to low-income families, reducing operational costs, and generating revenue through increased Federal incentive earnings.

The Department of Public Welfare Office of Income Maintenance, Bureau of Child Support Enforcement requested the legislation to meet the requirements of the Federal Deficit Reduction Act of 2005.

Under current law, the court must determine the ability of each parent to provide health



care coverage and order that it be provided where appropriate. This legislation makes every order for child support include a requirement that either or both parents pay for medical support for their children.

The measure also requires the collection of an annual \$25 fee when \$500 or more of support is collected for a family receiving child support services and where the family has never received Temporary Assistance to Needy Families (TANF).

Additionally, the bill would require that all child support orders be reviewed and, if appropriate, adjusted every three years. The legislation would also increase the Support Pass-Through to a TANF family to \$100 for one child and \$200 for two or more children.

The bill was signed into law as **Act 16 of 2008**.

*** Release of Cell Phone Records** — By a unanimous vote, the Senate passed Senate Bill 1555, which would have added restrictions to the release of cell phone records.

The legislation would have prohibited the release or disclosure of cell phone records unless there was a written authorization or request by the subscriber, or a court order showing that the information was material to the preparation for a proceeding and that the request was reasonable.

The measure was prompted after it was learned that a defense attorney was able to retrieve records of newspaper reporters' phone calls through subpoena without their knowledge.

The bill died in the House, however the language was amended into House Bill 1664 which was signed into law as Act 111 of 2008.

*** Prisons and Probation** — The Senate unanimously passed **Senate Bill 73**. This bill would have updated and consolidated various freestanding statutes concerning prisons and probation and parole under Title 61. Obsolete laws and sections, some dating back nearly two centuries, would have been deleted.

The bill died in the House.

*** Burglary** — The Senate unanimously passed **Senate Bill 121**, which would have amended the judicial code to clarify the definition of burglary.

This Democrat-sponsored bill would have corrected an inconsistency in how the state's burglary and "Three Strikes" laws treat burglary in instances such as a home invasion when the victim is present. It would have assured that sentencing courts could impose the toughest possible penalties for burglary and home invasion.

The bill died in the House.

*** Sexual Assault Victims** — The Senate unanimously passed **Senate Bill 150**, known as the Sexual Violence Protection Act."

This bill would have authorized a sexual assault victim to petition the court requesting protection from the defendant. The court would have been required to hold an expedited hearing at which the plaintiff would need to prove the need for protection by a "preponderance of the evidence." The defendant would have had the right to legal representation.

The court would have been able to ban the defendant from having any contact with the plaintiff for up to 18 months. Those who violated the order would have faced up to six months in prison and a fine of up to \$1,000.

The bill died in the House.

*** Contraband** — The Senate unanimously passed **Senate Bill 151**, which would have amended the Crimes Code to expand and clarify the provisions prohibiting contraband.

The legislation would have increased the grading from a first-degree misdemeanor to a



second-degree felony if someone delivers a weapon or tool that is used for escape or supplies dangerous material such as explosives to an inmate or confined patient.

The bill died in the House.

* **Public Servant Impersonation** — The Senate unanimously passed **Senate Bill 183**, which would have amended the Judicial Code and Crimes Code to toughen penalties against those who impersonate public servants.

The legislation would have made it a third-degree felony to impersonate a law enforcement officer to persuade another person to submit to or rely on false official authority.

The bill also would have made it a criminal offense (a misdemeanor of the third degree) to impersonate a member of the armed forces or veteran in the same way.

The bill died in the House Judiciary Committee.

* **Military Firearm Permits** — By a unanimous vote, the Senate approved **Senate Bill 221**, which would have given deployed military personnel a 90-day extension on their license to carry a firearm. The extension would have been granted if the permit were scheduled to expire while the soldier was deployed overseas.

The bill died in the House.

* **Bail Provisions** — The Senate unanimously approved **Senate Bill 256**, which would have made the Judicial Code consistent with the state's constitution provision that denies bail for those charged with a capital offense, an offense punishable by a maximum term of life imprisonment, or situations where the safety of any person in the community cannot be assured.

The bill died in the House.

* **Underage Drinking Immunity** — By a unanimous vote, the Senate approved **Senate Bill 306**, which would have provided immunity for underage drinking to minors who call 9-1-1 seeking medical attention for others.

Lawmakers claim current law discourages minors who have been drinking from seeking medical help for others because reporting the emergency exposes that minor to an underage drinking arrest. To qualify for the proposed immunity, the minor would have been required to use their name when reporting the emergency and remain with the person needing medical attention until emergency help arrived.

The bill died in the House Appropriations Committee.

* **Financial Institution Robbery** — The Senate unanimously passed **Senate Bill 331**, which would have amended the Crimes Code by adding a section concerning robbery on the premises of a financial institution.

Under the bill, a person would have committed the offense if they took or removed the money of a financial institution without the permission of the financial institution. This could have taken place by making a demand of an employee of the financial institution orally or in writing. The bill would have also defined a financial institution as a bank, trust company, savings trust, credit union or similar institution.

The bill died in the House Appropriations Committee.

* **Grant Program Extension** — The Senate unanimously approved **Senate Bill 365**, which would have amended the Judiciary Code to extend the sunset date for the senior judge operational support grant program.



This section expired on June 30, 2007. This bill would have changed the expiration date to June 30, 2012.

The bill died in the House Rules Committee.

* **Regional Booking Fees** — The Senate passed **Senate Bill 397** by a vote of 47-2. The bill would have added a section to the Judicial Code to establish a central or regional booking fee, following the adoption of a countywide Booking Center Plan.

Under this measure, a person could have been required by the court to pay a central or regional booking fee of no more than \$200 in addition to any other fines, penalties, costs or fees authorized by law.

The booking fee monies would have been deposited into the Booking Center Fund or account to be used solely for the start-up, operation or maintenance of a central or regional booking center.

The bill died in the House Appropriations Committee.

* **Meth Labs** — The Senate unanimously passed **Senate Bill 432**, which would have amended the “Controlled Substance, Drug Device and Cosmetic Act” to add several offenses related to the operation of methamphetamine labs in Pennsylvania.

Currently there is no specific law dealing with meth labs. The legislation would have made it a second-degree felony to knowingly cause a chemical reaction for the purpose of manufacturing methamphetamine or preparing a precursor substance for the manufacture of methamphetamine.

The legislation would have also toughened the grading of this offense to a felony of the first degree if the conduct occurs within 1,000 feet of the real property of a public, private or parochial school, a college or university, nursery school or day care center or within 250 feet of a recreation center or playground.

The legislation would have made it a third-degree felony if the person intentionally, knowingly or recklessly deposits, stores or disposes of a precursor substance, chemical waste or debris used in or resulting from the manufacture of methamphetamine or the preparation of a precursor substance.

These provisions would not have applied to the operation of a licensed pharmaceutical company in the normal course of business.

This was part of a package of bills that were to address the worsening problem of meth labs in rural communities.

The bill died in the House Judiciary Committee.

* **Meth Labs** — The Senate passed **Senate Bill 433** by a 49-0 vote. The bill would have made a person convicted of an offense involving the operation of a methamphetamine laboratory responsible for reimbursing the appropriate law enforcement agency for the costs of cleaning up the environmental hazards associated with the operation of the meth lab.

The bill died in the House Judiciary Committee.

* **Meth Manufacturing** — The Senate unanimously approved **Senate Bill 434**, which would have amended the state’s drug law to make it a violation to knowingly possess various salts and optical isomers including, ephedrine, pseudoephedrine or phenylpropanolamine for the intention of manufacturing methamphetamine.

Under the bill, violators would have been subjected to up to six months in prison and a fine of up to \$10,000. In addition, a conviction for a second or subsequent offense could result in jail time of up to two years and a fine of up to \$25,000.



If there is proof that a person had more than 40 grams or 15 packages, the measure would have established a rebuttal presumption that the person is acting with the plan to manufacture meth.

The bill died in the House Judiciary Committee.

* **Meth Labs** — The Senate unanimously approved **Senate Bill 436**, which would have amended the Criminal Code by adding a section making it a crime to operate a methamphetamine laboratory.

The legislation would have made it illegal to knowingly cause a chemical reaction for the purposes of manufacturing methamphetamine or preparing a precursor substance for the manufacture of methamphetamine. Violators would have been subject to second-degree felony.

Also, if the offender operates a “meth” lab near a school, daycare center, recreation center or playground, the offense would have been upgraded to a first-degree felony.

The bill died in the House Appropriations Committee.

* **Crimes Against Law Enforcement Officers** — The Senate passed **Senate Bill 450** by a 47-2 vote. The legislation would have created a series of new criminal offenses if the victim were a law enforcement officer engaged in the performance of duty, and the perpetrator knew or should have known that the victim was a law enforcement officer.

First-degree murder of a law enforcement officer would have been punishable by the death penalty or life in prison; second-degree murder of a law enforcement officer would have been punishable by life in prison; and involuntary manslaughter of a law enforcement officer would have faced a maximum of 10 years in prison and a maximum fine of \$25,000.

The legislation would have also added a section to the Crimes Code establishing the offense of “Violence against a law enforcement officer.” An offense under this section was graded as one grade higher than the underlying offense. If the offense was graded as a first-degree felony, it would have been subject to a maximum term of 40 years in prison and a fine of \$50,000.

In all cases, the court would have been required to impose a consecutive sentence for any other crime occurring in the same criminal episode.

The bill died in the House Judiciary Committee.

* **Sex Offenders Online Identity** — The Senate unanimously passed **Senate Bill 490**, which would have amended Megan’s Law to require sex offenders to register their Internet online identity.

Online identity would have included email addresses and instant messaging screen names, and these would have been provided to the State Police and Board of Probation and Parole. A change or establishment of an online identity would have had to have been reported to police within 48 hours.

The bill died in the House Judiciary Committee.

* **Child Court Statements** — The Senate unanimously passed **Senate Bill 699**, which would have amended the Judicial Code to allow for a determination that if testimony in court would cause a child serious emotional distress, the child could have been made unavailable as a witness and that child’s out-of-court statements could have been used in the trial.

The bill died in the House Judiciary Committee.

* **Death Penalty for Mentally Retarded Offenders** — The Senate passed **Senate Bill 751** by a vote of 45-3. This bill would have prohibited the imposition of the death penalty on mentally retarded persons.

The bill would have applied retroactively to those persons currently sentenced to death.



Defendants who had been convicted and sentenced but have post-trial motions or direct appeals pending would have been able to file a motion with the court alleging reasonable cause to believe that the defendant is mentally retarded.

The bill would have required that the defendant establish mental retardation by a preponderance of the evidence, the burden of proof assigned to all mitigating circumstances and most affirmative defenses in criminal justice cases. In a first-degree murder prosecution, the issue of mental retardation would need to have been submitted to the court in a pre-trial motion filed 90 days prior to the date of trial alleging that there is reasonable cause to believe that the defendant is mentally retarded.

The bill would have also required that the jury not be informed of the court's pre-trial determination.

The bill died in the House Judiciary Committee.

* **More Judges** — The Senate passed **Senate Bill 861** by a vote of 47-2. This bill would have added seven judges to the Courts of Common Pleas in four judicial districts.

The 12th (Dauphin County) and 38th (Montgomery County) districts would have each added two judicial positions; while the 39th (Franklin and Fulton Counties), 45th (Lackawanna County) and 51st (Adams County) districts would have added one position each.

The new judicial positions, with the exception of the 39th district, would have been filled by the election occurring in 2009. The new judicial position for the 39th district would have been elected in the municipal election of 2011.

The bill died in the House Appropriations Committee. However, House Bill 301 was enacted and added these judgeships and several others.

* **Parental Monetary Liability Limits** — The Senate unanimously passed **Senate Bill 1013**, which would have increased the maximum amount of money a parent can be sued for based on their child's misconduct.

The liability limits would have been increased to \$2,000 for injuries suffered by any one person; \$4,000 if injuries were suffered by more than one person; and in proceedings where the actual loss exceeds the amounts stated, parents could have been discharged from liability by filing \$4000 with the court.

The bill died in the House Judiciary Committee.

* **Images of Deceased Soldiers** — The Senate passed **Senate Bill 1125** by a vote of 47-0. The bill would have created a criminal offense and a civil cause of action for the unauthorized use of the name, portrait, or picture of a deceased soldier.

The offense would have been graded as a first-degree misdemeanor punishable by a fine of up to \$15,000 and up to five years in jail.

This legislation would have made it a criminal offense if the deceased soldier's identity was used for commercial advertising or the solicitation of patronage for any business without obtaining the prior consent to use such likeness from the deceased soldier's spouse, immediate family member, trustee or legally designated representative.

The use of the name, portrait, or picture of a deceased soldier would not have been a criminal offense if used for non-commercial purposes, in artistic or literary works or non-profit exhibits, or when the picture does not identify the soldier's face.

The bill died in the House Judiciary Committee.



LABOR AND INDUSTRY

*** **Limiting Mandatory Overtime** — The Senate unanimously passed **House Bill 834**, regulating the use of mandatory overtime on health-care workers. The bill was a companion bill to Senate Bill 835, the latest version of a six-year effort to curb forced overtime.

Under the measure, an employer cannot use refusal of forced overtime as grounds for dismissal or discipline.

The bill allows employers to force overtime in the event of emergencies, or to complete a procedure already begun. Within 18 months, the Pennsylvania Department of Labor will create regulations and set penalties for violations. The House concurred in Senate amendments by a vote of 189-11 and the bill was signed into law as **Act 102 of 2008**.

*** **Uniform Construction Code** — The Senate unanimously passed a series of bills to further implement and modify the 1999 Uniform Construction Code.

- **House Bill 1096** establishes the Uniform Construction Code (UCC) Review and Advisory Council. The General Assembly adopted the UCC based mostly on international standards. The council will work with local and state government officials, as well as industry officials to review and recommend changes to the code. The bill was signed into law as **Act 106 of 2008**.
- **Senate Bill 437** waives a section of the code requiring bolts connecting single-family homes to their masonry foundations. Experts said past practice has proven to be safe. The bill was signed into law as **Act 9 of 2007**.
- **Senate Bill 466** exempts temporary structures – such as festival or fairground tents and pole barns – from the Uniform Construction Code. The bill was signed into law as **Act 39 of 2007**.

*** **Increase in Disability Payments** — The Senate unanimously passed **Senate Bill 263**, amending the Pennsylvania Occupational Disease Act, which provides for disability compensation for workers suffering from silicosis, anthraco-silicosis, coal worker's pneumoconiosis and asbestosis. Pennsylvania workers with a total disability were eligible for monthly payments of \$125. The measure increases the payment to \$150. The bill was signed into law as **Act 123 of 2008**.

* **Regulating Liens** — The Senate unanimously passed **Senate Bill 726**, which would have made a change to the residential construction exclusion by prohibiting a lien in excess of the unpaid balance of the contract price, and requiring that a lien be subordinate to certain mortgages.

The bill died in the House Judiciary Committee.

* **Public Service Death Benefit** — The Senate unanimously passed **Senate Bill 1112**, which was intended to increase the death benefit for police officers, firefighters, ambulance personnel, or National Guard personnel killed in the line of duty. The bill also would have extended the period during which a death certificate must be filed with the state from 30 to 90 days.

The bill died in the House Appropriations Committee.



LAW AND JUSTICE

*** **Police Officer Training Waivers for Military** — The Senate unanimously passed **House Bill 1044**, which states that if a police officer is unable to attend in-service training due to military service or an injury sustained in service as a police officer, the officers' employer must request a waiver.

Under the bill, a police officer whose employer fails to request a waiver will not be decertified unless, upon return to service, the officer fails to participate in such training.

The bill was signed into law as **Act 105 of 2008**.

*** **Special Liquor Permits** — By a vote of 43-6, the Senate passed an amended version of **House Bill 896** allowing limited wineries to obtain a special permit for use at farmers' markets as well as wine, food and cultural expositions.

The bill also allows the Liquor Control Board to issue a special occasion permit to an eligible entity located in a dry municipality if the board is provided with a copy of a resolution adopted by the municipality supporting the issuance of the special permit.

The bill was signed into law as **Act 34 of 2007**.

* **State Police Station Hours** — The Senate passed **Senate Bill 318** by a vote of 48-1. The measure would have required that State Police stations be staffed and open to the public 24 hours a day, seven days a week. Emergency situations would be an exception.

The measure was in response to the department's plans to implement centralized dispatching strategy and not staff some of its stations during certain hours.

This bill died in the House Appropriations Committee.

*** **US Open Liquor Permit** — The Senate passed **Senate Bill 650** by a vote of 49-0. The legislation changes the Liquor Code to allow for a special occasions permit to be issued to sportsmen's clubs (in existence for at least 10 years) conducting a national golf championship. This exception was tailored for the U.S. Open Golf Championship, which was held at Oakmont Country Club near Pittsburgh in 2007.

The bill was signed into law as **Act 5 of 2007**.

*** **PLCB Compliance Checks** — The Senate unanimously passed **Senate Bill 737**, which extends the expiration date for the program that permits certain underage individuals to assist Liquor Control Enforcement officers in compliance checks at liquor establishments.

The legislation extends the expiration date of the program from January 1, 2008 to December 31, 2017.

The bill was signed into law **Act 75 of 2007**.



LOCAL GOVERNMENT

*** **Extension of Assessments of Sewer Systems** — The Senate unanimously passed an amended version of **House Bill 239**. The bill amends the Second Class Township Code to extend the time period that a property owner has to pay an assessment related to the use of sewer systems from 60 to 90 days.

It also permits for the connection of structures to township and authority water systems. The bill was signed into law as **Act 34 of 2008**.

*** **Appeals of Land Use Ordinance Defects** — The Senate passed **House Bill 1329** by a 50-0 vote. This bill changes the process for appealing an alleged defect in the enactment or adoption of a land use ordinance.

The bill requires that appeals related to these defects be taken directly to the county court of common pleas, as are other defects in the process for establishing ordinances, resolutions, maps, etc.

The measure also allows optional public notice of municipal action in order to provide an opportunity to challenge the validity of an ordinance or decision on the basis that a defect in procedure resulted in a deprivation of constitutional rights.

The public notice will be posted once each week for two consecutive weeks in a local newspaper.

This legislation was a companion bill of House Bill 1330. The Governor signed the bill into law as **Act 39 of 2008**.

*** **Ordinance Defect Appeals** — The Senate unanimously passed **House Bill 1330**, which creates a new process for appealing alleged defects in the process of, or procedure for, enactment or adoption of any ordinance, resolution, map or similar action of a political subdivision.

This bill updates a law that was no longer enforceable due to a 2006 court ruling (*Glen-Gery Corporation v. Zoning Hearing Board of Dover Township, York County*).

This measure allows for a 30-day appeals period after the enactment of an ordinance, resolution, map, or other similar actions for an appeal to be made based on an alleged defect in the process for its adoption.

This legislation was a companion bill of House Bill 1329. The Governor signed the bill into law as **Act 40 of 2008**.

*** **Uniform Municipal Deed Registration Act** — The Senate unanimously passed **House Bill 1634**, which enacts the Uniform Municipal Deed Registration Act.

This measure will provide for a more timely process for recording deeds in counties and registering deeds in municipalities.

The bill was signed into law as **Act 110 of 2008**.

* **Sewer System Requirements for Religious Sects** — By votes of 42-8, the Senate passed three bills that would have permitted members of certain religious sects to make applications to their township so that they would be relieved of the requirement to connect to sewer and drainage systems because of their religious beliefs.

The bills (**Senate Bill 461, 462, 463**) would have made changes to the First Class Township Code, the Borough Code, and the Second Class Township Code respectively.

The bills died in the House.



*** **Amateur Radio Regulations** — The Senate passed **Senate Bill 884** by a vote of 49-1. This bill restricts municipalities from regulating amateur radio service communications.

The legislation creates a general rule that a municipality that takes action involving the placement, screening or height of antennas will reasonably accommodate amateur radio service communications and only impose minimum regulations.

The bill was signed into law as **Act 88 of 2008**.

*** **Third Class City Fire and EMS** — The Senate unanimously passed **Senate Bill 987**, which requires third class cities to provide fire and emergency medical service within their borders.

The legislation also mandates that third class cities consult with fire and emergency providers to discuss the emergency services needs of the city. Lastly, the bill requires that agencies receiving city funds make itemized reports on the expenditure of these funds before the city can consider budgeting additional money to the organization.

The bill was signed into law as **Act 31 of 2008**.

*** **Public Road Determination** — The Senate unanimously passed **Senate Bill 1028**, which defines what kinds of evidence may be presented in determining if a road is a public road.

Relevant evidence can include maps, surveys, subdivision plans, deeds, court orders, and other materials.

The bill was signed into law as **Act 126 of 2008**.

* **Property Transfer Requirements** — The Senate unanimously passed **Senate Bill 1141**. This bill would have permitted a township to transfer real and personal property to a council of governments or any other entity created by an intergovernmental cooperation agreement without following public notification and bidding requirements.

The Second Class Township Code currently permits the transfer of real and personal property to 17 types of governmental, utility, and non-profit agencies without requiring notification and bidding.

The bill died in the House.

*** **Oath of Office** — The Senate passed **Senate Bill 1332** by a 48-2 vote. This legislation adds a uniform oath of office for elected and appointed municipal officials.

There had been several forms of oaths in Pennsylvania through the municipal codes.

The bill was signed into law as **Act 76 of 2008**.

* **Discrimination of Police and Firefighters** — By votes of 50-0, the Senate passed a package of six bills that would have made local laws governing civil service commissions consistent with federal and state anti-discrimination statutes related to disabilities and former illegal drug use.

These pieces of legislation would have addressed the hiring, firing, promotion, and demotion of paid firefighters and police officers.

The bills (**Senate Bills 1363, 1364, 1365, 1366, 1367, and 1368**) were all recommendations made by the Local Government Commission.

The bills all died in the House.

* **County Records Committee Membership** — The Senate unanimously passed **Senate Bill 1369**. This bill would have increased the County Records Committee's membership to 16 by adding the clerk of orphans' court.

The bill died in the House.



* **Municipal Intergovernmental Agreements** — The Senate unanimously passed **Senate Bill 1496**, which would have allowed municipal authorities to participate in intergovernmental agreements with municipalities.

The legislation would have allowed one or more local governments to enter into an agreement with one or more municipal authorities. The agreement would not have been able to delegate or transfer the governmental powers or functions of a local government to a municipal authority or enlarge or diminish the powers of a municipal authority beyond those authorized and permitted by law.

The bill died in the House.

*** **Accident Response Fees** — The Senate voted unanimously in favor of **House Bill 131**, which prohibits local police from charging a fee or seeking reimbursement for services related to a motor vehicle accident.

Under the measure, a municipality cannot charge a fee or seek reimbursement for any costs or expenses incurred as a result of municipal police responding to a motor vehicle accident. These costs include, labor, materials, supplies or equipment used or provided in the response.

The bill was signed into law as **Act 69 of 2007**.

*** **County Audit Reports** — The Senate unanimously passed **House Bill 635**, which extends the time period that auditors must finish the audits of counties and make reports to the court of common pleas and Department of Community and Economic Development.

The bill moves the date that an audit must be completed, filed, and the date that a report on the fiscal condition of the county must be filed from May 1 to July 1.

The bill was signed into law as **Act 22 of 2007**.

*** **Borough Property Sale** — The Senate unanimously passed **House Bill 917**, which allows boroughs to sell real or personal property to a council of government without going through advertising and bidding requirements.

The bill was signed into law as **Act 15 of 2007**.

* **Borough Assessor** — The Senate unanimously passed **Senate Bill 635**. This bill would have amended the Borough Code by removing assessor as an elected office.

The bill died in the House Appropriations Committee.

* **Borough Assessor** — The Senate unanimously passed **Senate Bill 636**. This bill would have amended the 4th through 8th Class County Assessment Law by eliminating all language referring to local assessors serving boroughs and first class townships.

The bill died in the House Appropriations Committee.

* **Township Assessor** — The Senate unanimously approved **Senate Bill 709**, which would have amended the First Class Township Code by removing assessor as an elected office.

The bill died in the House.

* **Airport Authority Open Records** — By a vote of 50-0, the Senate passed **Senate Bill 1051**, which would have required an airport authority to adopt resolutions providing for circumstances under which citizens can gain access to records under the Right-to-Know Act and a code of ethics consistent with the Public Official and Employee Ethics Act.

It would have also required that an authority incorporated by a third class city within a third class county form a board of 11 members.

The bill died in the House Local Government Committee.



PUBLIC HEALTH AND WELFARE

*** **Cancer Drug Repository Program** — The Senate unanimously passed **Senate Bill 638**, which establishes the Cancer Drug Repository Program for accepting and dispensing donated cancer drugs.

The bill will also provide immunity from criminal and civil liability for those who donate the cancer drugs.

The bill was signed into law as **Act 14 of 2008**.

*** **Long-Term Care Facilities** — The Senate unanimously passed **House Bill 2034**, which creates the Long-Term Care Patient Access to Pharmaceuticals Act.

The measure will provide patients with lower cost drugs through the Veteran's Administration if they reside in a long-term care facility.

The bill was signed into law as **Act 114 of 2008**.

*** **Small Residential Hospital Regulations** — The Senate unanimously passed **House Bill 2629**, which amends the Health Care Facilities Act by setting when final regulations must be established for licensure and operation of small residential hospices.

The bill was signed into law as **Act 120 of 2008**.

*** **Statewide Smoking Ban** — By a 41-9 vote, the Senate approved the conference committee report establishing a statewide smoking ban.

Senate Bill 246 is aimed at protecting Pennsylvanians from the deadly health effects of secondhand smoke. The measure prohibits smoking in most indoor public places, including restaurants and workplaces.

The bill allows for some exceptions, including bars that have less than 20 percent of earned income from food sales, retail tobacco shops, private clubs, a small percent (25 percent) of hotel rooms and a portion (up to 50 percent) of casino floor space.

Violators will face a \$250 fine for the first offense; \$500 for the second violation; and \$1,000 for every subsequent violation of the law. The Department of Health, the county board of health where the establishment is located, and local law enforcement agencies all have enforcement powers.

The Pennsylvania Department of Health will implement its plans for information, education and awareness to the general public and businesses about the requirements of the new law, and provide technical assistance to businesses about implementing no smoking policies.

Prior to approving the conference committee report, Senate Democrats opposed the measure in a 31-19 vote because the measure included an exception that allowed the city of Philadelphia to preempt the state law with its stronger local smoking ban – yet did not allow Allegheny County and Scranton to also keep their tougher local ordinances. Following expressed support from Gov. Ed Rendell and assurances from Senate Republican leaders that a separate preemption bill for those cities would be considered, Democrats agreed to support the conference committee report.

Governor Rendell signed the bill into law as **Act 27 of 2008**.



* **Health Care Cost Containment Council** — The Senate voted unanimously in favor of **Senate Bill 1372**, which would have amended Act 89 of 1986 known as the Health Care Cost Containment Act to provide for a committee to be known as the Health Care Cost Containment Council Act Review Committee and extend the sunset date to June 30, 2013. The act expired on June 30, 2008. The Health Care Cost Containment Council was created to collect hospital data in order to provide accountability of health care costs.

Although the bill died in the House Insurance Committee, Governor Rendell revised his July 8, 2008 Executive Order (2008-05) Extending the operations of the PA Health Care Cost Containment Council. Under the revised order, the council will remain in operation through June 20, 2009, or until the General Assembly reauthorizes the council, whichever comes first.

*** **Foster Child Permanency Hearing** — The Senate unanimously passed **House Bill 1511**. Under the bill, prior to a permanency hearing, a child's foster parent, pre-adoptive parent or relative may make a report to the court concerning the child's adjustment and progress.

Also, information obtained from a child in the course of screenings and assessments—whether court ordered or otherwise—cannot later be used against the child in determining if the child committed a delinquent act, or on the issue of the child's guilt in a criminal proceeding.

The bill was signed into law as **Act 109 of 2008**.

*** **Umbilical Cord Blood Banking** — The Senate unanimously passed **House Bill 874**.

The measure, known as the "Umbilical Cord Blood Banking Education and Donation Act," will set standards to educate pregnant women on the potential benefits of umbilical cord blood banking and provide opportunities for the donation and storage of umbilical cord blood.

The bill was signed into law as **Act 12 of 2008**.

*** **DPW Personal Care Homes Inspections** — The Senate voted unanimously in favor of **House Bill 1788**, which makes new rules for the Pennsylvania Department of Public Welfare (DPW) in regulating personal care homes.

Because DPW was behind on inspections of personal care homes, this new law requires DPW to submit a report to the governor and the General Assembly every year by March 1.

The report will include:

- The number of licensed personal care homes and residents in the state;
- The number of homes that received an annual inspection;
- How many homes are operating on a full or provisional license;
- How many homes were closed or were the subject of legal action by DPW;
- Types of violations, classified on the basis of seriousness;
- Whether financial penalties were assessed by DPW for violations; and
- Specific plans by DPW to ensure compliance with laws and regulations.

For those patients readmitted to a hospital within 14 days their discharge:

- If the readmission is for the treatment of conditions that could or should have been treated during the previous admission, the patient would not be charged anything additional.
- If the readmission is due to complications of the original diagnosis and the patient is now being diagnosed with something different, the department would have to pay for the higher priced diagnosis.
- If the readmission has nothing to do with the first admission, the readmission would be treated as a new admission.

It also brings DPW's pharmacy and therapeutics committee, as well as its drug utilization review board meetings, under the Sunshine Law.

The bill was signed into law as **Act 44 of 2008**.



*** **Newborn Screening and Follow-up Program** — The Senate voted 48-2 in favor of **House Bill 883**, which expands Pennsylvania's Newborn Screening and Follow-up Program.

The new law enables the Department of Health to continue to provide for screening and follow-up services for six mandated genetic and metabolic conditions for babies born in Pennsylvania and adds follow-up services for 22 more genetic and metabolic conditions.

Newborn screening provides early identification and treatment for infants affected by certain metabolic, hormonal, genetic or functional disorders.

Before this law, Pennsylvania only provided for services, referrals, and confirmatory testing for a fraction of the metabolic conditions.

The bill was signed into law as **Act 36 of 2008**.

* **Health Care Cost Containment Council** — The Senate approved **House Bill 2648** by a vote of 48-2.

The bill would have extended the Health Care Cost Containment Council until June 30, 2013. It would have also established a Health Care Cost Containment Council Act Review Committee. Pennsylvania Health Care Cost Containment Council was due to sunset on June 30, 2008. However, with no likely action on the bill in the House, Gov. Ed Rendell revised an executive order to extend the operation of the council through June 30, 2009, or until the General Assembly reauthorizes the council, whichever occurs first.

* **LIHEAP and HEAT ON** — The Senate unanimously approved **Senate Bill 352**, which would have created the Home Energy Assistance in Time of Need (HEAT ON) Act.

Beginning October 1 of the plan year through April 30 of the following year, the department would have made LIHEAP grants to eligible persons who have a household income up to 150 percent of the poverty level.

The bill died in the House.

* **Certificate of Birth for Stillborn Babies** — The Senate unanimously approved **Senate Bill 387**, which would have amended the Vital Statistics Law of 1953 by requiring an issuance of a certificate of birth resulting in stillbirth by the Department of Health for any fetal death previously filed with the department upon the request of the mother or father.

The fee for issuance would be the same as a death certificate. The certificate may have included, but was not limited to, the name of the stillborn child, date and county of delivery, mother's and father's name and birthplace.

The certificate would not have been proof of live birth. In addition, the issuance of the certificate would not have imposed any additional duties to conduct an investigation from the coroner or medical examiner.

The measure died in the House.

* **Funding for Mental Health and Mental Retardation Services** — The Senate approved **Senate Bill 1373** by a 47-3 vote. The bill would have been known as the Mental Health and Mental Retardation Maintenance of Community Services Act.

Under the bill, the Secretary of the Budget would have included in the budget for the community-based mental health, mental retardation and early intervention services programs in the Department of Public Welfare the amounts necessary to fund:

- The aggregate amount allocated to the programs in the prior fiscal year
- The amount necessary to provide full-year funding of all initiatives included as part of the programs in the prior fiscal year
- The amount necessary to fund an index adjustment to include a cost-of-living



adjustment for administrative costs of the programs
The measure died in the House.

* **Pharmaceutical Services Benefits** — The Senate unanimously approved **Senate Bill 1497**. The bill would have required that the Department of Public Welfare consider pharmaceutical services as a covered benefit under both mandatory managed care and voluntary managed care.

These benefits would have been provided and continued under contracts with managed care contractors. Pharmaceutical benefits would have remained a covered benefit, unless a termination of this benefit was approved by the General Assembly.

The bill died in the House.

* **Medical Safety Automation Fund** — The Senate unanimously approved **Senate Bill 8**, which would have established the Medical Safety Automation Fund and provided grants of up to \$1 million to health care providers and organizations to implement medical safety automation systems.

To be eligible for the proposed grant, a health care provider would have had to provide medical services to individuals regardless of their ability to pay for the services.

Applications for funding would have addressed how the system would protect privacy; maintain and provide permitted access to health information; ensure compliance with national standards; improve quality and reduce medical errors; reduce health care costs; ensure interoperability with other systems and health care providers; improve public health reporting; facilitate health research; promote prevention of chronic diseases and provide for consumer access to personal medical information.

The bill died in the House.

* **Low Cost Drugs** — By a vote of 49-0, the Senate passed **Senate Bill 778**, which would have given eligible patients the ability to acquire low cost drugs if they reside in a long-term care facility.

Only patients who are eligible to acquire lower cost drugs through the Veterans' Administration would have had access to those drugs if they reside in a long-term care facility.

Repackaging and re-labeling the drugs received from the Veterans' Administration could have taken place so the drugs could have been dispensed in unit doses to patients in a long-term care facility under certain stipulations.

The bill died in the House.

* **Voluntary Managed Care** — The Senate unanimously approved **Senate Bill 877**, which would have amended the Public Welfare Code by establishing definitions for certain terms and administering a program of mandatory and voluntary managed care.

The bill would have provided definitions for terms in the code and administered a program of mandatory managed care for physical health care services for the southeast, southwest, Lehigh and Capital areas, as well as for recipients who reside outside the areas.

The managed care and mandatory managed care contractors would have both provided the same physical health care benefits to the recipients.

The bill died in the house.

*** **Donating Blood** — By a vote of 46-0, the Senate passed **House Bill 191**, which makes anyone who is 17 years of age or older eligible to donate blood without the permission of a parent or guardian. It also allows anyone between the ages of 16 and 17 to donate blood with the written consent of a parent or guardian.

The bill was signed into law as **Act 63 of 2007**.



*** **Senior Care and Services Study Commission** — The Senate voted unanimously in favor of **House Bill 1367**. The legislation extends the sunset date on the nursing home provider assessment until 2012. It also creates the Senior Care and Services Study Commission, which will assess the health care needs of the state's current and future senior population.

This bill was signed into law as **Act 16 of 2007**.

*** **Internal Infection Control Plans** — The Senate unanimously approved **Senate Bill 968**, which requires hospitals, ambulatory surgical facilities, and nursing homes to assemble committees (including health care practitioners, administrators, and community members) to develop and implement internal infection control plans.

This legislation establishes a new program that, beginning in 2009, will provide financial incentives for those facilities that achieve significant reductions in reported infections. The law also permits the Department of Health to take action against facilities that do not meet benchmark targets for reducing infections.

This bill was a part of Governor Rendell's Prescription for Pennsylvania health care reform plan.

The measure was signed into law as **Act 52 of 2007**.

*** **Intra-Governmental Council on Long-Term Care Representatives** — The Senate approved **Senate Bill 704** by a vote of 46-3. The bill requires the Intra-Governmental Council on Long-Term Care to have two representatives of the assisted living residence community on the council: the owner or administrator and a consumer.

The bill also requires the appointment of administrators, creates regulations, and establish an application fee.

STATE GOVERNMENT

*** **Dredging The Delaware River** — The Senate voted 49-1 in favor of **House Bill 1691**, which exempts the U.S. Army Corps of Engineers from liability for any damages that may occur during the dredging of the Delaware River.

The U.S. Army Corps of Engineers is free from liability of all damages arising from construction, operation and maintenance of the Delaware River Main Channel Deepening Project. This does not include damages due to the error or negligence.

The bill was signed into law as **Act 10 of 2008**.

*** **Open Records** — The Senate voted unanimously in favor of **Senate Bill 1**, the so-called "open records" legislation that will make all levels of government more open and accessible to the public.

The new law is the first substantive re-write of the state's "Right-to-Know" law in 50 years. Nearly all government records are presumed open, and agencies cannot deny access based on how the requester plans on using the information. This applies to all state, local government, judicial and legislative agencies.

All agencies must appoint an open-records officer. For the General Assembly, the Legislative Reference Bureau will designate this person. The open-records officer will be responsible for receiving, processing, and responding to requests in a timely manner and maintaining a record of the request.

The bill also establishes a clearinghouse to provide information on the implementation



and enforcement of this legislation; issue advisory opinions to agencies and requestors; provide training; employ hearing examiners for administrative appeals and establish a website to include advisory opinions and decisions.

The measure contains limited exemptions to what must be released to the public.

The open records legislation will complement substantive reforms the Senate embraced when it reconvened in January, 2007. Those rule changes instituted restrictions on session hours (8 a.m. to 11 p.m.), waiting periods on passing bills and amendments, and the requirement that additional legislative information be made available in a timely fashion on the Internet.

The governor signed the bill as **Act 3 of 2008**.

* **Illegal Immigrants Obtaining Benefits** — The Senate voted 39-10 in favor of **Senate Bill 9**, which would have prevented illegal immigrants from improperly receiving public benefits other than those deemed essential to public health.

Under this legislation, applicants for many government benefits would have been required to provide some type of government ID and sign an affidavit saying they are legal residents.

The bill would have affected applications for Medicaid, state-subsidized universities, unemployment compensation, the state's adultBasic health-insurance program, home-heating help, and more.

The measure would not have applied to children younger than 18 years old, as well as the disabled who receive Supplemental Security Income or Social Security and seniors' eligible for Medicare.

The bill died in the House State Government Committee.

* **Death Notification For Voter Registration Records** — The Senate voted unanimously in favor of **Senate Bill 776**, which would have required for the Department of State to be notified of the death of residents for the purpose of updating voter registration records.

Under this legislation, the Department of Health would have been required to notify the Department of State each month with the names of residents, over the age of 18, who died.

The information would have included the name, gender, last address, date of birth, date of death, the county of death, the state file number and last four digits of the decedent's social security number.

The Department of State would have entered this information into the State Uniform Registry of Electors (SURE) System for use by county boards of election.

The bill died in the House Appropriations Committee.

* **Political Robo-Calls** — The Senate voted 48-1 in favor of **Senate Bill 820**, which would have enabled Pennsylvanians to block political robo-calls.

In 1996, Pennsylvania created a Do-Not-Call List for commercial telemarketers. Senate Bill 820 would have established a separate Do-Not-Call List for political robo-calls. As with the existing Do-Not Call List, the Attorney General would have been responsible for maintaining the list.

It would have been illegal for any political candidate or organization to make an automated political call to any resident that signs up to be on the list. Offenders would have been subject to penalties of up to \$1,000 per violation.

Senate Bill 820 was not intended to ban live political calls. Candidates and political organizations would still have been able to contact all voters by telephone as long as a real person made the call.

The bill died in the House State Government Committee.



* **Consulting Contracts** — The Senate voted unanimously in favor of **Senate Bill 903**, which would have increased openness in consulting contracts.

This legislation was aimed at eliminating conflicts of interest when state government enters into contracts with outside consultants. It would have ensured that government gets unbiased professional advice when needed.

A state agency would not have been allowed to contract with outside individuals or firms for consulting work, unless the contract was reviewed by the Attorney General for legality and conflict of interest, or was opened up to public competitive bidding.

An agency would have to maintain a public registry for any businesses that applied and met the legal qualifications.

Consulting contracts less than \$25,000 would be assigned on a rotating basis to the businesses on the public registry.

Consulting contracts more than \$25,000 would be awarded by competitive sealed bidding.

All campaign contributions made by businesses that receive contracts from state government would have had to be reported in order to be eligible for consulting work.

The bill died in the House State Government Committee.

* **Commonwealth Employee Bonus Ban** — The Senate unanimously passed **Senate Bill 986**, which would have banned bonuses provided to Commonwealth employees that are awarded outside of standard payroll procedures.

This legislation would have made it a third degree misdemeanor for a person to approve a bonus to any Commonwealth employee. The measure was in response to a bonus payment scandal that resulted in the indictment of a dozen House employees and lawmakers.

The bill died in the House Appropriations Committee.

* **Agency Advertising** — The Senate voted unanimously in favor of **Senate Bill 1015**, which would have made public when state agencies pay for advertising.

This bill would have required that state agencies disclose advertisements that are paid for with public funds. All advertising done by these agencies would have been required to clearly display the phrase “Paid for with Pennsylvania taxpayer dollars” in the advertisement.

This legislation would have applied to the General Assembly, all Pennsylvania courts, the Governor and Lieutenant Governor, state row offices and all executive branch offices, boards and commissions.

The measure would not have applied to materials published or broadcast free of charge.

The bill died in the House Appropriations Committee.

* **Furloughing State Employees** — The Senate voted unanimously in favor of **Senate Bill 1122**, which would have banned the Governor from furloughing Commonwealth employees during a budget impasse.

Under the bill, if a budget were not enacted before the end of the fiscal year, all employees would have been considered critical and essential and could not be furloughed. The measure would have prohibited furloughing employees due to a categorization not expressly defined in law.

The bill was in response to Gov. Rendell’s insistence that federal law required him to furlough state workers if a budget is not in place on time. In 2007, workers were furloughed for one day while lawmakers hammered out a budget agreement. In 2008, Gov. Rendell threatened to furlough state workers over a possible budget impasse.

The bill died the House Appropriations Committee.



* **State-Owned Vehicles** — The Senate voted unanimously in favor of **Senate Bill 1499**, which would have created rules for using state-owned vehicles.

Under the proposed rules: Any state employee assigned a state vehicle would be required to maintain a monthly mileage log; the Department of General Services would have to post mileage logs online and make it searchable by at least department, employee name, vehicle make and model; any state employee assigned a state vehicle would be required to reimburse the state for insurance and gasoline for personal use; to have a state car, an employee must have an assignment that requires at least an average of 1,200 miles of travel per month (excluding travel to and from work); and vehicles assigned to state employees would have an “official use” license plate unless the employee does undercover law enforcement work.

The bill died in the House State Government Committee.

* **Regulatory Review Act** — The Senate voted unanimously in favor of **Senate Bill 752**, which would have changed the Regulatory Review Act by requiring that ‘acceptable data’ be included with proposed regulations.

‘Acceptable data’ would have been defined as “Empirical, replicable and testable data as evidenced in supporting documentation, statistics, reports, studies or research.”

The bill would have also required a detailed explanation of the data, which would have included how the data was obtained and why the data is acceptable.

The bill died in the House State Government Committee.

* **Posting of State Employee Salaries** — The Senate voted unanimously in favor of **Senate Bill 729**, which would have required the state Treasurer to post the salaries of all state employees on the Internet and to update the information each month.

Under the bill, salaries would have been published on a publicly accessible Web site. The name, title, employing jurisdiction, annual salary and any supplemental payments of state employees for the executive, legislative or judicial branch would have been listed. Supplemental payments would not have included payments made to employees for business expenditures, unused vacation or sick leave.

The bill also states that this information could not have been used for any commercial purpose.

The bill died in the House State Government Committee.

* **Sunshine Act Violations** — The Senate voted unanimously in favor of **Senate Bill 467**, which would have increased penalties for violations of the Sunshine Act.

Currently, a violation of the Sunshine Act is a summary offense and carries a fine of up to \$100 plus costs of prosecution. This bill would have increased the fine to \$1,000 for the first offense and \$2,000 for a second offense, plus the cost of prosecution. Agencies would not have been allowed to pay or reimburse the fine for members of that agency who violate the law.

The bill died in the House Appropriations Committee.

* **Election Code Changes** — The Senate voted unanimously in favor of **Senate Bill 317**, which would have made several changes to the Election Code.

Under this bill, county boards would have to have maintained a list of all absentee ballots that are received after 5 p.m. on the Friday before the election, but before 8 p.m. on the day of election. Absentee ballots received up to the seventh day following the election, which contain postmarks dated no later than the day preceding the election, would have also been kept. The list would have had to be available for inspection at the office of the County Board of Elections.

Requests by the board of public education or school directors to refuse the use of public



schools as polling places would have been prohibited.

Both the Pennsylvania Democratic and Republican state committees would have been required to post and maintain any rule changes on their websites. Circulators of school board candidate petitions would have had to be from the same party as the candidate.

County Common Pleas judges would have been allowed to permit an amendment to a statement of financial interests to correct non-fraudulent errors or omissions in the statement as long as the statement was filed with the State Ethics Committee or the appropriate governing authority.

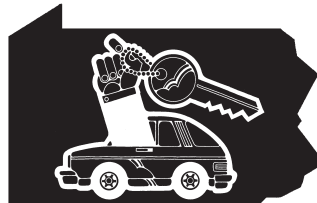
The bill died in the House State Government Committee.

* **Pennsylvania Judges Pay Scale** — The Senate voted 49-1 in favor of **Senate Bill 44**, which would have unlinked the salaries of Pennsylvania judges from a pay scale based on federal judges compensation.

Under the bill, beginning in January 2008, judges would have received annual cost-of-living adjustments based on the percentage change in the Consumer Price Index for all urban consumers for the Pennsylvania, New Jersey, Delaware and Maryland area for the most recent 12 months reported by the U.S. Department of Labor.

The bill would have undone the last vestige of the 2005 pay raise law, which the General Assembly rescinded later that year. The measure was prompted following a state Supreme Court ruling that reinstated the part of the law that raised salaries for judges and linked future judicial pay raises to the salary structure of federal judges.

While the bill died in the House State Government Committee, House Bill 10 (Act 30 of 2007), which contained similar language, was enacted. A write up on House Bill 10 is in the Judiciary section.



TRANSPORTATION

* **Driving with a Suspended License** — The Senate unanimously approved legislation that would have cracked down on those who drive with a suspended license and those who knowingly allow someone with a suspended license to drive their vehicle.

Senate Bill 1413 would have imposed stiff penalties for people who drive with a suspended license. The bill, named “Alex’s Law,” was introduced in honor of Alexzandra Loos, a 15-year-old teenager who was hit and killed by a habitual offender in western Pennsylvania.

The bill died in the House.

*** **Bridge Bill** — The Senate unanimously approved legislation that provides for projects for the Highway Railroad and Highway Bridge Capital Budget Itemization Act of 2008-09, also known as the “Bridge Bill.”

Senate Bill 1503 authorizes the Department of Transportation to insure that “critical” need bridges will be completed.

The Governor signed the bill into law as **Act 96 of 2008**.



*** **Highway Capital Budget Itemization Act** — The Senate unanimously approved legislation that provides for the Highway Capital Budget Itemization Act of 2008-09.

Senate Bill 1504 authorizes the Department of Transportation to use Motor License Fund proceeds and debt financed monies for highway construction and reconstruction projects throughout the state.

The Governor signed the bill into law as **Act 128 of 2008**.

*** **CDL Driving Test** — The Senate unanimously approved **House Bill 347**, which allows the Pennsylvania Department of Transportation to waive the Commercial Drivers License (CDL) driving test for active duty military or recently discharged veterans with at least two years experience working in commercial type vehicles as a part of their military job.

Also, the Department of Transportation may issue an undercover credential to federal, state or local law enforcement officials and would take all reasonable steps to ensure the confidentiality of these licenses and their issuance.

The House unanimously passed the bill and it was enacted as **Act 133 of 2008**.

*** **Motor Carrier Safety Improvement Act** — The Senate voted unanimously in favor of **House Bill 17**, which changes the Vehicle Code to match with the federal Motor Carrier Safety Improvement Act.

Fines for violating the Hours-of-Service will be reduced from \$2,750 to \$500. The weight limit for disability plates/placards and specialty plates will be changed from 9,000 pounds to 10,000 pounds. This will affect all military specialty plates, DARE plates, as well all other available specialty plates.

The governor signed the bill into law as **Act 67 of 2007**.

*** **Blight and Abandoned Cars in Pittsburgh** — The Senate unanimously approved Vehicle Code legislation that helps Pittsburgh curb the problem of blight and deal with abandoned cars in a more timely fashion.

House Bill 202 gives Pittsburgh many of the same enforcement tools that were already in place in the City of Philadelphia.

Philadelphia initiates investigations of reported abandoned vehicles within five days. When it is determined a vehicle has been abandoned, the city must remove it within 10 days and notify the owner or lessee. Vehicles with long-expired registrations are removed immediately. Pittsburgh officials had campaigned to extend these rules to their city to help them combat blight.

This legislation also makes changes to clarify legislative intent for pilot cars accompanying oversized loads. Under current law, only a single pilot car is required to accompany a vehicle that is greater than 13 feet, but less than 14 feet in body width. This bill adds the requirement that the total length of the vehicle or combination is not to exceed 120 feet.

The governor signed the bill into law as **Act 33 of 2007**.

*** **Transportation Funding Act** — By a vote of 30-19, the Senate approved **House Bill 1590**, which will provide a continuing and dependable revenue source to fix the state's roads and bridges and fund mass transit.

In 2006, the governor's blue ribbon commission examined transportation funding in Pennsylvania. The commission found that the state had more than twice as many structurally deficient bridges than the national average; 35 percent of the state's secondary roads were rated "poor;" and highway and bridge construction costs had increased 35 percent over the past two years. In addition, the latest federal reauthorization bill had given Pennsylvania the lowest percentage increase in highway and bridge funding among all 50 states.



On the mass transit front, the commission found that stagnant state funding and lost federal dollars had led to operating shortfalls of at least \$240 million for Pennsylvania's public transit agencies. Rising fuel prices, as well as escalating health care costs, had compounded the funding problem and forced many transit agencies to cut service and hike fares, even as ridership increased.

All of these factors combined to create a crisis situation.

Under the legislation, the Pennsylvania Turnpike was set to borrow against future Turnpike tolls and the eventual tolling of Interstate 80 to raise \$750 million in the first year, and up to \$900 million by 2010-11.

The Turnpike Commission plan called for installing 10 gantries in an open tolling system and utilizing electronic toll collections. As envisioned, local residents would have been largely unaffected by the new tolls on Interstate 80.

Under the original plan, \$250 million in new state funding will go toward day-to-day operations for mass transit, which runs in all 67 counties in Pennsylvania, provides one million Pennsylvanians with transportation on a daily basis, and employs more than 15,000 men and women directly. Transit authorities will also receive new capital funding, and initiatives such as the Persons with Disabilities rural transit program would be expanded statewide.

This legislation was intended to replace the current hodgepodge of funding that goes toward transit with a dedicated, inflation-sensitive revenue source.

In addition to funding mass transit, this plan was to provide \$450 million in additional funding for roads and bridges, with local governments receiving an additional \$35 million for roads and bridges they maintain.

The governor signed the bill into law as **Act 44 of 2007**.

However, in 2008, the federal Transportation secretary refused Pennsylvania's request to toll Interstate 80 – creating a potential funding hole in the law, and the House of Representatives voted against an amendment that would have authorized the \$12.8 billion Turnpike lease proposal from Abertis and Citi. Lawmakers are expected to revisit this issue in the 2009-10 session.

*** Jobs for Returning Soldiers** — The Senate voted unanimously in favor of legislation that would have helped returning soldiers find employment in Pennsylvania.

Senate Bill 262 would have permitted the state Department of Transportation to waive the driving test for active-duty soldiers, reservists, and veterans who are applying for a commercial driver's license (CDL).

To be eligible for the CDL test waiver, veterans must have had at least two years of experience in the military driving a vehicle similar to the one they would be driving as civilians.

This legislation is part of the "Helmets to Hardhats" program, which was designed to help veterans transition back into civilian life with new careers in the building and construction trades. This initiative got a boost last summer when the state Department of Labor and Industry provided it with a \$200,000 grant.

The bill died in the House.

*** Disabled Veteran Registration Plates** — The Senate unanimously approved legislation that would have changed the requirements to obtain a disabled veteran registration plate.

Under **Senate Bill 691**, a veteran whose service-connected disability is certified at 75 percent or greater, would have been eligible to obtain a disabled veteran registration plate.

The bill died in the House.



* **Audits of Port Authority of Pittsburgh** — Over the objection of all Senate Democrats, the Senate voted 29-21 for legislation that would have made changes to Pittsburgh's Port Authority governing board.

Senate Bill 857 would have required the state Auditor General to conduct annual audits of Port Authority performance and finances. These audits are currently conducted every four years. In addition, this legislation would have increased the frequency of outside audits from at least once every eight years to once every four years. This bill would have also required the replacement of four current board members with legislative appointees.

While agreeing with the increased oversight provisions of this legislation, Senate Democrats balked at the bill's expansion of legislative power, with one Democratic senator wondering if the General Assembly would eventually require a representative on every school board in the state. Other senators cautioned that this bill could politicize the transportation funding debate in Harrisburg. Democrats urged putting the bill aside until a transit funding solution was reached.

Senate Republicans moved the bill nonetheless, but did incorporate one provision suggested by Senate Democrats – barring all public and party officials from membership on the Port Authority board.

The bill died in the House.

* **Local Emergency Coordinator** — The Senate unanimously approved **Senate Bill 1121**, which would have added “local emergency coordinator” to those who can use a privately owned vehicle when answering an emergency call. . This would have allowed the Local Emergency Coordinator to drive vehicles equipped with audible and visual signals in reacting to local or more widespread disaster situations.

The bill died in the House.

* **Radar speed timing devices** — The Senate unanimously approved **Senate Bill 1135**, which would have changed the current requirement that radar speed timing devices and speedometers be calibrated and certified at least every 60 days. Under the bill, the requirement for radar would have been one year.

The Pennsylvania State Police have requested this change because of the potential savings of more than \$800,000 annually.

The bill died in the House.

URBAN AFFAIRS AND HOUSING

*** **Abandoned and Blighted Property** — The Senate unanimously passed an amended version of **House Bill 2188** that establishes the “Abandoned and Blighted Property Conservatorship Act.”

This bill would allow for court-appointed conservators to bring residential, commercial and industrial buildings into municipal code compliance when owners fail to do so.

The bill was enacted as Act 135 of 2008.

*** **Condominium Associations** — The Senate unanimously passed **House Bill 2295** which allows a condominium association to adopt the Uniform Condominium Act as its governing law if 67 percent of the association's members agree to the change.

The bill also states that unpaid common expense assessments due during the six months



immediately preceding the date of a judicial sale are payable from the proceeds of the judicial sale of the unit.

The Governor signed the bill into law as **Act 49 of 2008**.

*** **Mortgage Foreclosures** — The Senate unanimously passed **Senate Bill 486**, which addresses the increasing problem of mortgage foreclosures.

The legislation makes the Housing Finance Agency designate and approve nonprofit consumer credit counseling agencies in each county and maintain an up-to-date list of these credit counseling agencies on their website.

Senate Bill 486 also standardizes a procedure for dealing with the notice, institution, and repayment during foreclosure proceedings.

The legislation also calls for the agency to monitor and study foreclosure activity and trends in Pennsylvania. They will provide recommendations for addressing any problems identified in this ongoing foreclosure study.

The bill was part of a mortgage reform legislative package and was signed into law as **Act 60 of 2008**.

* **Condominium Associations** — The Senate unanimously passed **Senate Bill 963**, which would have permitted a condominium association to adopt the Uniform Condominium Act if 67 percent of the association's members agree.

Currently, all members must agree in order to adopt the Act.

While the bill died in the House, similar language in House Bill 2295 (Act 49 of 2008) was enacted.

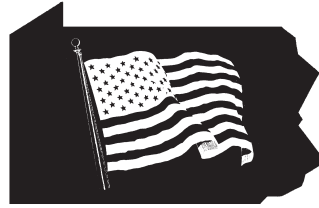
* **PA Housing Affordability and Rehabilitation Enhancement Program** — The Senate unanimously passed **Senate Bill 1400**, which would have created the Pennsylvania Housing Affordability and Rehabilitation Enhancement Program.

The program would have been administered by the Pennsylvania Housing Finance Agency (PHFA) and funded by appropriations from the General Assembly (\$10 million annually).

The program would have provided funding for certain projects, including:

- Safe dwellings for sale or rent to low-income individuals
- Increased availability and quality housing for the elderly and disabled
- Projects to prevent or reduce homelessness
- Development of distressed neighborhoods
- Mortgage or rental assistance, housing counseling, foreclosure prevention and refinancing products
- Projects to provide low-interest loans or grants to low-income, owner-occupant individuals for repairs and improvements to the property.

The bill died in the House.



VETERANS AFFAIRS & EMERGENCY PREPAREDNESS

*** **Veterans Grave Markers** — The Senate unanimously passed **House Bills 775, 776 and 777**, which require county commissioners to procure appropriate markers for the graves of all deceased persons who served in the Army, Navy, Air Force, Marine Corps, Coast Guard, Merchant Marine during World War II or any organization officially connected with these branches of Armed Services and whose separation from such service was honorable, whether by discharge or otherwise.

The governor signed House Bill 775 into law as **Act 21, of 2008**; signed House Bill 776 into law as **Act 22 of 2008**; and signed House Bill 777 into law as **Act 23 of 2008**.

*** **Township and Borough Codes** — The Senate unanimously approved **House Bills 1131, 1133, and 1134** which require that First-class townships, Second-class townships, and boroughs be responsible for ensuring that fire and emergency medical services are provided within the community.

According to the legislation, the municipality must consult with the fire and emergency providers to discuss the emergency services needs of the community. The township or borough must also determine and provide appropriate financial and administrative assistance necessary for these services.

The governor signed the bills into law as **Acts 7, 8, and 9 of 2008**

*** **Selling Veterans Grave Markers** — The Senate unanimously approved legislation that makes it a second degree misdemeanor for intentionally removing a veteran's grave marker with the intentions to sell it. The legislation was in response to individuals stealing the markers for scrap metal.

House Bill 2289 also makes it a second degree misdemeanor to desecrate any public monument, structure, place of worship or burial; desecrate any other object of veneration by the public; sell, attempt to sell or remove with intent to sell a veteran's marker; or intentionally receive, retain or dispose of a veteran's marker knowing that the item has been stolen.

The bill was signed into law as **Act 116 of 2008**.

*** **National Cemetery of the Alleghenies** — The Senate unanimously approved **Senate Bill 180**, which gives the Department of Military Affairs the authority to arrange burial details for veteran soldiers who are to be interred at the National Cemetery of the Alleghenies.

The bill was signed into law as **Act 85 of 2008**.

* **State Veterans' Commission** — The Senate unanimously approved **Senate Bill 1033**, which would have added to and removed from the composition of the State Veterans' Commission.

With so few World War I veterans still alive, the bill would have added Military Officers Association of America to the composition of the State Veterans' Commission and removed



Veterans of World War I of the United States of America, Inc.

The bill died in the House.

* **Possession of Firearms During Emergency** — The Senate unanimously passed **Senate Bill 1172**, which would have prevented the governor from seizing, taking or confiscating lawfully possessed firearms or ammunition from citizens during a disaster emergency.

The bill died in the House.

* **Military Leave of Absence** — The Senate unanimously approved **Senate Bill 1199**, which would have granted a military leave of absence from their educational institution to the spouse of an armed service member on active duty.

The bill would have also entitled a member and their spouse restoration of their educational status prior to the service member's duty. The armed service member or their spouse would not have lost any academic credits earned, scholarships or grants awarded or tuition and other fees paid prior to the commencement of the military duty.

The bill died in the House.

*** **Intrastate Mutual Aid** — The Senate unanimously approved legislation that creates a system of Intrastate Mutual Aid between participating political subdivisions, which can constitute a county, city, borough or township.

Under **Senate Bill 1225**, participating political subdivisions may respond to an emergency in a community that needs the assistance of additional emergency responders.

The act also establishes an Intrastate Mutual Aid committee, which will include representatives from career and volunteer fire services, State Chiefs of Police Association, county emergency management agency directors and other individuals.

The Governor signed the bill into law as **Act 93 of 2008**.

*** **Emergency and Law Enforcement Personnel Death Benefits Act** — The Senate unanimously passed legislation that amends the Emergency and Law Enforcement Personnel Death Benefits Act to include "certified hazardous material response team members."

House Bill 369 also provides for the payment of death benefits to the surviving spouse or minor children or parents of HazMat response team members.

The governor signed the bill into law as **Act 21 of 2007**.

*** **Volunteer Emergency Responders** — The Senate unanimously passed **House Bill 906**, which amends the Volunteer Fire Company and Volunteer Ambulance Service Grant Act to add advanced life support squads to the definition of what is considered a volunteer ambulance service.

The governor signed the bill into law as **Act 10 of 2007**.

* **Volunteer Fire Company and Volunteer Ambulance Service Grant Act** — The Senate unanimously approved **Senate Bill 10**, which would have extended the Volunteer Fire Company and Volunteer Ambulance Service Grant Act until June 30, 2011. The act was due to expire at sunset on June 30, 2007.

The bill died in the House.

* **Veteran-owned Businesses** — The Senate unanimously passed legislation that would have required the state to establish procurement goals for veteran-owned businesses.

Under **Senate Bill 87**, the Department of General Services and other state purchasing



agencies would have been required to establish a policy and publicize regulations regarding veteran-owned businesses. The state's various purchasing agencies would have been required to set an annual goal of issuing at least 5 percent of their contracts (by total dollar amount) to veteran-owned businesses.

The bill died in the House.

* **Volunteer Emergency Service Mergers and Partnerships** — The Senate unanimously passed legislation that would have established a grant program encouraging volunteer emergency service organizations to form partnerships, regionalize, consolidate and/or merge.

Senate Bill 96, also known as the Volunteer Emergency Service Partnership Grant Program Act, would have authorized, for five years, a new grant program that would have been funded by proceeds from a \$25 million bond. All volunteer emergency service organizations would have been eligible to apply for the grants.

The bill died in the House.

* **PEMA Director** — The Senate passed **Senate Bill 637**, which would have required the consent of a majority of the state Senate to appointment the director of the Pennsylvania Emergency Management Agency (PEMA). Presently, the governor appoints the director.

The bill died in the House.

*** **Department of Military and Veterans Affairs Grants** — The Senate unanimously approved legislation that awards state Department of Military and Veterans Affairs grants to designated veterans' service organizations to support veterans' service officer programs.

Under **Senate Bill 915**, these grants can only be used to support accredited veterans' service officers and the associated costs, including wages, benefits, other compensation and related personnel costs. Also, grant funding can be used for training and equipment to be used by accredited veterans' service advocacy staff. The overall goal of the program is to improve the coordination and distribution of veterans' benefits, to maximize the effective and efficient use of taxpayer dollars and to increase veterans' participation in the available benefits programs.

The governor signed the bill into law as **Act 66 of 2007**.

* **Naval Air Station Joint Reserve Base** — By a 43-2 vote, the Senate approved **Senate Bill 1016**, which states that, in the event the Commonwealth or any other agency owns, leases or has jurisdiction and operational control of the Naval Air Station Joint Reserve Base (NASJRB) Willow Grove, the property could have been used to perform national defense, homeland security and emergency preparedness missions.

The bill was drafted to ensure that the base would be used strictly for government and military activity, instead of commercial use.

The measure died in the House.

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