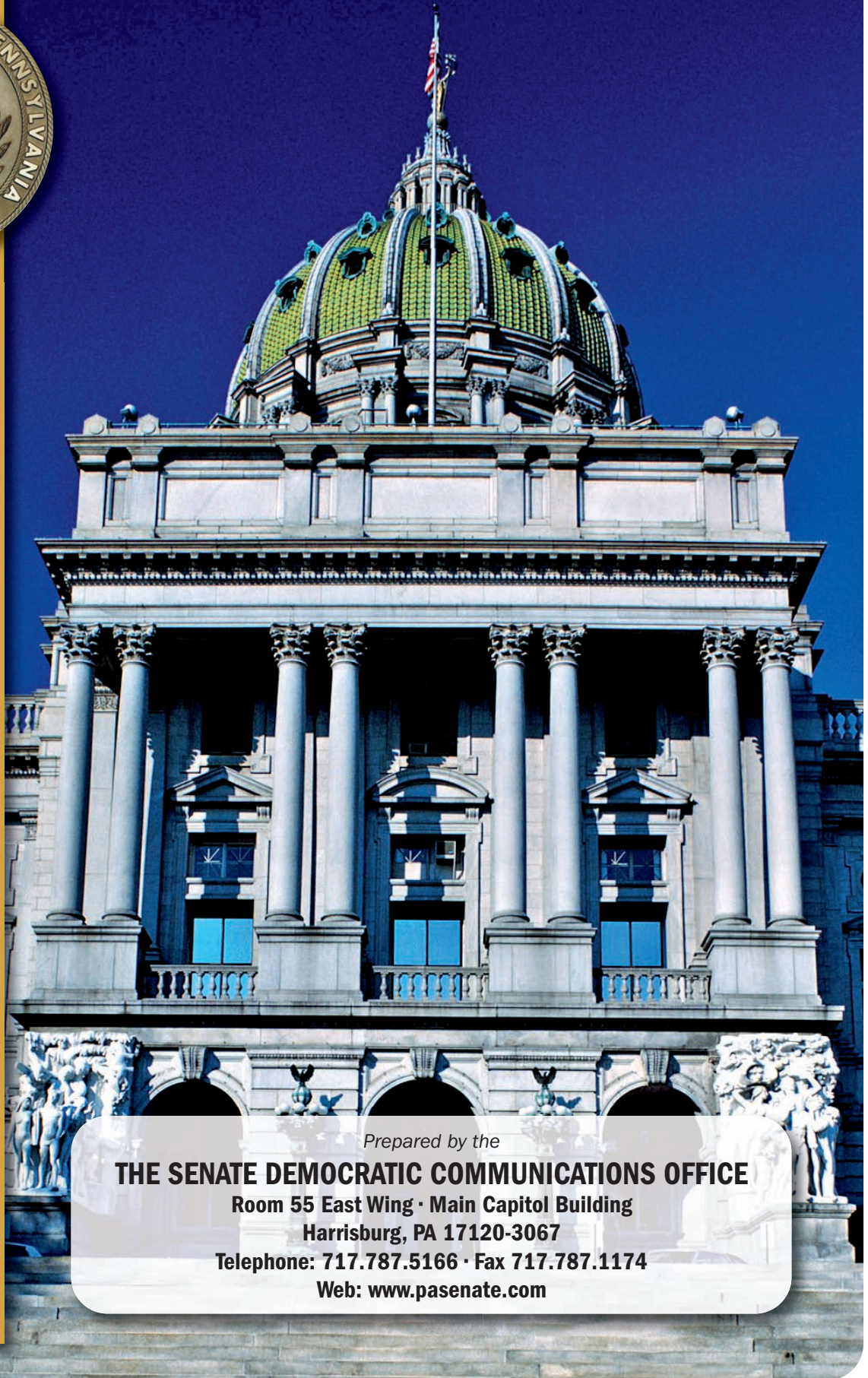




LEGISLATIVE REVIEW

2009 – 2010 SESSION



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*Senate of Pennsylvania***LEGISLATIVE WRAP-UP FOR THE 2009-2010 SESSION****FOR EDITORIAL BACKGROUND:**

Against the ominous backdrop of a devastating and unyielding national recession that decimated state revenues, much of the 2009-10 legislative session focused on finding the right mix of spending cuts and revenue enhancements to balance the budget.

In both years, lawmakers were compelled to make extensive cuts to hundreds of important state programs and services. In 2009, lawmakers wrangled 101 days beyond the July 1 budget deadline before reaching an agreement on how to fill a \$3.3 billion deficit. The following year, the legislature cut \$1 billion beyond the cuts Gov. Ed Rendell proposed, settling on a \$28.04 billion spending level.

While very few line items were immune to the cuts, lawmakers were able to provide substantial subsidy hikes to public schools in both budget years.

While avoiding broad based tax hikes, lawmakers sought creative ways to bring in more revenue such as allowing table games at existing casinos (See **Senate Bill 1033**, *Community, Economic and Recreational Development*), offering tax amnesty (See **House Bill 1531**, *Appropriations*), and agreeing to work toward establishing an extraction tax on the state's booming natural gas drilling industry (See **House Bill 2279**, *Appropriations*). Ultimately, this tax was never approved.

Senators also began to address public pension solvency issues (See **House Bill 1770**, *Labor and Industry*, **House Bill 1828**, *Finance*, and **House Bill 2497**, *Finance*). Lawmakers also sought to save tax dollars and curb prison overcrowding by establishing halfway houses for non-violent offenders (See **Senate Bill 1161**, *Judiciary*).

While depleted revenue sources limited much of what could be accomplished, the legislature did manage to pass numerous significant bills, including new laws that extend unemployment benefits for thousands of struggling families (See **Senate Bill 1088**, *Community, Economic and Recreational Development*), stop bail for violent offenders (See **Senate Bill 366**, *Judiciary*), and prevent blight and remediate abandoned properties (See **Senate Bill 900**, *Urban Affairs and Housing*).

Legislators also passed new laws that provide full death benefits for families of public safety employees killed in the line of duty (See **Senate Bill 369**, *Labor and Industry*), allow children to receive health care benefits on their parents' policy until they turn 30 (See **Senate Bill 189**, *Banking and Insurance*), and provide whistle-blower protection for employees at financial institutions (See **House Bill 985**, *Banking and Insurance*).

Some of the more significant Senate-passed bills that expired in the House of Representatives include measures that would have: assured that juveniles have the right to legal counsel in all proceedings (See **Senate Bill 873**, *Judiciary*), banned the death penalty for mentally retarded persons (See **Senate Bill 628**, *Judiciary*), prohibited illegal immigrants from receiving public benefits (See **Senate Bill 9**, *State Government*), and outlawed text messaging while driving (See **Senate Bill 143**, *Transportation*).

The governor vetoed a bill that would have expanded the right of citizens to use deadly force to protect themselves (See **House Bill 1926**, *Judiciary*).

Several significant problems remain as Governor Tom Corbett and lawmakers embark on this new legislative session. Chief among these challenges will be balancing the 2011-12 state budget in the face of an estimated \$4.5 billion budget shortfall. The problem could be compounded by Corbett's campaign pledge to oppose all tax and fee hikes.

In the new session, lawmakers will also be tasked with hammering out agreements to close a \$470 million transportation funding gap, establishing a gas drilling extraction tax, and finding a long term solution to projected public pension shortfalls.



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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

*** * * Children in Foster Care Act** — The Senate unanimously passed **House Bill 2338**, creating the Children in Foster Care Act.

This bill addresses the basic needs in a child's quality of life, including: the right to live in a safe and healthy home; access to routine medical care; access to a quality education; access to life-skills training and services to ease the transition to adulthood.

The measure also protects foster children from harassment, corporal punishment, unreasonable restraint and abuse.

The bill requires that a copy of the law be provided to every foster family and child when a placement is made. This will enable these children and foster families to better advocate for their own needs and those of the children they care for.

The bill was signed into law as **Act 119 of 2010**.

*** * * Adult Protective Services Act** — The Senate unanimously passed **Senate Bill 699** which creates the Adult Protective Services Act to ensure that adults who are unable to protect themselves from abuse or neglect have access to services necessary to protect their health, safety and welfare.

The Adult Protective Services Act creates procedures for filing complaints of abuse, neglect and exploitation. It also creates guidelines on how investigations are conducted and service plans for removing people from imminent harm.

Senate Bill 699 creates a system to protect adults who are between 18 and 60 years old similar to the one in place for senior citizens and children.

Under the Act, Pennsylvania will contract local providers of protective services to carry out the provisions of the law. These agencies will receive reports of abuse 24 hours a day and follow-up to ensure no further harm is inflicted on the adult.

This bill will cost Pennsylvania \$76,000 initially and \$4.5 million by fiscal year 2013-14 to fully implement the provisions.

The bill was signed into law as **Act 70 of 2010**.



AGRICULTURE AND RURAL AFFAIRS

*** * * Cruelty to Dogs** — The Senate unanimously passed legislation that expands on the offenses of cruelty to animals concerning certain medical procedures on dogs.

The state previously provided very little oversight over dog breeders and owners with limited training who performed surgical procedures on dogs. Previous law imposed a summary offense only for the cropping or cutting off a dog's ear(s). **House Bill 39** expanded the list of procedures to include debarking, tail docking, surgical birth and the removal of dewclaws on dogs.

When these procedures are performed, dog owners are required to maintain a record that includes the name of the attending veterinarian and the date and location at which the procedure was performed. The record will be kept as long as the wound or incision site is unhealed.

With respect to tail docking or cropping, veterinarians are prohibited from performing the procedures on animals aged five days to 12-weeks-old unless a veterinarian believes the procedure is medically necessary for the health and welfare of the dog.

The bill was signed into law as **Act 38 of 2009**.

*** Food Safety Inspections** — The Senate voted 39-10 for **House Bill 174**, which would have improved the Department of Agriculture's ability to enforce food safety regulations at restaurants and other locations where food is prepared and sold, such as fairs and picnics. It also would have standardized inspections and reporting across the state and made statewide inspection records available to the public on the department's website.

The bill died in the House.

*** Land Leased for Wind Energy Production** — The Senate unanimously approved legislation that would have amended the Preferential Assessment of Farmland and Forestland Assessment Act (Clean and Green) to preserve a landowner's ability to participate in this program when the land is leased for commercial wind energy production.

Under **House Bill 1394**, roll-back taxes would have been limited to the land devoted to the wind power generation system.

It also would have provided landowners with several options if they wanted to remove land from preferential assessment. Land could have been removed if the landowner notified the county assessor in writing by June 1 of the year immediately preceding the tax year for which removal is desired; if the entire portions of land enrolled on a single application for preferential assessment was removed; or if the landowner paid rollback taxes on the land that would have been ineligible for preferential assessment by the same landowner in the future.

After amendment, the bill was not considered in the House.

*** Establishing PA Agricultural Surplus System (PASS)** — The Senate unanimously approved legislation that would have established the Pennsylvania Agricultural Surplus System (PASS).

Under **House Bill 2139**, the PASS program would have authorized the Department of Agriculture to award contracts to develop and operate a system for the food industry to donate food products to private charitable food assistance networks.

Distribution would have been administered by the Pennsylvania Association of Regional Food Banks under the department's oversight. The food banks would have provided an annual report to the department, including sources, types and volume of products, and the number of individuals or households.

The House did not act on the Senate's amended version of the bill.



*** * * Fee to Operate Deer Farm** — The Senate voted 48-1 for legislation that imposes a fee for operating a deer farm.

Under past law, cervidae livestock (deer, elk, moose, reindeer, and caribou) operations required a license, but no accompanying fee.

House Bill 2273 requires a \$150 fee to apply for a cervidae livestock operation license or to renew a license. The collected money will be placed in a restricted account in the state Treasury and used to fund the Department of Agriculture's disease management program.

The bill was signed into law as **Act 116 of 2010**.

*** * * Land Leased for Gas Exploration** — The Senate unanimously approved legislation that amends the "Clean and Green" program by providing for the exploration and removal of oil and gas, including coal bed methane.

Oil and gas leasing and drilling has been permitted by counties because it is considered a temporary use of the land and does not prevent the property from being farmed or forested. With the recent increase in oil and gas leasing and drilling activity associated with the discovery of Marcellus Shale in Pennsylvania, landowners, assessors and various others requested that the Department of Agriculture address the lack of uniformity in how the Clean and Green program is interpreted by individual counties.

Under **Senate Bill 298**, roll-back taxes will only be imposed upon those portions of land actually devoted to the exploration for and removal of gas and oil, including the extraction of coal bed methane, as well as new roads, bridges, pipelines, building or related structures.

Roll back taxes are the difference between the taxes paid during the property's agricultural valuation and its true market value.

It is the responsibility of the county assessor to limit roll-back taxes to portions of land devoted to the development and operation of an alternative energy system.

The landowner will not owe roll-back taxes for exploration or removal of oil, gas or coal bed methane prior to enrollment in preferential assessment as well as prior to the effective date of this legislation.

The bill was signed into law as **Act 88 of 2010**.

*** * * Grants for University of Pittsburgh** — The Senate unanimously approved legislation that added the University of Pittsburgh to the list of colleges and universities eligible for grants from the Center for Rural Pennsylvania and raised the maximum grant amount.

Senate Bill 607 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. It also increased the maximum grant amount from \$50,000 to \$60,000. The bill also changed the Pennsylvania Farmers' Association to its current name, the Pennsylvania Farm Bureau, and deleted reference to the Pennsylvania Rural Coalition, which is a defunct organization.

The bill was signed into law as **Act 52 of 2009**.

*** * * Bake Sale Exemption** — The Senate unanimously passed **Senate Bill 828**, which allows non-profit groups to sell food that has been prepared in private homes that are not licensed or inspected by the Department of Health.

Under past law, food offered for sale must be from an approved source. Under this legislation, an organization that uses or offers the food will have to inform consumers that the food has been prepared in a private home not licensed or inspected by the Department of Health.

The bill was prompted after state health inspectors threatened to take action against an unlicensed church bake sale.

The bill was signed into law as **Act 31 of 2010**.



* **Defining ‘Agricultural Bio-security Area’** — By a vote of 32-16, the Senate approved **Senate Bill 906**, which would have defined “agricultural bio-security area” in the Agricultural Code and would have given the Department of Agriculture the authority to require that such an area be established, if necessary, to control or contain disease. The bill would have required clearly marked posted notice of this area.

The bill would have also amended the Crimes Code to make it a first-degree misdemeanor to enter such an area without authorization and without first performing the posted bio-security measures.

Also, trespassing into an agricultural bio-security area would have been considered “ecoterrorism” if there was intent to release a dangerous transmissible disease or hazardous substance into the environment.

The bill died in the House.



APPROPRIATIONS

*** * * 2009-10 State Budget** — In one of the most difficult, lengthy and contentious budget processes in state history, the Senate approved a \$27.8 billion 2009-10 spending plan that fills a \$3.2 billion deficit while ultimately spending 1 percent less than the previous fiscal year.

Following 101 days of continual negotiation, broken agreements, public conference committee disputes and threatened opposition from the governor, the Senate approved **House Bill 1416** by a 42-7 vote. While the spending plan eliminated and severely cut hundreds of line items, lawmakers did find a way to hike basic education funding by over \$300 million and continue investment in vital economic development programs.

Senate Democrats, who were credited with spearheading efforts to bring about the final compromise agreement, fought hard to restore funding for education, hospitals, children's health insurance and programs aimed at creating new jobs.

The final spending plan was largely hammered out by Senate Democrats and Republicans after House Democrats failed to generate the necessary votes to move forward on a September agreement between the three caucuses. House Republicans were largely obstructionists throughout the contentious negotiation process. House Democrats eventually marshaled enough support in their caucus to muscle the final budget through the chamber in October.

While holding the line on broad-based tax hikes, the spending plan relies on federal stimulus dollars, empties the state's \$755 million "Rainy Day" Fund and drains other one-time revenue sources. Legislators also cobbled funding dollars together by delaying the phase-out of the Capital Stock and Franchise Tax, accelerating the due date for the state's income tax, hiking the cigarette tax by 25 cents, establishing a \$1.60 tax on "cigarellos," (See *House Bill 1614*) transferring money from the tobacco-settlement fund and tapping an account (MCARE) that subsidizes physicians' payments for medical malpractice insurance.

The budget also includes an agreement to legalize table games at existing casinos to generate \$200 million needed to help fund non-preferred appropriations for Penn State, Pitt, Lincoln and Temple universities as well as numerous museums across the state. By year's end, the proposal was still being debated. Table games were not legalized until the following year.

While some lawmakers advocated a Marcellus Shale extraction tax as a new revenue source, lawmakers ultimately agreed on raising \$60 million by leasing additional state land to energy companies for natural gas extraction.

The governor signed the budget into law as **Act 10A of 2009**.

*** * * V 2009-10 Temporary Budget** — Following a spirited four-hour floor debate, the Senate approved a bare-bones Republican-sponsored \$27.3 billion state budget in a 30-20 party-line vote.

Senate Bill 850 would have slashed an additional \$1.7 billion from an austere budget Gov. Ed Rendell proposed in February that already would have cut or eliminated hundreds of budget line items.



Democrats charged that the Senate Republican budget, if enacted, would have cut or eliminated crucial government services and programs that serve vulnerable Pennsylvanians, caused a huge statewide property tax hike, spurred the layoffs of thousands of local and state workers and further hindered Pennsylvania's struggle to jump-start its economy.

Democrats said the measure would have drastically cut education funding, economic development programs and removed up to 24,000 children from the state's CHIP (Children's Health Insurance Program). Eighteen Democrats openly criticized the bill on the Senate floor.

Republicans countered that the state's anticipated \$3 billion budget deficit forced their hand, and that their spending plan was responsible, balanced (only when it was introduced) and held the line on taxes.

When the bill was voted on in May, nearly all lawmakers conceded that the proposal was little more than the first step in a lengthy and complex budget deliberation.

Following Senate approval, the measure languished in the House Appropriations Committee until August when the bill was overwhelmingly approved in anticipation of the governor blue lining hundreds of lines except those that kept basic government operations running and ensured that state workers received their pay.

The measure, **Act 1A of 2009**, became little more than a temporary funding source while the final budget (House Bill 1416) was negotiated.

*** * * 2010-11 State Budget** — As a daunting national recession continued to take its toll on state revenues, the Senate voted 37-13 for a \$28.05 billion on-time 2010-11 state budget that holds the line on taxes while cutting over \$1 billion in spending beyond what Gov. Ed Rendell proposed in February.

While **House Bill 2279** contains a wide range of painful cuts to state programs and services, Senate Democrats were able to negotiate a \$600 million investment hike in jobs and economic development programs, and provide a \$250 million basic subsidy increase for public schools.

While there were no tax hikes to close the state's \$1.3 billion revenue deficit, the budget does tap numerous dormant one-time revenue sources such as the Key 93 Fund, Emergency Medical Services Operating Fund, Oil and Gas Lease Fund and Low Level Nuclear Waste Site Fund. The spending plan also relies on the U.S. Congress to approve \$850 million in federal stimulus FMAP (Federal Medical Assistance Percentage) dollars.

Both budget supporters and opponents crossed party lines.

Reasons for voting against the budget ranged from criticism about balancing the budget with anticipated FMAP dollars to cutting valued human service programs. Many opponents said they would have rather raised additional revenue through a tax on smokeless tobacco, natural gas drilling and closing the so-called "Delaware" corporate tax loophole to help relieve some of the pain from the budget cuts.

Supporters reasoned that the state should "live within its means" just like struggling Pennsylvania families; and that raising taxes during a recession would only worsen and lengthen the recession's impact.

The budget agreement also called on the legislature to work in the fall of 2010 on establishing a new severance tax on the booming natural gas drilling industry. This tax, which would have presumably taken effect in January of 2011, would have been aimed at generating state revenue and helping local communities repair roads, bridges, streams, fields and forests impacted by drilling. In the end, no agreement was reached on a severance tax.

The governor enacted the budget bill as **Act 1A of 2010**.



* * * **2009-10 Capital Budget** — The Senate voted 48-1 in favor of **House Bill 1418**, the state's Capital Budget and Project Itemization Act for fiscal 2009-10.

The measure specifies the maximum principal amount of additional debt that could be incurred during the 2009-10 fiscal year for projects in the capital projects itemization bill. In all, the bill would authorize \$457 million more than the \$1.225 billion authorized the previous fiscal year.

The bill was signed into law as **Act 53 of 2009**.

* * * **2009-10 Funding for PSERS** — The Senate unanimously approved **House Bill 1419**, which appropriates \$43.2 million to fund the administrative costs of the Public School Retirement System (PSERS) for fiscal 2009-10. The bill was enacted as **Act 2A of 2009**.

* * * **Funding for SERS** — The Senate unanimously approved **House Bill 1420**, which appropriates \$27.7 million to fund the administrative costs of the State Employees Retirement System (SERS) for fiscal 2009-10. The bill was enacted as **Act 3A of 2009**.

* * * **Appropriations for State Boards** — The Senate unanimously approved **House Bill 1421**, which appropriates: \$35.1 million to the Professional Licensure Augmentation Account; \$8.3 million to the State Board of Medicine; \$1.4 million to the State Board of Osteopathic Medicine; \$322,000 to the State Board of Podiatry; and \$526,000 to the State Athletic Commission \$526,000. The bill was enacted as **Act 4A of 2009**.

* * * **Workmen's Comp Funding** — The Senate unanimously passed **House Bill 1422**, which transfers \$72.2 million from the Workmen's Compensation Administration Fund to the Department of Labor and Industry to administer the Workers' Compensation Act and the Pennsylvania Occupational Disease Act for fiscal 2009-10. The bill also appropriates \$190,000 from a restricted revenue account within the Workmen's Compensation Administration Fund to the Office of the Small Business Advocate within the Department of Community and Economic Development. The measure was enacted as **Act 5A of 2009**.

* * * **PUC Funding** — The Senate unanimously approved **House Bill 1423**, which appropriates \$52.6 million to fund the Pennsylvania Public Utility Commission and its commissioners. The bill was enacted as **Act 6A of 2009**.

* * * **Funding for Consumer Advocate** — The Senate unanimously approved **House Bill 1424**, which appropriates \$5.1 million through the Office of Attorney General to the Office of Consumer Advocate for fiscal 2009-10. The bill was enacted as **Act 7A of 2009**.

* * * **Funding for Small Business Advocate** — The Senate unanimously approved **House Bill 1425**, which appropriates \$1.040 million from a restricted revenue account in the General Fund to the Office of Small Business Advocate within the Department of Community and Economic Development. The earmark represents a \$20,000 increase over the previous year. The measure was enacted as **Act 8A of 2009**.

* * * **Tax Amnesty** — The Senate voted 47-1 in favor of **House Bill 1531**, which institutes a tax amnesty program for fiscal 2009-10. The program is aimed at enticing delinquent taxpayers to pay their taxes in exchange for the state waiving the penalty and half the owed interest.

Part of the three-caucus budget agreement (Democrats and Senate Republicans) contained in



House Bill 1416, the program covers all taxes prior to June 30, 2009 administered by the Department of Revenue. To participate, a taxpayer must pay or agree to a payment schedule for all delinquent taxes and half of the interest owed. The amnesty program lasts for 54 days and must be completed within the 2009-10 fiscal year.

In all, Pennsylvania collected \$261 million during its tax amnesty program, \$71 million more than projected.

The bill also extends to 2015 the Personal Income Tax check-off that enables taxpayers to donate part of their tax refund to organizations that provide aid to the families of combat service personnel.

The bill was enacted as **Act 48 of 2009**.

*** * * Gaming Control Board Funding** — The Senate voted 45-1 in favor of **House Bill 1663**, which makes appropriations from the State Gaming Fund to the Gaming Control Board, the Department of Revenue, State Police and the Attorney General for fiscal 2009-10. Prior to the vote, the Senate Appropriations Committee cut each of the earmarks by 5 percent, as suggested by the governor. Under the amended bill, the Attorney General received \$914,000, the Department of Revenue \$9.7 million, the State Police \$16.6 million, and the Gaming Control Board \$31.6 million.

Following House concurrence, the bill was enacted as **Act 9A of 2009**.

*** * * 2010-11 Appropriations Bills** — The Senate unanimously approved the following budget bills:

House Bill 2280 appropriates \$1.06 million to the Office of Small Business Advocate for its utility-related operations. The office is part of the Department of Community and Economic Development. The bill was enacted as **Act 2A of 2010**.

House Bill 2281 appropriates \$38.8 million from the Professional Licensure Augmentation Account to fund the Bureau of Professional and Occupational Affairs in the Department of State. The bill also appropriates funds for the State Board of Medicine (\$6.4 million), the State Board of Osteopathic Medicine (\$973,000), the State Board of Podiatry (\$189,000) and the State Athletic Commission (\$518,000). The bill was enacted as **Act 3A of 2010**.

House Bill 2282 appropriates \$5.2 million to the Office of the Consumer Advocate within the office of the Attorney General. The bill was enacted as **Act 4A of 2010**.

House Bill 2283 appropriates \$43.5 million to fund the administrative costs of the Public School Retirement System (PSERS). The bill was enacted as **Act 5A of 2010**.

House Bill 2284 appropriates \$28 million to fund the administrative costs of the State Employees Retirement System (SERS). The bill was enacted as **Act 6A of 2010**.

House Bill 2285 makes appropriations from the restricted revenue accounts within the State Gaming Fund and from the State Gaming Fund to the Pennsylvania Gaming Control Board (\$35.8 million), the Department of Revenue (\$9.9 million), the Pennsylvania State Police (\$18.2 million) and the Attorney General (\$994,000). The bill was enacted as **Act 7A of 2010**.

House Bill 2286 appropriates \$74.9 million from the Workmen's Compensation Administration Fund to the Department of Labor and Industry and the Department of Community and Economic Development. The bill also provides an appropriation from a restricted account within the fund for the Office of the Small Business Advocate (\$190,000) under the Department of Community and Economic Development. The measure was enacted as **Act 8A of 2010**.



House Bill 2287 appropriates \$56 million in state funds and \$4.2 million in federal funds to the Public Utility Commission (PUC) for its operations, and appropriates \$1 million in federal funds to the PUC for 2009-10 fiscal year. The bill was enacted as **Act 9A of 2010**.

House Bill 2292 appropriates \$333.8 million in state and federal American Recovery and Reinvestment funds to the Pennsylvania State University. The school received the same amount of funding as in the 2009-10 budget. The bill was enacted as **Act 10A of 2010**.

House Bill 2293 appropriates \$168 million in state and federal American Recovery and Reinvestment Act funds to the University of Pittsburgh. The school received the same amount of funding as in the 2009-10 budget. This bill was enacted as **Act 11A of 2010**.

House Bill 2294 appropriates \$172.7 million in state and federal American Recovery and Reinvestment Act funds to Temple University. The school received the same amount of funding as in the 2009-10 budget. This bill was enacted as **Act 12A of 2010**.

House Bill 2295 appropriates \$13.8 million in state and federal American Recovery and Reinvestment Act funds to Lincoln University. The school received the same amount of funding as in the 2009-10 budget. This bill was enacted as **Act 13A of 2010**.

House Bill 2296 appropriates \$30.5 million in state funds and federal American Recovery and Reinvestment Act funds to the University of Pennsylvania. The appropriation includes \$29.754 million for the veterinary school and \$248,000 to the Center for Infectious Disease. The school received the same amount of funding as in the 2009-10 budget. The bill was enacted as **Act 14A of 2010**.

*** * * Capital Debt and Project Itemization for 2010-11** — The Senate voted 38-12 in favor of **House Bill 2289**, the state's Capital Budget and Project Itemization Act for fiscal year 2010-11.

The measure specifies the maximum principal amount of additional debt that can be incurred during the 2010-11 fiscal year for a limited number of projects in the capital projects itemization bill. In all, the bill authorizes \$1.587 billion, which is \$95 million less than what was authorized the previous fiscal year.

The bill was enacted as **Act 47 of 2010**.

*** * * Capital Budget for 2010-11** — By a vote of 42-5, the Senate passed **House Bill 2291**, the Capital Budget Bill. The bill authorizes \$4.5 billion in capital improvement projects in categories ranging from transportation assistance to flood control and park improvements. The bill was signed into law as **Act 82 of 2010**.

*** * * Funding for Pitt** — The Senate unanimously approved **Senate Bill 1036**, a \$167.9 million non-preferred appropriation to the University of Pittsburgh for fiscal 2009-10. The appropriation is \$10.4 million less than the previous year and is expected to be funded with state dollars, federal stimulus monies and revenue anticipated from table games at casinos.

The bill was enacted as **Act 11A of 2009**.



*** * * V Funding for Temple** — The Senate unanimously approved **Senate Bill 1037**, a \$172.7 million non-preferred appropriation to the University of Temple for fiscal 2009-10. The appropriation is \$10.7 million less than the previous year and funded with state dollars, federal stimulus monies and revenue anticipated from table games at casinos. Citing a revenue shortage, the bill was line-item vetoed and enacted as **Act 12A of 2009**.

*** * * Funding for Lincoln University** — The Senate unanimously approved **Senate Bill 1038**, a \$13.7 million non-preferred appropriation to Lincoln University for fiscal 2009-10. The appropriation was funded with state dollars, federal stimulus monies and revenue anticipated from table games at casinos. It would be \$874,000 less than last year. The bill was enacted as **Act 13A of 2009**.

*** * * V Funding for Penn** — The Senate unanimously approved **Senate Bill 1039**, a \$34.4 million non-preferred appropriation to the University of Pennsylvania for fiscal 2009-10. The appropriation was \$11.7 million less than last year and funded with state dollars, federal stimulus monies and revenue anticipated from table games at casinos. The bill was enacted as **Act 14A of 2009**. Citing declining state revenues, the governor line item vetoed the appropriation by \$4.4 million.

*** * * Funding for Penn State** — The Senate unanimously approved **Senate Bill 1040**, a \$333.8 million non-preferred appropriation to the Pennsylvania State University for fiscal 2009-10. The appropriation would be \$20.6 million less than last year and funded with state dollars, federal stimulus monies and revenue anticipated from table games at casinos. The bill was enacted as **Act 15A of 2009**.

*** 2009-10 Senate Budget Agreement** — The Senate approved **Senate Bill 1085**, its bipartisan \$27.8 billion budget agreement, by a 43-6 vote.

The spending plan called for using more than \$1 billion in new recurring revenues to balance future budgets, restorations of more than \$208 million in state and federal funds for hospitals, more than \$50 million in funding for child care, autism, attendant care and other social services and \$60 million in Community, Economic and Job Development programs.

While the measure was ultimately tabled and died in the House, its contents were almost entirely inserted into **House Bill 1416**, the state's final 2009-10 budget plan. **Senate Bill 1085** was crafted and approved in the Senate after House Democrats failed to garner enough caucus support to sustain the three-caucus budget agreement.

The bill dropped plans from the three-caucus agreement that would have established a tax on small games of chance at private clubs and initiated a sales tax on admissions at live cultural events and zoos.

*** * * V Funding for Drexel** — The Senate voted 39-10 in favor of **Senate Bill 1093**, which would have provided \$1.563 million appropriation to Drexel University. The bill was enacted as **Act 16A of 2009**. Citing declining state revenues, the governor line item vetoed the appropriation by \$782,000.

*** * * V Osteopathic Medicine** — The Senate voted 40-9 in favor of **Senate Bill 1094**, which would have provided \$1.467 million to the Philadelphia College of Osteopathic Medicine. The bill was enacted as **Act 17A of 2009**. Citing declining state revenues, the governor line item vetoed the appropriation by \$733,000.

*** * * V Lake Erie College of Osteopathic Medicine** — The Senate voted 40-9 in favor of **Senate Bill 1095**, which would have provided \$415,000 to the Lake Erie College of Osteopathic Medicine. The bill was enacted as **Act 18A of 2009**. Citing declining state revenues, the governor line item vetoed the appropriation by \$207,000.



* * * **V College of Optometry** — The Senate voted 40-9 in favor of **Senate Bill 1096**, which would have provided \$378,000 to Salus University (Philadelphia College of Optometry). The bill was enacted as **Act 19A of 2009**. Citing declining state revenues, the governor line item vetoed the appropriation by \$189,000.

* * * **V University of the Arts** — The Senate voted 36-13 in favor of **Senate Bill 1097**, which would have provided \$271,000 to the University of the Arts in Philadelphia. The bill was enacted as **Act 20A of 2009**. Citing declining state revenues, the governor line item vetoed the appropriation by \$135,000.

* * * **V Johnson Technical School** — The Senate voted 35-13 in favor of **Senate Bill 1098**, which would have provided \$43,000 to the Johnson Technical School in Scranton. The bill was enacted as **Act 21A of 2009**. Citing declining state revenues, the governor line item vetoed the appropriation by \$21,000.

* * * **V Williamson Free School** — The Senate voted 35-14 in favor of **Senate Bill 1099**, which would have provided \$16,000 to the Williamson Free School of Mechanical Trades in Delaware County. The bill was enacted as **Act 22A of 2009**. Citing declining state revenues, the Governor line item vetoed the appropriation by \$8,000.

* * * **V Fox Chase Institute for Cancer** — The Senate voted 41-8 in favor of **Senate Bill 1100**, which would have provided \$345,000 to the Fox Chase Institute for Cancer in Philadelphia. The bill was enacted as **Act 23A of 2009**. Citing declining state revenues, the governor line item vetoed the appropriation by \$172,000.

* * * **V AIDS Research** — The Senate voted 41-8 in favor of **Senate Bill 1101**, which would have provided \$136,000 to the Wistar Institute in Philadelphia for operation, maintenance and AIDS research. The bill was enacted as **Act 24A of 2009**. Citing declining state revenues, the governor line item vetoed the appropriation by \$67,000.

* * * **V Central Penn Oncology Group** — The Senate voted 41-8 in favor of **Senate Bill 1102**, which would have provided \$58,000 to the Central Penn Oncology Group at Penn State Hershey. The bill was enacted as **Act 25A of 2009**. Citing declining state revenues, the governor line item vetoed the appropriation by \$29,000.

* * * **V Lancaster Cleft Palate Clinic** — The Senate voted 41-8 in favor of **Senate Bill 1103**, which would have provided \$26,000 to Lancaster Cleft Palate Clinic for patient treatment. The bill was enacted as **Act 26A of 2009**. Citing declining state revenues, the governor line item vetoed the appropriation by \$13,000.

* * * **V Burn Foundation, Philadelphia** — The Senate voted 41-8 in favor of **Senate Bill 1104**, which would have provided \$186,000 to the Burn Foundation in Philadelphia. The bill was enacted as **Act 27A of 2009**. Citing declining state revenues, the governor line item vetoed the appropriation by \$93,000.

* * * **V Children's Institute, Pittsburgh** — The Senate voted 41-8 in favor of **Senate Bill 1105**, which would have provided \$431,000 to the Children's Institute of Pittsburgh. The bill was enacted as **Act 28A of 2009**. Citing declining state revenues, the governor line item vetoed the appropriation by \$215,000.



*** * * V Children's Hospital of Philadelphia** — The Senate voted 41-8 in favor of **Senate Bill 1106**, which would have provided \$200,000 to the Children's Hospital of Philadelphia (CHOP). The bill was enacted as **Act 29A of 2009**. Citing declining state revenues, the governor line item vetoed the appropriation by \$100,000.

*** * * V Philadelphia Health & Education Corp.** — The Senate voted 41-8 in favor of **Senate Bill 1107**, which would have provided \$317,000 to the Philadelphia Health and Education Corporation for the Colleges of Medicine, Public Health, Nursing and Health Professions for continuation of pediatric services. The bill was enacted as **Act 30A of 2009**. Citing declining state revenues, the governor line item vetoed the appropriation by \$158,000.

*** * * V Beacon Lodge Camp** — The Senate voted 41-8 in favor of **Senate Bill 1108**, which would have provided \$49,000 to the Pennsylvania Lions' **Beacon Lodge Camp** in Huntingdon County. The non-profit summer camp is for people with various physical and mental disabilities. The bill was enacted as **Act 31A of 2009**. Citing declining state revenues, the governor line item vetoed the appropriation by \$24,000.



BANKING AND INSURANCE

*** * * Preventable Serious Adverse Events Act** — The Senate unanimously approved legislation that creates the “Preventable Serious Adverse Events Act.”

House Bill 84 prevents health care providers from knowingly seeking payment from health payors, patients or their responsible party for a preventable serious medical error or services required to correct or treat the problem that occurred under their care.

The bill was signed into law as **Act 1 of 2009**.

*** * * Credit Insurance Protection** — The Senate unanimously approved legislation that requires credit insurance companies to promptly refund customer premiums when a policy is terminated before its original expiration date.

Previous state law did not require a policy holder to provide notice to the insurer that a debt is being terminated.

House Bill 526 requires credit insurance policies to include a notice that the debtor may be entitled to a refund if the policy is canceled or the debt terminates before the policy expires.

It also requires the holder of the debt to inform the insurance company when the debt that is covered terminates. Notification must take place within 60 days of the debt termination.

The bill was signed into law as **Act 17 of 2010**.

*** * * Financial Employee Protection** — The Senate unanimously approved legislation that further protects employees of financial institutions who report a violation or illegal activity.

Under **House Bill 985**, a financial institution is prohibited from taking action against an employee who participates in an investigation or reports illegal activity.

The bill was signed into law as **Act 7 of 2009**. The Senate version of this legislation, **Senate Bill 171**, died in the House.

*** * * Mini-COBRA** — The Senate unanimously passed legislation that authorizes Mini-COBRA Small Employer Group Health Policies.

House Bill 1089 allows 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 includes coverage for the employees’ dependents.

This legislation ensures that people who work for small employers have access to the 65 percent premium assistance provided by the Federal American Recovery and Reinvestment Act.

The bill was signed into law as **Act 2 of 2009**.

*** * * Appealing Long-Term Insurance Denial** — The Senate unanimously approved legislation that gives consumers recourse if their long-term insurance benefits are denied.

Under **House Bill 1251**, a consumer has the right to appeal the decision of an insurance company’s denial of a long-term care claim to an independent review organization. If the claim is still denied, the consumer will be able to go to court.

The bill was signed into law as **Act 51 of 2010**.



*** * * Oversight of Continuing Care Providers** — The Senate unanimously approved legislation that amends the “Continuing-Care Provider Registration and Disclosure Act” to give the state Insurance Department more administrative flexibility to conduct financial exams on the growing number of continuing care providers.

House Bill 1376 requires continuing care providers to keep certain business records in a manner determined by the Insurance Department to facilitate the department’s financial examination of the continuing care providers.

Also, the department will be required to examine continuing care providers every four years, with an examination at least once during a provider’s first five years of operation, and once during the provider’s second five years of operation.

Examinations will be conducted at the Insurance commissioner’s discretion based on the following criteria: results of financial statement analyses, changes in management or ownership, certified public accountant reports, the volume and nature of resident complaints, length of time the provider or facility has been furnishing care, changes to disclosure statements or resident agreements, expansion of existing facilities or addition of new facilities, and other information that the commissioner deems relevant.

The bill was signed into law as **Act 66 of 2010**.

*** * * SAFE Act Federal Compliance** — The Senate unanimously approved legislation that puts the state in compliance with federal mortgage regulation, known as the SAFE Act.

House Bill 1654 gives the Department of Banking the authority to deny mortgage broker licenses if the applicant has been convicted of any felony in the past seven years prior to the time of the application.

The department will also be given the authority to issue a permanent licensure ban to anyone convicted of a felony involving an act of fraud, dishonesty, breach of trust or money laundering unless they have been pardoned.

The bill also increases pre-licensure and continuing education requirements and requires mortgage lenders to register with a national database. This would help prevent unscrupulous lenders from moving from state to state.

Finally, the bill gives the department the authority to require individuals in the mortgage business to purchase surety bonds. The size of the bond would depend on the amount of mortgage business done annually.

The bill was signed into law as **Act 31 of 2009**. The Senate version of this legislation, **Senate Bill 936**, died in the House.

*** * * Defining Service Contracts** — The Senate unanimously approved legislation that clarifies that service contracts are not insurance products and, therefore, should not be regulated by insurance law.

A service contract is defined as “a contract or an agreement to perform the service, repair, replacement or maintenance of property and provide liability.” Its purpose is to provide coverage for a service repair and replacement due to normal wear and tear or inherent defect. Insurance, on the other hand, provides coverage against a property being destroyed or damaged for extraordinary reasons other than normal wear and tear.

Therefore, under **House Bill 1774**, a service contract will not be construed to be the business of insurance and will be exempt from insurance law.

Previous state law did not have a specific service contract law.

The bill was signed into law as **Act 68 of 2010**. The Senate version of this legislation, **Senate Bill 1334**, died in the House.



* **Off-site Pathology Services** — The Senate unanimously approved legislation that would have created the Anatomic Pathology Service Disclosure Act.

House Bill 2521 would have required health-care providers to provide patients, insurers or other third-party payers with information about the cost of off-site pathology services.

Currently, patients or insurers are not entitled to be informed of the actual cost of pathology services when a physician bills for these services provided by external labs.

The bill died in the House.

* * * **Eliminating Dual Licensing of Manufactured Homes** — The Senate unanimously approved legislation that eliminates a dual-licensing requirement for manufactured housing.

Under previous state law, the Motor Vehicle Sales Finance Act licensed entities such as manufactured housing retailers who engaged in activities that involve the financing of titled property. But changes to the Mortgage Licensing Act of 2009 required companies that finance manufactured housing and mobile homes to hold dual licenses.

House Bill 2547 eliminates this dual license and allows business licenses to be retained under the Motor Vehicle Sales Finance Act.

The bill was signed into law as **Act 122 of 2010**.

* * * **Mortgage Fraud Protection** — The Senate unanimously approved legislation that protects consumers from mortgage fraud.

Senate Bill 170 protects consumers with mortgages by prohibiting their mortgage broker from being the only recipient of notices sent from the lender. This would prohibit brokers from withholding information about their clients' mortgages.

The bill was signed into law as **Act 10 of 2009**.

* **Financial Employee Protection** — The Senate unanimously approved legislation that would have further protected employees of financial institutions who report a violation or illegal activity.

Under **Senate Bill 171**, a financial institution would have been prohibited from taking action against an employee who participates in an investigation or reports illegal activity.

The bill died in the House. However, the House version of the legislation, **House Bill 985**, was signed into law as **Act 7 of 2009**.

* * * **Health Coverage for Adult Dependents** — The Senate unanimously approved **Senate Bill 189**, which allows dependent children to receive health insurance coverage through their parent's policy up to age 30.

To be eligible, the dependent child must be 29 years of age or younger, unmarried, have no dependents, be a Pennsylvania 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 does not apply 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 was signed into law as **Act 4 of 2009**.



*** * * Regulating the Purchase of Annuity** — The Senate unanimously approved legislation that protects consumers by strictly regulating the purchase or exchange of an annuity.

Senate Bill 237 ensures that insurers who are selling annuities are making sure that the product is suitable for the consumer based upon the consumer's financial status, tax status, and investment objectives.

The bill also creates the health Insurance Coverage and Nondiscrimination Act, which is necessary to maintain the state's right to regulate health insurance in Pennsylvania by complying with federal law.

Finally, the bill extends the sunset expiration date for the CHIP program from Dec. 31, 2010 to Dec. 31, 2013.

The bill was signed into law as **Act 14 of 2010**.

*** Mini-COBRA Small Employer Group Health Plan** — The Senate unanimously approved legislation that would have created a Mini-COBRA Small Employer Group Health Plan.

Senate Bill 442 would have extended the federal COBRA guidelines to include small businesses with 2 to 19 employees.

Additionally, recipients of mini-COBRA health insurance would have had access to premium assistance provided through the American Recovery and Reinvestment Act of 2009 to purchase COBRA health insurance benefits.

The bill died in the House.

*** Prohibiting Payment for Medical Mistakes** — The Senate unanimously approved legislation that would have prohibited payment for health care-acquired infections or medical mistakes.

Senate Bill 443 would have prevented health care providers from seeking payment from patients or health insurers for a medical error that occurred to a patient who received care from that health care provider.

The House never acted on the bill.

*** Pennsylvania High-Risk Health Insurance Pool Act** — The Senate passed legislation by a 49-1 vote that would have established the Pennsylvania High-Risk Health Insurance Pool Act.

Senate Bill 507 would have created a nonprofit legal entity called the Pennsylvania High-Risk Health Insurance Pool, which would have helped provide health coverage for individuals who are denied health insurance for medical reasons.

The governing board would have been known as the State Comprehensive Health Insurance Pool Board.

The pool would have been funded with anticipated federal funds available for state-established high risk pools. The pool would not have been established until federal funds are available.

The bill died in the House.

*** SAFE Act Federal Compliance** — The Senate unanimously passed **Senate Bill 936**, which would have put Pennsylvania in compliance with the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008, also known as the SAFE Act.

Pennsylvania must update its mortgage licensing law to match the federal mandate by July 31, or could lose the authority to regulate the state's mortgage industry.

The bill would have also given the Department of Banking the authority to deny mortgage broker licenses if the applicant has been convicted of any felony in the past seven years. The department



would have also been permitted to issue a permanent licensure ban to anyone convicted of a felony involving an act of fraud, dishonesty, breach of trust or money laundering unless they've been pardoned.

Finally, the bill would have given the department the authority to require individuals in the mortgage business to purchase surety bonds. The size of the bond would have depended on the amount of mortgage business done annually.

The bill died in the House. The House version of the legislation, **House Bill 1654**, was signed into law as **Act 31 of 2009**.

*** * * V Locking in Future Basic Insurance Requirements** — The Senate voted 38-9 for **Senate Bill 1280**, which would have amended the Medical Care Availability and Reduction of Error (MCARE) Act by locking in future basic insurance coverage requirements for hospitals and health care providers.

For policies issued or renewed in 2002, the basic insurance coverage would have been \$500,000 per occurrence or claim and \$1.5 million all told annually for a health care provider that is not a hospital, or \$2.5 million all told annually for a hospital.

For policies issued or renewed in 2003 or after, the basic insurance coverage would have been \$500,000 per occurrence or claim and \$1.5 million all told annually for a health care provider that is not a hospital; \$1 million per occurrence or claim and \$3 million all told annually for a non-participating health care provider or \$2.5 million all told annually for a hospital.

For 2003 or after, the limit of liability fund would have been \$500,000 for each occurrence and \$1.5 million all told annually. If the basic insurance coverage requirement is increased for each year following the increase the limit of liability of the fund would be \$250,000 for each occurrence and \$750,000 all told annually and zero in other cases.

For assessments for 2003-2018, the fund would have been funded by an assessment on each participating health care provider. Assessments would be levied by the Insurance Department on or after January 1 of each year.

For 2018 and after, if the basic insurance coverage requirement was increased the Insurance Department would have been able to discount the total assessment by a specified amount.

The governor vetoed the bill because he said it failed to recognize the noteworthy progress made in Pennsylvania's medical malpractice insurance marketplace. He said the bill would cause extreme swings in the MCare assessment from year to year, which would be detrimental to providers, destabilize the medical malpractice market, and create a crisis atmosphere that would undermine the state's ability to retain and attract physicians and other health care providers to Pennsylvania. In addition, Governor Ed Rendell said it would bring innovation in the marketplace to a complete halt for the next several years without evidence that this is needed and without an assessment of how this might impact medical providers.

*** Defining Service Contracts** — The Senate unanimously approved **Senate Bill 1334**, which would have made service contracts exempt from the insurance law.

Service contracts include items such as DVD player extended warranties, warranties on a home furnace, and even extended warranties on a vehicle.

Some consumers use the insurance company law to deal with these matters, even though they are not a part of the law. The bill would have clarified this exemption.

The bill died in the House. The House version of this legislation, **House Bill 1774**, was signed into law as **Act 68 of 2010**.



COMMUNICATIONS AND TECHNOLOGY

* * * **Protection Against Computer Spyware Act** — The Senate unanimously approved **Senate Bill 123**. The measure, known as the “Consumer Protection Against Computer Spyware Act,” prohibits the transmission or copying of unauthorized software onto a consumer’s computer.

Spyware is computer software designed to install on a personal computer and take partial control over the computer without the user’s knowledge. Spyware can do a number of things to a person’s computer, including collecting a user’s personal information such as Social Security number, credit card numbers, usernames and passwords, and personal address.

Senate Bill 123 gives district attorneys and the Attorney General the authority to investigate and institute criminal proceedings for violations of this new law. A person who intentionally transmits spyware is guilty of a second degree felony punishable by up to 10 years in jail.

The measure was signed into law as **Act 86 of 2010**.

* **Personal Information Security Breach** — The Senate unanimously approved **Senate Bill 155**, which would have amended the Breach of Personal Information Notification Act by requiring a state agency or political subdivision to notify the public of system security breaches within one week of discovering the breach.

It would have also required the agency to notify the state Attorney General’s office within three days.

The bill died in the House.

* **Phishing Offense** — The Senate unanimously approved **Senate Bill 299**, which would have made “phishing” a criminal offense.

Phishing is the act of acquiring sensitive personal information (passwords, usernames, and credit card details) by tricking or misdirecting unsuspecting people to transmit their information electronically on fake websites designed to look identical to legitimate ones such as social websites, auction sites, online banks, and online payment processors.

A person would have committed the offense of phishing if their intent was to defraud or injure anyone; or had knowledge that a fraud was being facilitated or an injury was being perpetrated.

The first offense for a person violating this measure would have been a third degree felony. Second offense would have been a second degree felony.

If a person would have fallen victim to a phishing scheme, the bill would have allowed for the person to recoup damages equal to the greater of actual damages, or \$100,000 per violation.

The measure died in the House.



***REAL ID Nonparticipation Act** — The Senate approved **Senate Bill 621** with a unanimous vote. The bill would have established the REAL ID Nonparticipation Act. Under this proposal, neither the governor nor the Department of Transportation or any other state agency would have participated in the REAL ID Act of 2005 or its regulations.

The REAL ID Act of 2005 was an Act of Congress that modified U.S. federal law pertaining to security, authentication, and issuance procedures standards for the state driver's licenses and identification (ID) cards, as well as various immigration issues pertaining to terrorism.

Senate Bill 621 died in the House.



COMMUNITY AND ECONOMIC DEVELOPMENT

**** *Gambling Expansion and Controls** — By a vote of 28-22, the Senate approved a Conference Committee Report to allow table games at Pennsylvania casinos and put in place a sweeping reform of gaming regulations.

Senate Bill 711 contains provisions passed by the Senate and House in other bills (**Senate Bill 1088** and **Senate Bill 1033**) and allows the largest casinos to install up to 250 tables, a number which can be increased with approval from the state Gaming Control Board.

The bill sets a fee for table games licenses at \$16.5 million for Category 1 and 2 licensees and \$7.5 million for Category 3 licensees. The initial tax rate is 16 percent of gross table games revenue, with 14 percent going to the state, 1 percent to the host municipality and 1 percent to the county. Facilities located in Philadelphia will remit 2 percent for local share payment. After two years of operation, the tax rate to the state will be reduced to 12 percent for an overall tax rate of 14 percent.

The bill also contains provisions reforming the state gaming law by prohibiting campaign contributions from casino principals, requiring state police background checks on the top four employees of the Gaming Control Board and increasing from one year to two the ban on former board employees being employed by casino interests.

Senate Bill 1088, which dealt chiefly with the reform provisions, passed the Senate 49-0, while Senate Bill 1033, which contained the table games provisions, passed 29-20.

This bill was signed into law as **Act 1 of 2010**.

*** Greyhound Racing** — The Senate unanimously passed **Senate Bill 214**, which would have outlawed the digital simulcast of greyhound racing in Pennsylvania. Violators who conduct, hold, or operate races for public display would have faced a first degree misdemeanor with a fine of up to \$10,000.

Criticized by some as cruel to animals, live greyhound racing is already banned in Pennsylvania. The session ended with the bill remaining in the House Gaming Oversight Committee.



CONSUMER PROTECTION AND PROFESSIONAL LICENSURE

*** * * Professional or Occupational License Imposters** — The Senate voted 38-11 in favor of **House Bill 416**, which will increase penalties for those who impersonate a holder of a professional or occupational license, such as architects, physicians, realtors, psychiatrists, accountants and funeral directors.

The charge will be graded a second-degree misdemeanor. In cases where the intent of the impersonation was to harm, defraud or injure someone, the crime will be a third-degree felony.

The bill was signed into law as **Act 12 of 2010**.

*** * * “Hannah Montana” Bill** — The Senate voted unanimously in favor of **House Bill 464**, the so-called “Hannah Montana” legislation that prohibits the use of automated ticket purchasing software to buy entertainment tickets over an Internet website.

The bypass allows a mass purchaser to buy tickets faster than the general public can access them. The purchaser will then typically scalp the tickets for profit.

Violation of this law is a misdemeanor and the perpetrator is required to pay a fine of \$5,000. Each ticket bought through the use of ticket purchasing software is considered a separate incident.

The bill was signed into law as **Act 23 of 2010**.

*** * * Dental Assistant Function Expansion** — The Senate voted unanimously in favor of **House Bill 602**, which allows for expanded function dental assistants.

This measure allows expanded function dental assistants to polish teeth, provide fluoride treatments, place contouring amalgam and other restorative materials and take impressions of teeth for athletic appliances.

The bill also ensures that expanded function dental assistants are represented on the State Board of Dentistry.

The bill was signed into law as **Act 19 of 2010**.

*** * * Landscape Architect Registration Requirements** — The Senate voted 48-2 in favor of **House Bill 703**, which requires all landscape architects seeking registration in Pennsylvania to undergo examination, regardless of their years of active experience, and expands requirements for the continuing education of licensees.

Under the previous law, an applicant could receive registration without examination if he or she had 10 years of active experience as a landscape architect and was a graduate of an approved institution, or if he or she had 15 years of active experience without the education, if the board approved the experience. It also stated that a licensee was required to complete 10 hours of continuing education every two years, while most states require 24 hours of continuing education.

This law eliminates the option for landscape architects with prior experience and/or education to register without examination and increases the number of required continuing education credits every two years from 10 to 24.

The bill was signed into law as **Act 24 of 2009**.



*** * * Continuing Education Requirements** — The Senate voted unanimously in favor of **House Bill 975**, which updates continuing education requirements for engineers, land surveyors and geologists.

The bill updates continuing education requirements with specific provisions based on the National Council of Examiners for Engineering and Surveying model language. The new language requires professional engineers, land surveyors and geologists to complete 24 professional development hours of continuing education every two years.

In addition, the legislation also provides geologist-in-training certification to improve the marketability of recent geology graduates. Currently, geologists must pass the fundamentals of geology examinations, but they are required to wait until they have completed their five-year work experience before they may take the licensure exam.

Engineering and land surveying students typically take their fundamentals exam at the time of graduation and then can market themselves to potential employers as certified engineers-in-training (EIT) or surveyors-in-training. House Bill 975 provides the same benefit to geology students.

The bill was signed into law as **Act 25 of 2010**.

*** * * Expansion of Pharmacists Role in Health Care** — The Senate voted unanimously in favor of **House Bill 1041**, which will expand the role of pharmacists in the state's health care system.

House Bill 1041 will allow pharmacists to practice drug therapy management beyond what is permitted under current law.

This measure permits pharmacists to enter into a collaborative agreement with a physician to perform drug therapy management outside of an institutional setting if the pharmacist meets certain requirements. Some of these requirements include providing evidence of training in the diseases they are managing through drug therapy, compliance with registration requirements and providing proof of professional liability insurance covering \$1 million per occurrence.

The bill was signed into law as **Act 29 of 2010**.

*** * * Sale of Non-Fire Safe Cigarettes** — The Senate voted unanimously in favor of **House Bill 1342**, which helps retailers clear out their inventory of non-fire safe cigarettes.

Under Act 42 of 2008, all cigarettes sold in Pennsylvania must be tested and meet fire safety and performance standards. The law took effect July 1, 2009. Many retailers placed their orders for the non-fire safe cigarettes before the legislation passed the previous year and were stuck eating the cost of that inventory, through no fault of their own.

House Bill 1342 gives retailers a one-year extension to sell their existing inventory of the non-fire safe cigarettes. The inventory must have been purchased and stamped by Jan. 1, 2009.

The bill was signed into law as **Act 9 of 2009**.

*** * * Crane Operator Licensure Act** — The Senate voted unanimously in favor of **House Bill 1551**, which will change the Crane Operator Licensure Act by allowing licenses without certification.

The legislation allows the State Board of Crane Operators to issue licenses without certification for those who already have licenses, beginning on the effective date of this bill until December 9, 2011.

The bill was signed into law as **Act 7 of 2010**.

*** * * Manufactured Home Community Rights Act** — The Senate approved **House Bill 2212** with a 46-1 vote. The bill renames the Mobile Home Park Rights Act as the "Manufactured Home Community Rights Act" and replaces all references to "mobile home" with the term "manufactured home."

The bill was signed into law as **Act 80 of 2010**.



* **Landscape Architects Registration Law** — The Senate voted unanimously in favor of **Senate Bill 45**, which would have changed the Landscape Architects Registration Law to require more continuing education for licensed landscape architects.

This bill would have raised the minimum continuing education requirement from 10 hours per license period to 24 hours per license period. This would have brought Pennsylvania up to the continuing education requirements of surrounding states.

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

The bill died in the House.

* * * **Commissioner of Professional and Occupational Affairs Authority** — The Senate voted 49-1 in favor of **Senate Bill 142**, which gives more authority to the Commissioner of Professional and Occupational Affairs.

This bill allows the Commissioner of Professional and Occupational Affairs to impose a civil penalty of up to \$10,000 per violation on any licensee, registrant, certificate holder, permit holder or unlicensed person who violates a disciplinary order.

The commissioner may also impose a civil penalty of up to \$10,000 per violation on any corporation, partnership, institution, association or sole proprietorship that helps any person who practices without a license.

The bill was signed into law as **Act 25 of 2009**.

* * * **Real Estate Licensing and Registration Act** — The Senate voted unanimously in favor of **Senate Bill 241**, which changes the Real Estate Licensing and Registration Act. Senate Bill 241 defines “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 also imposes a suspension or revocation of a license or registration certificate and imposes fines if a licensee or registrant participates in prohibited acts spelled out in the legislation.

Lastly, the bill creates provisions for handling deposits and other escrows accepted by a broker.

The bill was signed into law as **Act 14 of 2009**.

* **State Board of Plumbing Contractors** — The Senate voted 32-18 in favor of **Senate Bill 288**, which would have created the State Board of Plumbing Contractors within the Department of Labor and Industry.

The measure died in the House.

* **Do Not Call Registry** — The Senate voted unanimously in favor of **Senate Bill 304**, which would have eliminated the need for Pennsylvanians to re-register on the “Do Not Call” registry every five years.

This measure would have kept a consumer’s number in Pennsylvania’s “Do Not Call” registry until they asked to be removed.

In 2002, Pennsylvanians were first given the opportunity to avoid telemarketing calls by registering for the “Do Not Call” list. More than one million citizens registered in a two-week period that year, and millions more have registered through the past few years.

The bill died in the House.



* **Volunteer Time Credits** — The Senate voted unanimously in favor of **Senate Bill 464**, which would have credited volunteer time by health care professionals toward their continuing education requirements.

The bill would have allowed physicians, dentists, dental hygienists, nurses, or certified registered nurse practitioners to apply volunteer time served in a community-based health care clinic towards the completion of no more than 20 percent of their mandatory continuing education hours required by their individual licensure boards.

This measure was part of the 15-bill HealthNET PA package.

The bill died in the House.

* * * **Sign Language Interpreter** — The Senate voted unanimously in favor of **Senate Bill 642**, which changes the Sign Language Interpreter and Transliterator State Registration Act to add registration requirements for a provisional sign language interpreter.

Under this bill, a provisional sign language interpreter must be a graduate of an interpreter education program with an associate degree or higher within five years of graduation.

After application with the Department of Labor & Industry, the applicant must provide proof of age (18) and passage of a written examination, general fitness, competence and reliability. These individuals cannot provide services in a legal or mental health setting unless accompanied by a qualified interpreter or transliterator. Transliterating or sign language by a provisional registrant is prohibited in a physician's office unless a patient is informed of certain rights. Transliterating or sign language by a provisional registrant is prohibited in critical care or emergency settings.

The bill was signed into law as **Act 124 of 2010**.

* * * **Franchising** — The Senate unanimously approved **Senate Bill 921**, which reduces the timeframe for manufacturers' consideration of dealers to relocate or pick up another franchise. The bill also prohibits manufacturers from expanding, constructing or making significant modification of dealer facilities or construction of a separate facility if not justified by market and economic conditions.

The bill requires a manufacturer to repurchase additional inventory in the event of a termination, including the repurchase of current and prior model inventory.

The bill was signed into law as **Act 41 of 2009**.

* * * **Massage Therapy Licensure** — The Senate voted unanimously in favor of **Senate Bill 925**, which accredits community college courses in massage therapy and permits those courses to be used to apply for licensure.

The legislation also authorizes the Massage Therapy Board to approve other regionally accredited colleges or universities and Pennsylvania private licensed schools for the training.

The bill was signed into law as **Act 45 of 2009**.

* **Home Improvement Consumer Protection Act** — The Senate voted unanimously in favor of **Senate Bill 973**, which would have amended the Home Improvement Consumer Protection Act by adding a definition, procedures for registering and prohibited acts.

A "home improvement retailer" would have been defined as a person who sells materials for use in home improvement contracts.

In order to become a registered contractor, a person would have had to provide a driver's license number, a copy of an identification card issued by the state in which the person lives or other



form of identification as permitted by the Bureau of Consumer Protection.

A restricted revenue account called the "Home Improvement Account" would have been created in the General Fund. The funds and any interest earned would have been given to the Attorney General to distribute and enforce the law.

The bill died in the House.

*** Clinical Social Work Licensing** — The Senate voted unanimously in favor of **Senate Bill 990**, which would have changed the requirements for clinical social work licenses, marriage and family therapist licenses, and professional counselor licenses.

Currently, applicants for all three types of licenses are required to complete a specified number of years or hours of supervised clinical experience. Due to the fact that existing regulation already addresses the number of hours needed each year, Senate Bill 990 would have removed the provisions of the law pertaining to the number of years required for each type of license.

The bill also would have called for a change in the date by which applicants for a marriage and family therapist license or professional counselor license must have successfully completed the required coursework in order to be grandfathered under the current regulations. Currently this date is March 2, 2007. Senate Bill 990 would have extended that date to on or before June 30, 2008.

The bill died in the House.

*** State Board of Vehicle Manufacturers, Dealers and Salespersons** — The Senate approved **Senate Bill 1057** with a unanimous vote. The bill would have removed one member of the general public from the State Board of Vehicle Manufacturers, Dealers and Salespersons. There are currently four members of the general public with no connection to the vehicle business on the board. The bill would have then added a mobility vehicle dealer who has been working in the business for five years.

Mobility vehicle dealer is defined as a person engaged in the business of buying, selling or exchanging mobility vehicles for commission, compensation or other consideration.

The measure died in the House.

*** * * Pilot Fees/Port of Philadelphia** — The Senate unanimously passed **Senate Bill 1327**, which increases pilot fees for the Port of Philadelphia.

Under the bill, the previous pilot fees, set at \$12.36 per unit, will go up to \$12.61 per unit on January 1, 2012; and increase again, to \$12.86 per unit, on January 1, 2013.

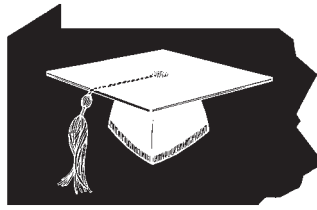
The bill was signed into law as **Act 71 of 2010**.

*** * * Car Dealership Incentive Programs** — The Senate voted unanimously for **Senate Bill 1328**, which allows car dealers to offer incentive programs.

This bill defines "site-control agreement or exclusive use agreement" and allows site control agreements between manufacturers and their franchises to grant exclusive control over the use, development and disposition of the real estate and buildings associated with a dealership to the manufacturer.

The bill also outlaws unlawful coercive acts by manufacturers attempting to force a dealership to sell, offer to sell, or sell exclusively an extended service contract, extended maintenance plan or similar product offered, endorsed or sponsored by the manufacturer or distributor. However, dealerships are still able to voluntarily offer these incentive programs.

The bill was signed into law as **Act 100 of 2010**.



EDUCATION

*** * *V Economic Education and Personal Financial Literacy Program** — The Senate unanimously passed **House Bill 101**, which establishes the Economic Education and Personal Financial Literacy Program in elementary and secondary schools.

The omnibus amendment to the school code makes numerous changes to public school programs and operations. The measure:

- revises school violence reporting requirements;
- allows Pennsylvania children of active military personnel to continue attending a Pennsylvania public school even if the parent is deployed outside the state;
- clarifies financial reporting requirements for schools;
- allows nurse practitioners to perform medical evaluations of teacher certification candidates;
- clarifies state and local tax exemptions for school property owned by or leased to a charter school, cyber charter school or associated nonprofit foundation used for school purposes;
- creates the Higher Education College Textbook Affordability, Accountability and Accessibility Act;
- allows approved private schools and chartered schools for the deaf and blind to apply directly to the Department of Education for emergency permits for employee certifications;
- allows a school board to establish an “Operation Recognition” program to award high school diplomas to honorably discharged veterans of the Vietnam War who would have graduated from high school if not for entering military service;
- requires school entities to develop policies to allow students to self-carry asthma inhalers and epinephrine auto-injectors, provided the students demonstrate competency to use them;
- establishes the Science in Motion Program;
- initiates a sexual violence awareness education program and student “bill of rights;”
- permits older Pennsylvanians to take college courses on a tuition-free basis;
- requires the Department of Education to pay all or a portion of the cost for teachers to obtain National Board of Professional Teaching Standards certification;
- calls on the Department of Education to promulgate state standards for business, computer and information technology courses;
- requires schools to include information on food allergy reaction management in their local wellness policies;
- requires the state Department of Education to report graduation and dropout rates in Pennsylvania and establish a data collection and reporting system; and
- directs the Department of Education to develop a model dating violence policy and requires school districts to develop a dating violence policy, conduct dating violence training for staff and provide dating violence education to all students in grades 7 through 12.

The bill was vetoed by the governor as **Veto 2 of 2010**. The governor said he vetoed **House Bill 101** because it “would provide inappropriate property tax exemptions to a handful of nonprofit



organizations that rent space to a charter school, the provision is unconstitutional and does not even guarantee that any property tax savings would be passed on to the charter.”

After the House of Representatives voted 171-24 to override the governor’s veto, Senate majority Republicans broke their public pledge to not do legislative business during a lame duck session and the Senate also overrode the governor’s veto, 42-7. The bill became law as **Act 104 of 2010**.

* **Criminal Offenses Prohibiting Employment** — The Senate unanimously approved **Senate Bill 55**, which would have amended the Public School Code to expand the list of convicted offenses that prohibit a person from being employed in a public or private school, intermediate unit or area vocational-technical school. The bill would have also required school employees to report convictions for criminal offenses immediately to school administrators.

The list of convicted offenses would have included, but not been limited to, luring a child into a motor vehicle, sexual intercourse with an animal, incest, concealing the death of a child, endangering the welfare of children, prostitution and related offenses, corruption of minors, sexual abuse of children, unlawful contact with a minor, and sexual exploitation of children.

The measure died in the House.

* **Office of Safe Schools** — The Senate voted 46-4 in favor of **Senate Bill 56**.

The measure would have amended the school code to require the Pennsylvania Department of Education and the Pennsylvania Commission on Crime and Delinquency to jointly create an Office of Safe Schools and convene an advisory committee to help develop school violence reporting forms. The bill would also have expanded the information to be included on the form and requirements relating to the memorandum of understanding with police departments.

The measure died in the House. However, the bill’s provisions were incorporated into **House Bill 101** (Act 104 of 2010).

* **Students with Parents on Active Military Duty** — The Senate unanimously approved **Senate Bill 88**, which would have amended the Public School Code to allow a child to remain a resident of their school district even though they live outside of Pennsylvania because one or both parents were ordered to active military duty. To qualify, the child’s parents would have needed to have maintained their Pennsylvania residence.

The measure died in the House. However, the bill’s provisions were incorporated into **House Bill 101** (Act 104 of 2010).

* **Accessible Education for Military Families** — The Senate unanimously approved **Senate Bill 213**, which would have established the Interstate Compact on Educational Opportunity for Military Children Act.

The bill would have authorized Pennsylvania to enter into the Interstate Compact in order to make education more accessible to children of military families and make school transfers and transitions more uniform. It would also have established the State Council on Interstate Educational Opportunity for Military Children.

The bill died in the House.



* **Statewide Graduation Requirements** — The Senate approved **Senate Bill 281** with a vote of 48-1.

The measure would have amended the school code to prohibit the development of statewide graduation requirements — including the expenditure of funds to do so — unless the General Assembly specifically authorizes and funds the effort.

The measure died in the House.

* **Annual Financial Reports** — The Senate unanimously approved **Senate Bill 287**, which would have required the Pennsylvania Department of Education to establish financial reporting requirements for the annual financial reports (AFRs) filed by school districts and intermediate units.

The standard would have conformed to fund level reporting criteria only. It would not have required the filing of entity-wide statements, management discussions and analyses and notes to the financial statements.

The measure died in the House. However, the bill's provisions were largely incorporated into **House Bill 101** (Act 104 of 2010).

* * * **Teaching Certificate Requirements** — The Senate unanimously approved **Senate Bill 441**, which permits a certified registered nurse practitioner to certify the physical and mental fitness of an applicant for a teaching certificate.

The bill was amended to permit a student to attend the nearest high school when the resident school district no longer operates a high school and the superintendent has not assigned these students to a high school in another school district.

This provision was added as a result of the decision of the Pennsylvania Supreme Court on September 29, 2010 in **West Mifflin School District v. Zahorchak**. The Supreme Court ruled that previous provisions allowing Duquesne High School students to attend West Mifflin Area School District and East Allegheny School District when the state shut down the school, unconstitutional because those provisions violated the state constitution prohibition against special legislation and could only apply to one school district.

The amendment allows the Secretary of Education to designate two or more school districts to accept students of closed high schools as long as the designated school district is no more than three miles from the border of the distressed school district.

The bill was signed into law as **Act 123 of 2010**.

* **Rehabilitative Institutions** — The Senate voted 41- 8 in favor of **Senate Bill 598**, which would have streamlined the process through which school districts with resident students enrolled in rehabilitative institutions pay the school district or intermediate units that contract with these institutions.

It would have allowed, after notification by the receiving district of non-payment by the resident district, the Secretary of Education to make payment for tuition charges on behalf of the district of residence.

This bill would also have amended the Public School Code to allow the receiving district to charge the district of residence the full cost for specialized instruction, including remedial, rehabilitative or alternative education or services.

The measure died in the House.



* **School Social Worker** — The Senate unanimously approved **Senate Bill 629**, which would have added “school social worker” to the definition of “professional employee” in the Public School Code.

If a school employs a school social worker, that individual would have had to hold a school social worker certificate issued by the Department of Education. This would not have applied if the individual met the exception of a school social worker as set forth in the Social Workers, Marriage and Family Therapists and Professional Counselors Act or was employed as a school social worker prior to the development of the school social worker certificate by the Department of Education.

The measure died in the House.

* **Operation Recognition Program** — **Senate Bill 674** received unanimous approval by the Senate. The measure would have amended the Public School Code to permit school boards to establish the “Operation Recognition Program” that would have awarded a high school diploma to any honorably discharged veteran who served in the Vietnam War and could not graduate from high school due to entry into military service.

While the measure died in the House, its provisions were included in omnibus **House Bill 101**.

* **Charter School Real Estate Taxes** — The Senate unanimously approved **Senate Bill 687**, which would have amended the Public School Code to exempt charter school facilities from the payment of real estate tax on realty owned by the charter school. It also would have exempted the owner that leases property to a charter school from the payment of real estate tax.

The measure died in the House. However, the bill’s provisions were inserted in omnibus **House Bill 101**.

* **Epi-Pens in Schools** — **Senate Bill 736** was approved by the Senate unanimously. The measure would have amended the Public School Code to require school entities to approve policies that allow students with severe allergies to have and use epinephrine auto-injectors (also known as epi-pens) in school.

The bill would have directed school districts to include epi-pens in the current school district policies that govern the use of asthma inhalers. Requirements for the use of epi-pens would have been identical to those for the use of asthma inhalers.

The bill would also have required that the Department of Education coordinate with the Department of Health to provide technical assistance and resources to all school entities and publish educational information on the Internet regarding severe allergic reactions, the proper use and storage of epi-pens and record keeping.

The measure died in the House, but its provisions were included in omnibus **House Bill 101**.

* **Science Technology Partnership Program** — The Senate unanimously passed **Senate Bill 766**, which would have created the Science Technology Partnership Program, informally known as “Science in Motion,” within the Department of Education.

The program would have sought to improve science education in schools and school districts that are members of a science technology partnership by making scientific or technical equipment available to students; augmenting the science curriculum; and providing additional professional development opportunities to educators in the sciences.

The department would have administered a grant program that would award grants to qualified higher education institutions that are science technology partners. Grants would have been used to purchase or lease scientific or technical equipment for the development of programs of instruction for partnership members.

The bill died in the House. However, provisions of the bill were incorporated into **House Bill 101** (Act 104 of 2010).



* **Interscholastic Athletic Opportunities** — The Senate unanimously passed **Senate Bill 890**, which would have required Pennsylvania schools to report on the interscholastic athletic opportunities available to boys and girls in secondary school due to federal requirements regarding gender equity in educational programs that receive federal funding.

The bill would also have required the Department of Education to develop the reporting form and instructions, provide technical assistance, disclose the reporting results publicly and publicize any rules, regulations or standards necessary to implement the law.

The bill died in the House.

* **Affordable Textbooks** — The Senate unanimously approved **Senate Bill 929**, which would have created the “Higher Education College Textbook Affordability, Accountability and Accessibility Act” to minimize the cost of course materials for students and maintain the quality of education and academic freedom.

The bill would have required textbook publishers to include pricing information with any information they provide to faculty about a textbook and offer all “bundled” textbooks for sale as individual unbundled textbooks and supplemental items.

The legislation would also have permitted institutions to establish a college textbook rental program. These programs would have been eligible to receive federal, state and private funding.

Lastly, the bill would have required publishers of college textbooks to make their textbooks available, in whole or in part, for sale in electronic format no later than January 1, 2020.

The requirements in this legislation were consistent with the requirements in the federal Higher Education Opportunity Act that went into effect July 1, 2010.

The bill died in the House. However, the bill’s provisions were incorporated into the omnibus **House Bill 101** (Act 104 of 2010).

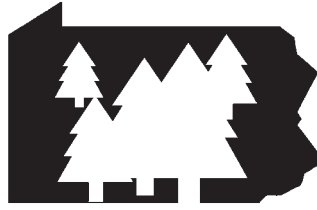
* **Emergency Hiring Permits** — The Senate approved **Senate Bill 954** by a unanimous vote. The measure would have permitted the Approved Private Schools and Charter Schools for the Deaf and Blind to apply for emergency hiring permits. Currently, these schools are required to apply to their local school district superintendents for these permits, leading to hiring delays.

The bill died in the House. However, the bill’s provisions were incorporated into **House Bill 101** (Act 104 of 2010).

* **Alternative Teacher Certification** — The Senate passed **Senate Bill 1011** with a vote of 46-1. The measure would have provided alternative pathways for teacher and administrator certification and required the Department of Education to approve post-baccalaureate programs for residency, intern and administrator certifications.

It would also have allowed a certified nurse practitioner or physician assistant to perform employment medical examinations for teachers and other school district personnel. It would have retained the Harrisburg School District’s status as an Education Empowerment District and focused on the Harrisburg Board of Control established by the Education Empowerment Act. The extension of the Board of Control would have expired June 30, 2013 and the remaining provisions of the Education Empowerment Act would have expired as scheduled on June 30, 2010. Over the course of the next three years, control of the Harrisburg Board of Control would have shifted from the appointed Board of Control to the elected school board.

The measure died in the House.



ENVIRONMENTAL RESOURCES AND ENERGY

*** * * Burning in Pennsylvania** — The Senate unanimously passed **House Bill 262**, which encourages the continued use of prescribed burning for fuel reduction, ecological, forest, wildlife and grassland management purposes. The state forester disseminates standards that include a 60-day public comment period, as well as the planning and conduct of prescribed burning in Pennsylvania.

The new standards adhere to requirements established by the National Wildfire Coordinating Group; including minimum qualifications and training requirements for prescribed burn workers; and the content of prescribed burn plans.

The measure was signed into law as **Act 17 of 2009**.

*** * * Zoning Ordinances of Appalachian Trail** — The Senate unanimously approved **House Bill 263**. The bill amends the 1978 “Pennsylvania Appalachian Trail Act” to give municipalities along the Appalachian Trail an extra year to adopt and implement zoning ordinances that protect the natural, scenic, historic, and esthetic values of the trail.

The deadline for these municipalities was extended to August 11, 2010.

The measure was signed into law as **Act 23 of 2009**.

*** * * Covered Device Recycling Act** — The Senate approved **House Bill 708** with a 48-1 vote. The measure establishes the “Covered Device Recycling Act,” which is a recycling program for electronic waste or e-waste.

Under the measure, those who manufacture televisions or computer devices must establish a plan to collect, transport, and recycle certain devices. Manufacturers and retailers are prohibited from charging a fee to the consumer for the collection or recycling of electronic waste.

The Department of Environmental Protection is required to review and approve the manufacturer’s recycling plans. Six months after the effective date of the act, a manufacturer of covered devices must register with the department and pay an annual \$5,000 registration fee. The registration fees are placed into the “Electronic Materials Recycling Account.” The funds are used by the department to administer the electronic waste recycling program.

In addition, retailers must notify customers about the proper way to recycle the electronic devices and where to return the devices for recycling.

Two years after the act is in place, no individual will be permitted to dispose of these specified electronic devices in a municipal waste facility.

The bill was signed into law as **Act 108 of 2010**.

*** * * Recycling Fees** — The Senate unanimously passed **House Bill 961**, which reauthorizes the state recycling fee until January 1, 2020. The fee had been slated to sunset at the end of 2011. The grants issued from the monies collected by this fee are distributed to localities to aid them in planning



and carrying out curbside recycling mandates. The grants are given out in three-year cycles.

Beginning in the fiscal year 2009-2010, through and including fiscal year 2012-2013, \$1.250 million will be transferred annually from the Recycling Fund to the "Used Tire Pile Remediation Restricted Account."

The bill was signed into law as **Act 24 of 2010**.

*** * * Coal Refuse Disposal** — The Senate unanimously passed **House Bill 1847**, which updates site selection criteria for preferred sites for coal refuse disposal. The bill adds areas adjacent to or an expansion of an existing coal refuse disposal sites as a preferred site under the act. When the adverse environmental impacts of the preferred site outweigh the public benefits, the site will not be considered a preferred site.

The bill also establishes a "Coal Bed Methane Review Board," which considers objections and attempts to reach agreement on the location for a coal bed methane well or access road when disagreements arise. The board serves as an alternative to court action.

Under the measure, the board consists of three members: a representative of the Pennsylvania Farm Bureau, a representative appointed jointly by the Pennsylvania Oil and Gas Association, the Independent Oil and Gas Association and the Pennsylvania Coal Association, and a representative with expertise in petroleum geology appointed by the deans of the Penn State Colleges of Agricultural Sciences and Earth and Mineral Sciences.

The bill was signed into law as **Act 4 of 2010**.

*** * * Environmental Liability for Removing Contamination** — The Senate unanimously approved **Senate Bill 84**. The measure amends Act 3 of 1995, the "Economic Development Agency, Fiduciary and Lender Environmental Liability Protection Act," to protect economic development agencies from environmental liability when removing contamination from a site.

The measure was signed into law as **Act 26 of 2009**.

*** Environmental Quality Board** — The Senate passed **Senate Bill 85** with a 48-1 vote. The bill would have allowed the Pennsylvania Department of Environmental Protection (DEP) Environmental Quality Board to have an independent counsel to assist in certain matters. All communication between the independent counsel and the board members would have been considered privileged.

The Environmental Quality Board is a 20-member independent board that adopts all of the DEP's regulations.

The DEP would have appointed the independent counsel.

The legislation was prompted by concerns that the same counsel currently serves both the department and board.

The measure died in the House.

*** Air Pollution Implementation Plans** — The Senate unanimously approved **Senate Bill 115**, which would have amended Pennsylvania's "Air Pollution Control Act" (Act 787 of 1959) to require that all proposed and final state implementation plans (SIPs) that are required under the federal Clean Air Act to be put on a publicly-accessible website.

The SIPs would have also been required to be submitted to the chairs of the Senate and House Environmental Resources and Energy Committees at the same time that they were published for public comment.

The measure died in the House.



* **Environmental Funds Reporting and Disclosure Act** — The Senate unanimously approved **Senate Bill 116**, which would have established the “Environmental Funds Reporting and Disclosure Act.”

The legislation would have required the Department of Environmental Protection to compile a comprehensive report of all special funds and restricted revenue accounts it administers.

The report would have been submitted to the appropriations committees and the Environmental Resources and Energy committees in both the Senate and House of Representatives. The measure also called for posting the report on the department’s Web site.

The bill died in the House.

* **Parks and Recreation Reporting Requirements** — The Senate unanimously approved **Senate Bill 117**, which would have amended the Keystone Recreation, Park and Conservation Fund Act (Act 50 of 1993) to include additional reporting requirements.

Beginning July 1, 2009 and each July 1 thereafter, the Department of Conservation and Natural Resources, the Department of Education, the Pennsylvania Historical and Museum Commission, and the State System of Higher Education, would have each submitted an annual report to the governor and the legislature.

The annual report would have contained information on grants awarded from the fund, a description of projects that received grant funding, and anticipated project completion dates. Each reporting agency and department would have been required to publish and maintain the report on its Web site.

The bill died in the House.

* **Hazardous Sites Cleanup** — The Senate unanimously approved **Senate Bill 118**, which would have amended the Hazardous Sites Cleanup Act (Act 108 of 1988) to include additional funding from civil penalties.

Any civil penalties assessed as a result of violations of the Hazardous Sites Cleanup Act would have been deposited in the Hazardous Sites Cleanup Fund.

The measure died in the House.

* **Coal Bed Methane Dispute Resolution Act** — The Senate approved **Senate Bill 275** by a unanimous vote. The measure would have established the Coal Methane Review Board to resolve disputes between property owners over the location of coal bed methane wells and access roads. The board would have been an alternative to court action for consideration and resolution of objections by property owners to the location of coal bed methane wells or related access roads.

The Coal Bed Methane Review Board would have been appointed by the governor and would have consisted of three members: one member out of three names submitted by the PA Farm Bureau; one member of three names submitted jointly by the PA Oil and Gas Association, the Independent Oil and Gas Association of PA, and the PA Coal Association; and one member with expertise in petroleum geology or petroleum engineering with at least three years of experience in practice in Pennsylvania of three individuals submitted jointly by the deans of the College of Agricultural Sciences and the College of Earth and Mineral Sciences of The Pennsylvania State University.

While the measure died in the House, the bill’s provisions were included in **House Bill 1847** (Act 4 of 2010).



*** * * Oil and Gas Act Amendment** — The Senate unanimously approved **Senate Bill 297**, which requires the well production reports to be filed semi-annually if the well is producing gas from the Marcellus Shale formation.

Prior to this legislation, well production information was kept confidential by the Department of Environmental Protection (DEP) for five years. Because of all the new drilling activity in the Marcellus Shale, this legislation was introduced to make the records more open and accessible sooner.

The initial report must be filed on or before August 15, 2010 and contain production data from the preceding calendar year. The filing deadlines for subsequent semi-annual reports are February 15 and August 15 of each year and need only contain updates, production data, and individual well status changes since the previous report.

The measure was signed into law as **Act 15 of 2010**.

*** Conservation Programs Funding** — The Senate passed **Senate Bill 490** with a vote of 33-17. The measure would have appropriated monies from the Oil and Gas Lease Fund to the General Fund for various conservation programs.

The monies would have been distributed as follows:

- \$147 million to the General Fund;
- \$1 million to the Department of Environmental Protection (DEP) for the review and processing of oil and gas permit applications, and to conduct inspections of permitted oil and gas sites;
- \$3.5 million to DEP to implement a nutrient credit trading program;
- \$1 million to the Department of Conservation and Natural Resources for the administration of the Pennsylvania Natural Heritage Program and to process on-line environmental review applications under the Pennsylvania Natural Diversity Inventory;
- \$500,000 to the Fish and Boat Commission to administer environmental reviews received under the Pennsylvania Natural Diversity Inventory; and
- \$500,000 to the Pennsylvania Game Commission to administer environmental reviews received under the Pennsylvania Natural Diversity Inventory.

The bill died in the House.

*** Hazardous Sites Cleanup Annual Report** — The Senate unanimously approved **Senate Bill 783**, which would have amended the “Hazardous Sites Cleanup Funding Act” (Act 77 of 2007) to change the date for the submission of the annual report.

The bill would have changed the reporting date to December 31 of each year and would have deposited civil penalty monies into the Hazardous Sites Cleanup Fund.

The bill died in the House.

*** DEP Climate Change Reports** — The Senate unanimously approved **Senate Bill 829**, which would have amended the “Pennsylvania Climate Change Act” and required the Department of Environmental Protection (DEP) to deliver the report 18 months after the effective date of the act (January 2010).

The bill would have also required DEP to hold a 60-day public comment period on a draft of the climate change action plan. The department would also have prepared a comment and response document for the plan.

The measure died in the House.



* **Biofuel Exemptions** — The Senate unanimously approved **Senate Bill 901**, which would have amended the “Biofuel Development and In-State Production Incentive Act” (Act 78 of 2008) to allow certain exceptions to the law’s requirements.

The bill would have exempted diesel fuel produced from 100 percent Pennsylvania crude oil by a small refiner (defined as a refiner that does not exceed 75,000 barrels per day in production) from the content mandate through December 31, 2010.

The bill died in the House.

* **DCNR Lease Agreements** — The Senate unanimously approved **Senate Bill 974**, which would have amended the 1995 “Conservation and Natural Resources Act” to clarify the terms of lease agreements with the Department of Conservation and Natural Resources.

A new section would have been added to the law stating that in the event that the department decides to close or restrict access to a state park or state forest, it would have made an exception for individuals who have entered into a lease agreement with the department prior to the effective date of the legislation.

The bill was in response to planned state park closures during the 2009 budget impasse.

The measure died in the House.

* **Surface Mining Fees** — The Senate unanimously passed **Senate Bill 1176**, which would have amended the 1992 “Surface Mining and Conservation and Reclamation Act” to provide that fees may be adjusted by regulations distributed by the Environmental Quality Board.

This legislation would have basically made what DEP is already doing official. Currently, the department is proposing to increase the coal mining fees through regulation. By doing this, it would allow more time and require more comment and response from the regulated community. The fees are already increased through regulation with all the other environmental programs the department administers, so this measure would have made the coal mining fees consistent.

The measure died in the House.

* **Bituminous Mine Fees** — The Senate passed **Senate Bill 1196** with a unanimous vote. The measure would have amended the “Bituminous Mine Subsidence and Land Conservation Act” (Act 156 of 1980) allowing for fees under the act to be adjusted by regulations distributed by the Environmental Quality Board.

This legislation would have made what DEP is already doing official. Currently, the department is proposing to increase the coal mining fees through regulation. By doing this, it would allow more time and require more comment and response from the regulated community. The measure would have made coal mining fees consistent with all the other environmental fees that the department assesses through regulation.

The measure died in the House.

* **Coal Refuse Disposal Fees** — The Senate unanimously passed **Senate Bill 1197**, which would amend the “Coal Refuse Disposal Control Act” (Act 318 of 1968) to allow for fees to be adjusted by regulation distributed by the Environmental Quality Board.

This legislation would have simply made what DEP is already doing official. Currently, the department is proposing to increase the coal mining fees through regulation. By doing this, it would allow more time and requires more comment and response from the regulated community.

The measure died in the House.



* **Distribution of Air Pollution Control Act Fees** — The Senate unanimously passed **Senate Bill 1250**, which would have changed where fines, civil penalties and fees collected under the Air Pollution Control Act are distributed.

For a fine or civil penalty of at least \$50,000, 25 percent would have been returned to the municipality where the violation occurred. Currently, these funds go to the Clean Air Fund.

The money would have been used for projects that eliminate or reduce air pollution or develop parks, recreation projects, trails or open space.

The loss of funds to the Clean Air Fund would have ranged between \$500,000 and \$1 million annually.

The bill died in the House.

* **Textbook Recycling** — The Senate unanimously approved **Senate Bill 1379**, which would have required public and private primary and secondary schools and State System of Higher Education schools to use certified textbook recycling facilities for the collection and recycling of discarded textbooks.

The Department of General Services would have certified and could have contracted with a facility or facilities to recycle textbooks for a minimum 3-year period. The department would have also developed the regulations for the certification of textbook recycling facilities.

A school could have also offered the discarded textbooks to other schools or charitable organizations for educational purposes instead of recycling them.

The measure died in the House.



FINANCE

*** * * Municipal Pension Crisis** — By a vote of 32-17, the Senate passed a bill that addresses shortfalls in municipal pension systems and allows Philadelphia to raise its sales tax from 7 to 8 percent to fill a \$700 million budget shortfall.

House Bill 1828 also allows Philadelphia to change how it accounts for city employee pensions and gives Pittsburgh two years to bring its pension system funding ratio to 50 percent. In August of 2009, Senate Republicans amended the bill to address pension shortfalls in municipalities across the state, but some of the changes drew objection from police and fire unions that said its provisions would restrict collective bargaining rights. Many of those provisions were stripped out in the House.

The measure that passed the House and Senate keeps a Senate provision creating “level 3 distressed municipal pensions” which include Pittsburgh. Level 3 pensions are those funded at less than 50 percent, and Pittsburgh’s system is only 31 percent funded. Pittsburgh will get two years to better fund its pension system by leasing parking garages to private operators. It lets the city increase its parking tax to 40 percent (from 37.5 percent) if it sells or leases “parking garages” rather than “parking facilities.”

In Philadelphia, Mayor Michael Nutter and city council agreed to a five-year budget plan in June of 2009, and the plan was approved by the non-partisan Pennsylvania Intergovernmental Cooperation Authority (PICA) in July. But PICA’s unanimous approval was contingent on the state legislature passing enabling legislation. Without such legislation, Philadelphia was facing closure of 53 libraries and parks along with layoffs of more than 1,000 police officers and firefighters.

While the measure allows the city to impose an increased sales tax and defer pension payments, it requires the city to meet the payment schedule or it will no longer be eligible for state grants and assistance except in cases of assistance necessary for the public safety and health.

The bill also addresses Philadelphia’s controversial deferred retirement option plan (DROP), including rules about when and how they can be implemented, and requiring certain levels of interest to accumulate of employee pension contributions.

For Pennsylvania municipalities, the bill creates three levels of distress based on funding ratios:

- Level 1 – between 70% and 89% funded
- Level 2 – between 50% and 69% funded
- Level 3 – below 50%

Each level triggers a set of remedies to help improve municipal pension plans. All distressed municipalities receive a more lenient pension payment schedule, use of a new “smoothing” technique to adjust for market cycles, and special taxing powers to provide for increased earned income taxes or property taxes for as long as the pension plan is distressed. Level 3 municipalities must also establish a revised benefit plan for new employees.

The bill was signed into law as **Act 44 of 2009**.

*** * * Independent Fiscal Office** — Over the two-year session, the Senate several times addressed the need for an Independent Fiscal Office in charge of monitoring state revenue and spending projections.

Senate Bill 1 was the first measure to contain a provision for the office, designed to provide an assessment of budget estimates independent of the governor and the administration.

The bill’s supporters said such an office would have prevented political calculations from entering budget estimating, but opponents said it would provide a duplicate agency that the state could ill afford during the current budget crisis.



The bill passed on a mostly party-line vote of 30-19, and was sent to the House where it died. However, its provisions were amended into **House Bill 1614**, the 2009 Fiscal Code and passed into law with the stipulation that it was temporary and would sunset upon the enactment of the 2010/11 budget.

In 2010, creation of the office again became part of budget negotiations and the final 2010 Fiscal Code (**SB 1042**) contained language noting the “intent” of the legislature to authorize the office “no later than October 1, 2010, with an effective date for implementation no later than January 1, 2011.”

In the fall of 2010, Senate Republicans insisted in inserting authorizing language for the fiscal office in a critical pension reform bill (**HB 2497**) and it passed the Senate 41-8. After questioning the constitutionality of the insertion, the House passed it 165-31 and it was signed into law by Gov. Rendell as part of Act 120 of 2010.

However, questions about its constitutionality remain as the Legislative Reference Bureau issued a legal opinion on the day it passed the Senate saying the language does not alter the “original purpose” of the pension bill, but does violate the “single-subject” requirement.

*** Taxpayer Transparency** — By a vote of 30-19, the Senate passed a bill that would have required the development of a state website listing all state expenditures over \$25,000.

Senate Bill 105, the Taxpayer Transparency Act, would have required the state Department of Revenue to develop a searchable, Web-based database by October 1, 2009, listing the expenditures from all state agencies.

The bill contained no appropriation for development of the website, and with state finances dwindling throughout the session, most Senate Democrats voted against the bill because of estimates that it could cost as much as \$7.5 million.

The bill died in the House.

*** * * Debt Ceiling** — By a vote of 38-12, the Senate approved **House Bill 2290**, which raises the commonwealth’s General Obligation debt ceiling by \$600 million for new Redevelopment Assistance Capital Projects.

The debt ceiling is raised from \$3.45 billion to \$4.05 billion. The bill was amended in the Senate to lower the ceiling from the \$4.25 billion in the House version.

The House concurred by a vote of 109-86 and the bill was signed into law as **Act 48 of 2010**.

*** * * Municipal Retirements** — By a unanimous vote, the Senate approved House Bill 2493, amending the Pennsylvania Municipal Retirement Law (Act 15 of 1974) to meet federal Internal Revenue Code requirements as well as the provisions of Act 44 of 2009.

The Pennsylvania Municipal Retirement System received approval from the IRS on the changes on March 4, 2010. By federal law, the corrections had to be completed within 150 days of approval by the IRS or the approval might have been revoked.

The House approved Senate amendments and the bill was signed into law as **Act 56 of 2010**.

*** * * Pension Reform** — By a vote of 41-8, the Senate passed a public pension overhaul intended to avert a looming spike in pension costs by generating \$3 billion in savings for public-employee and teacher pension funds.

As amended by the Senate, **House Bill 2497** rolls benefits back by 25 percent for new employees and the vesting requirement is increased from five years to 10. New employees have to accrue a combination of age and years of service totaling 92 in order to receive full benefits.



Senate Republicans inserted a controversial amendment to create an independent Fiscal Office to produce state revenue estimates independent of the administration's projections. Some Democrats criticized the amendment as being wasteful, duplicative and aimed at stalling or derailing critical pension reform.

The bill was signed into law by Governor Ed Rendell as **Act 120 of 2010**.

*** * * Assessment Law Consolidation** — The Senate unanimously approved **Senate Bill 918**, which consolidates the state's various laws that govern property assessments. The bill combines three current assessment laws into a single statute, updates the language and addresses recent court rulings, including the addition of cell phone towers as taxable property.

The House amended the measure to provide guidelines for full-time firefighters to be absorbed into the Fire Bureau of the City of Pittsburgh.

The Senate concurred and the bill was signed into law as **Act 93 of 2010**.

*** * * Sudan Divestment** — By a vote of 42-7, the Senate passed **Senate Bill 928**, which requires Pennsylvania's two largest pension funds and the Pennsylvania Treasury Department to divest from investments in Sudan and Iran.

At a Senate Appropriations budget meeting in February of 2010, Public School Employees' Retirement System (PSERS) officials said they were steadily reducing investments in companies investing in Sudan and Iran. Both PSERS and SERS (State Employees Retirement System) claim that less than 1 percent of their total investments are in companies doing business in Sudan or Iran. There are 28 other states that have either passed divestment laws or divested from Iran, Sudan, or both through executive orders.

The House unanimously passed the bill and it was signed into law as **Act 44 of 2010**.

*** * * Fiscal Code** — By a vote of 36-13, the Senate approved the Fiscal Code (Senate Bill 1042) required to implement the appropriations provisions of the 2009 budget. The vote on the fiscal code was delayed when Senate Republicans and House Democrats faced off over a Senate Republican intention to add funding for an Independent Fiscal Office to the code. Majority leadership in both chambers eventually agreed to insert this paragraph:

"It is the intent of the Senate majority leadership and House majority leadership to pass legislation establishing a new independent agency to be known as the Independent Fiscal Office no later than October 1, 2010, with an effective date for implementation no later than January 1, 2011." (See Independent Fiscal Office entry)

The House approved Senate amendments and the bill was signed into law as **Act 46 of 2010**.

*** * * Cigar Taxes** — By a vote of 35-14, the Senate authorized changes to the Fiscal Code as part of the 2009-10 budget. **House Bill 1614** authorizes taxes on small cigars and temporarily created the independent fiscal office to monitor state revenues and projections.

(See Independent Fiscal Office entry). The issue eventually became part of the budget negotiations after it was amended into **House Bill 1614**.

It was signed into law as **Act 50 of 2009**.



GAME AND FISHERIES

***** Hunting License Transaction Fee** — The Senate voted 45-2 in favor of **House Bill 92**, which imposes a transaction fee to each hunting license and stamp that is purchased using the new computerized sales system.

A 70 cents fee will be charged to the license or stamp buyer where the license is sold.

The bill was signed into law as **Act 22 of 2009**.

***** Game Commission Powers** — The Senate unanimously passed **House Bill 181**, which limits the power of Game Commission enforcement officials to stop, detain and search people.

Under the bill, a game official can only pull someone over under reasonable suspicion or under the administrative procedures for road check points, and must state the purpose of the stop.

Additionally, officers can only perform a search of a person and their belongings due to probable cause, by consent or by warrant requirements. Lastly, a Game enforcement officer can only demand identification from a person if that individual is the subject of an official investigation.

The bill was prompted by complaints that some game officials were abusing their authority, and that their enforcement powers are above and beyond what even police officers have.

The bill was signed into law as **Act 64 of 2010**.

***** Penalties for Game Law Violations** — The Senate approved **House Bill 1859** by a 50-0 vote. The measure increases fines, prison terms, license revocations, and grading of offenses for serious game law violations.

Under the legislation, the penalty for illegally shooting a deer out of season or at night with a light is increased to a \$1,000 fine and up to one year in jail. The previous fine ranged from \$200 to \$300. In addition, the punishment for shooting other big game or multiple deer is raised from a summary offense to a misdemeanor and, in some cases, a felony.

The legislation also curbs the buying and selling of animal parts of endangered species and big game animals. In recent years, organs and other specific animal parts have found their way onto the black market, where the demand and value is high. To deter poaching, this bill increases the punishments, including fines of up to \$25,000 and up to 60 months in prison.

Another provision of **House Bill 1859** addresses mistaken kills of whitetail deer. If a hunter mistakenly takes a game animal while lawfully hunting or trapping, he must present it to the Game Commission officer and pay the current processing fee due for that species with no possibility of further charges being filed.

The bill was signed into law as **Act 54 of 2010**.



* **National Guard Fishing License Cost** — The Senate voted unanimously in favor of **Senate Bill 301**, which would have reduced the number of days a member of the Pennsylvania National guard must be deployed in order to qualify for a reduced cost resident fishing license.

Under current law, a member of the Pennsylvania National Guard, Air Guard, Armed Forces or reserves who has been deployed overseas within the past 24 months for more than 180 days at one time qualifies for a \$1 resident fishing license. This legislation would have reduced the amount of time spent deployed to 60 days to qualify for the reduced cost license.

The bill died in the House.

* **National Guard Hunting License Cost** — The Senate voted unanimously in favor of **Senate Bill 302**, which would have reduced the number of days a member of the Pennsylvania National Guard must be deployed in order to qualify for a reduced cost resident hunting license.

Under current law, a member of the Pennsylvania National Guard, Air Guard, Armed Forces or reserves who has been deployed overseas within the past 24 months for more than 180 days at one time qualifies for a \$1 resident hunting license. This legislation would have reduced the amount of time spent deployed to 60 days in order to qualify for the reduced cost license.

The bill died in the House Game and Fisheries Committee.

* **Adult Mentored Hunting** — The Senate unanimously passed **Senate Bill 535**, which would have created an adult mentored hunting program to encourage more people to try hunting.

Modeled after the 2005 youth mentored hunting program, the new program would have given adults interested in hunting an opportunity to hunt for one season with a reduced-cost apprentice license.

The bill died in the House.

* * * **Lake Erie Fishing Permits** — The Senate voted unanimously in favor of **Senate Bill 574**, which provides a new ending date for the restricted fund from fees collected from Lake Erie Fishing permits.

The legislation continues current law, which states that all fees collected from Lake Erie Fishing permits are placed in a restricted account within the Fish Fund. Funds from this restricted account can only be used to provide public fishing access in Lake Erie and its watershed. The restricted account requirement was set to expire January 1, 2010. That expiration date was changed to December 31, 2014.

The governor signed the bill into law as **Act 40 of 2009**.

* **Governor's Elk Tag** — The Senate voted unanimously in favor of **Senate Bill 1026**, which would have allowed for a "Governor's Elk Tag."

Currently, the Game Commission is authorized to conduct an auction with an authorized wildlife conservation organization for an elk tag. The contracted organization is limited to 20 percent of the proceeds from the auction. The commission utilizes the remainder of the funds for the elk program.

This legislation would have transferred the authority to conduct the auction from the Game Commission to the governor's office.

It would have also created a five-person Elk Tag Conservation Committee to select a wildlife conservation organization to auction off a special "Elk Conservation Tag."

The committee would have been composed of appointees from the governor, and majority/minority chairs of the Game and Fisheries Committee. Appointees would have served without



compensation for two year terms.

Proposals would have been submitted to the committee from wildlife conservation organizations. The committee would have chosen the wildlife conservation organization by a majority vote. An organization could not have been selected to hold the auction in consecutive years.

The bill would have also established and enhanced a mentored youth hunting program and allowed the commission to establish regulations exempting certain limited youth hunting activities.

The bill died in the House Game and Fisheries Committee.

*** * * Interstate Wildlife Violator Compact** — The Senate unanimously passed **Senate Bill 1200**, which requires Pennsylvania to participate in The Interstate Wildlife Violator Compact.

The pact is a multi-state agreement that recognizes suspension of hunting, fishing, and trapping licenses in member states. Under the Act, a person whose license privileges or rights are suspended in Pennsylvania or a member state may also be suspended in other member states.

Also, if a non-resident from a member state violates a wildlife law, the violator will be handled as if he or she were a resident, which would mean they can be served a ticket rather than being arrested, booked, and bonded.

Pennsylvania joined 33 other states who are compact members.

The bill was signed into law as **Act 60 of 2010**.

*** Hunting Tag Transfer** — The Senate unanimously passed **Senate Bill 1272**, which would have permitted the state Game Commission to create regulations that would allow the transfer of tags from a licensed mentor hunter to a youth mentor hunter who is being introduced to the sport. The legislation would have only allowed the transfer of one antlerless tag per year.

The bill would have also lowered the age for when a hunter can obtain a falconry permit from 16 to 12 and changed the fees for permits from \$25 per bird to a flat fee of \$50.

This bill died in the House.



JUDICIARY

***** Criminalizing Viewing Child Pornography** — The Senate unanimously passed legislation that criminalizes the act of looking at child pornography.

House Bill 89 makes it a criminal offense to intentionally view any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act. This offense does not apply to any material that is viewed or presented for a bona fide educational, scientific, governmental, or judicial purpose.

A first offense is a third-degree felony, punishable by a maximum seven-year prison sentence and/or a fine of up to \$15,000. Subsequent offenses are second-degree felony, punishable by a maximum 10-year prison sentence and /or a fine of up to \$25,000.

The bill was signed into law as **Act 15 of 2009**.

***** Impersonating a Police Officer in Pittsburgh** — The Senate unanimously approved legislation that strengthens the penalty for impersonating a police officer in Pittsburgh.

Under the **House Bill 105**, this crime is upgraded from a \$500 misdemeanor and up to six months in jail to a second-degree misdemeanor, punishable by up to two years in prison and a fine of up to \$5,000.

By removing the impersonation offense from Second Class City law, a defendant cannot argue for the lesser punishment, which existed under the previous law.

The bill was signed into law as **Act 61 of 2010**.

***** Impersonating a Police Officer in Philadelphia** — The Senate unanimously approved legislation that strengthens the penalty for impersonating a police officer in the City of Philadelphia.

Under the previous provision in the First Class City Government Law, the crime was a misdemeanor, punishable by up to six months in jail and a fine of up to \$500.

House Bill 106 repeals both the offense and penalty of impersonating a police officer in the First Class City Government Law in order to strengthen a similar but more general offense contained in Title 18 (Crimes and Offenses), which grades this crime as a second-degree misdemeanor punishable by up to two years in jail and a fine of up to \$5,000.

By removing the impersonation offense from First Class City Government Law, a defendant is not able to argue for the lesser punishment found in that code.

The bill was signed into law as **Act 62 of 2010**.

***** Impersonating a Police Officer in Philadelphia** — The Senate unanimously approved legislation that strengthens the penalty for impersonating a police officer in the City of Philadelphia.

Under Act 326 of 1915, this crime was considered a misdemeanor, punishable by up to six months imprisonment and a fine between \$20 and \$100.



House Bill 107 repeals both the offense and penalty of impersonating a police officer by wearing a badge in Act 326 of 1915 to strengthen a similar but more general offense contained in Title 18 (Crimes and Offenses), which graded this crime as a second-degree misdemeanor punishable by up to two years imprisonment and a fine of up to \$5,000.

By removing the impersonation offense from Act 326 of 1915, a defendant cannot argue for the lesser punishment previously found in that act.

The bill was signed into law as **Act 63 of 2010**.

*** * * Restricting Access of Cold Medicines** — The Senate unanimously approved legislation that addresses the growing methamphetamine production in Pennsylvania by restricting public access to certain cold medications.

House Bill 196 requires any over-the-counter products that contain ephedrine, pseudoephedrine and phenylpropanolamine to be sold behind the counter or put in a locked cabinet if sold in an area where customers have direct access to the products.

The first violation of this offense is punishable by up to 6 months imprisonment and or a fine up to \$10,000. A second or subsequent offense is punishable by up to two years and or a fine up to \$25,000.

The bill was signed into law as **Act 107 of 2010**.

*** * * Identity Theft Restitution** — The Senate unanimously approved legislation that provides restitution to victims of identity theft.

Under **House Bill 222**, an individual who is convicted of identity theft is required to make restitution for expenses incurred by the victim, including the criminal investigation, legal action and correcting the victim's credit record or negative credit reports that resulted from the identity theft.

The bill was signed into law as **Act 42 of 2009**.

*** * * Retired Officials Solemnizing Marriages** — The Senate passed legislation that adds retired judges and former mayors to the list of people who can perform marriage ceremonies.

House Bill 270 allows retired judges and former mayors to solemnize marriages, as long as they are a Pennsylvania resident, served at least one full term of office, were not defeated for election or retention, were not convicted of a crime or resigned because of criminal charges or, in the case of a retired judges, were not removed from office by the Court of Judicial Discipline.

The bill was signed into law as **Act 18 of 2009**.

*** * * Criminalizing Operation of a Meth Lab** — The Senate unanimously approved legislation that criminalizes the acts of operating a methamphetamine lab and dumping meth waste.

Under **House Bill 485**, operating a meth lab is considered a second degree felony. However, if the lab is located within 1,000 feet of a school, college, nursery school or day care center or within 250 feet of a recreation center or playground, the offense is elevated to a first degree felony.

The bill also criminalizes dumping meth waste grading the offenses as a third degree felony.

The bill was signed into law as **Act 18 of 2010**.

*** * * Trademark Counterfeiting Penalties** — The Senate unanimously approved **House Bill 727**, which brings state penalties for the offense of trademark counterfeiting in line with the stricter federal standards.

The bill expands and revises key definitions such as counterfeit mark and retail value and clarifies the offense of trademark counterfeiting.



If a person is convicted of this offense, the court will order the person to pay fines established by law or up to three times the retail value, whichever is greater, as well as, restitution to the trademark owner and to any other victim of the offense.

The bill includes provisions providing for mandatory seizure of marked items and property constituting or derived from proceeds obtained from the offense.

The bill was signed into law as **Act 74 of 2010**.

*** * * Public Input on Halfway Houses** — The Senate unanimously approved legislation that requires private vendors who want to establish a halfway house in a community to provide notice and a public hearing.

A halfway house is a community corrections facility for inmates with pre-release status or individuals on parole.

House Bill 1281 provides the community an opportunity to receive information, ask questions and express concerns regarding the request to build a halfway house and the subsequent impact on the community. A transcript of the public hearing must be submitted to the Department of Corrections as part of the vendor's request to build and operate a facility.

A public hearing is not required for renewal of an existing contract at a facility that has been in use for at least five years.

The bill was signed into law as **Act 65 of 2010**.

*** * * Confidentiality between Emergency Responders and CISM's** — The Senate passed **House Bill 1332** by a 49-1 vote. This bill makes communication between Critical Incident Stress Management Teams (CISM) and law enforcement officers/emergency responders confidential.

Critical Incident Stress Management Team members are specially trained to provide on-site crisis intervention services to law enforcement officers to help them deal with the extreme emotional stress that follows incidents involving the loss of life. The bill was crafted following the shooting deaths of three Pittsburgh police officers in 2009.

Under the legislation, any statements made by law enforcement officers/emergency responders to CISM team members cannot be used in a legal proceeding, trial or investigation before any government unit. Testimony from the crisis team member is not permitted without the consent of the individual making the disclosure or if the communication indicates a clear and present danger to the team member or others.

The bill was signed into law as **Act 53 of 2010**.

*** * * State Constable Laws** — The Senate approved legislation that consolidates and updates the various state laws on constables.

House Bill 1607 consolidates the various state constable laws, which had stretched across 13 separate titles in Pennsylvania's legal code, into Title 44 (Law and Justice) Chapter 71 of the Pennsylvania Consolidated Statutes. The bill also updates the laws regarding the duties of a constable, which were outdated by several hundred years, in some cases.

The Senate Appropriations Committee amended this legislation to impose additional fees on all civil and criminal filings. Specifically, one existing \$10 court fee was expanded to apply to ARD convictions and another new surcharge fee was created by the amendment. The new surcharge fee charged with court filings is \$13.50. Part of the \$13.50 fee (\$11.25) is a temporary fee that will be charged for 25 months and the other part of the \$1350 fee (\$2.25) is a permanent charge to all filings except summary traffic citations.



One dollar of the surcharge fee is distributed to the Access to Justice Account with the remaining amount to the Judicial Computer System Account.

The governor signed the bill into law as **Act 49 of 2009**.

*** * * Child Custody** — The Senate unanimously approved legislation that provides a comprehensive revision and modernization of Pennsylvania's child custody laws and encourages joint custody for parents struggling in child custody disputes.

Rather than the courts presuming that custody should be awarded to a particular parent, **House Bill 1639** provides a list of factors that the court must consider, including, but not limited to, which parent is more likely to encourage and permit frequent contact with the other parent; the parental duties of each parent; the need for stability and continuity in the child's education, family life and community life; and access to siblings and other extended family. All these factors must be considered, with particular attention paid to protecting domestic violence victims. If the court finds an ongoing risk of harm to the child, the court is required to include safety conditions in its custody order.

The updated revisions to the custody laws provide and consolidate in areas such as standing, types of custody, effects of adoption, the limited applicable presumption in primary custody matters, the weight of the presence of abuse, criminal record, mental stability, the contents of parenting plans, requirements of informal programs, counseling, representation, guardian appointment, access to information, the process for the removal of the child, modification of an order, the award of costs, fees and expenses and matters regarding healthcare examinations.

The measure also requires the court to provide an explanation for its custody decisions and specify the terms and conditions in detail. A parent who fails to comply with the custody agreement could be held in contempt.

The bill also includes a framework for judges to use when making decisions in relocation cases. The bill was enacted as **Act 112 of 2010**.

*** * * Juvenile Justice** — The Senate unanimously approved legislation that establishes a joint legislative, executive and judicial commission on juvenile justice.

House Bill 1648 establishes the Interbranch Commission on Juvenile Justice Act to review and study recent corruption in the Luzerne County juvenile justice system to figure out how the system failed and to prevent it from happening again.

This legislation is a result of rampant corruption that was uncovered in the Luzerne County juvenile justice system, in which two judges were accepting kickbacks for sending young offenders to privately-owned juvenile detention centers.

The new commission is made up of 11 members. Four members are appointed by the Chief Justice of the Supreme Court of Pennsylvania, three members by the governor and one member appointed each by the President pro tempore of the Senate, the Minority leader of the Senate, Speaker of the House of Representatives and the Minority Leader of the House of Representatives. The appointees by the General Assembly members cannot be members of the General Assembly.

The bill was signed into law as **Act 32 of 2009**. The Senate version of this legislation, **Senate Bill 949**, died in the House.

*** * * Criminalizing Organized Retail Theft** — The Senate unanimously approved **House Bill 1720**, which criminalizes "organized retail theft."

Under the bill, a person commits organized retail theft if they organize, finance or manage any of the activities of an organized retail theft enterprise.



An organized retail theft enterprise is a corporation, partnership or any other type of association, whether or not legally formed, operated for the purpose of receiving stolen property or retail theft.

If the retail value of the stolen merchandise is between \$5,000 and \$19,999, the offense is graded a third degree felony. If the value of the stolen merchandise is at least \$20,000, the offense is a second degree felony.

The bill was signed into law as **Act 33 of 2010**.

*** * V Castle Doctrine** — The Senate voted 45-4 in favor of **House Bill 1926**, which would have expanded the provision of the so-called “Castle Doctrine” that protects the right of homeowners to use deadly force against intruders in their home and property.

The bill would have expanded the right of homeowners to use deadly force to defend themselves in areas throughout their property, and in public.

Under current law, homeowners can use deadly force to defend themselves against an intruder while in their living room, dining room, den, kitchen, basement or other area within the house. In other areas, such as a garage, porch, driveway, yard or vehicle, homeowners must first attempt to retreat from the intruder before legally using their weapon to protect themselves.

The measure would have also strengthened legal presumptions on having a “reasonable belief” to use deadly force.

The Senate voted 29-20 against a Democratic amendment that would have closed the so-called “Florida Loophole” that enables people to bypass Pennsylvania’s license to carry revocation by obtaining a permit from another state.

The bill also contained changes aimed at closing loopholes in “Megan’s Law.” One provision would have required all offenders to register, even if they are transient or homeless. The measure would have also assured that there were penalties for all categories of sex offenders who fail to register.

The governor vetoed the bill because he said it was unconstitutional on the basis of the single source rule: other than being placed under the crimes code, there is no proper relation between the Castle Doctrine and Megan’s Law. He also said the bill only received so much support because legislators did not want to vote against Megan’s Law improvements. In addition, Rendell said the Castle Doctrine would have done more harm than good because it promotes a “shoot first mentality.” However, he said he might have signed the bill if the correction to the Florida Loophole were in the measure’s final version.

*** * * Increasing Civil Action Monetary Sums in Philadelphia** — The Senate unanimously approved legislation that increases the monetary sum of civil actions authorized to be brought and heard within the jurisdiction of the Philadelphia Municipal Court and the Magisterial District judges.

Under **House Bill 2172**, the Philadelphia Municipal Court and Magisterial District judges have jurisdiction over civil actions when the sum is less than \$12,000.

Previous state law had a \$10,000 limit for Philadelphia Municipal Court and \$8,000 for Magisterial District judges.

In cases before both courts, plaintiffs may waive a portion of their claim of more than \$12,000 so as to bring the matter within the monetary jurisdiction of the courts based on the new limits.

An amendment was added to the bill that reduces the number of judges in the 15th Judicial District of Common Pleas Court (Chester County) from 14 to 13 as a temporary cost-cutting measure. This act expires Jan. 8, 2014.

The bill was signed into law as **Act 114 of 2010**.



*** * * Siblings in Foster Care** — The Senate unanimously approved legislation that encourages foster care siblings to be placed together.

House Bill 2258 requires that county child and youth agencies make reasonable efforts to place siblings together in foster care, unless it threatens their safety and well being. Juvenile court must ensure that reasonable efforts are made to keep siblings together.

If joint placement is not in the best interest of siblings, the court is required to order frequent visitation, unless it threatens the safety and well being of any sibling.

Previous state law did not address sibling placement and visitation.

The bill was signed into law as **Act 115 of 2010**.

*** * * Changes to Title 15 and Title 20** — The Senate unanimously approved legislation that contains numerous omnibus amendments to trusts generally under Title 20 (Decedents, Estate and Fiduciaries) and necessary corresponding amendments to Title 15 (Corporations and Unincorporated Associations).

Senate Bill 53 affects changes to the Uniform Trust Act; the rule against perpetuities; payment of the Federal estate tax; the Uniform Principal and Income Act; rules governing the death of a party during a divorce proceeding; and powers of attorney, among others.

The bill was signed into law as **Act 85 of 2010**.

*** Increasing Penalties for Providing Escape Weapons** — The Senate approved legislation that would have expanded and increased the offenses of weapons or implements of escape and dangerous materials in correctional institutions, youth development centers and mental hospitals.

Senate Bill 73 would have increased the penalty from a first degree misdemeanor to a second degree felony for delivering to an inmate a weapon, implement for escape, dangerous material or other item that may be used for escape. The bill would have also increased the penalty in the same manner for a confined person in possession of a weapon, an implement of escape, dangerous material or other item that may be used for escape.

The bill would have also expanded the offense related to contraband by broadening the term of delivery for the offense of delivering a controlled substance to a confined person or employee of a facility without a written permit signed by the physician of the facility.

The bill would have further expanded the offense by adding the offense of possession of money by the confined person in relation to the receipt of contraband by increasing the penalty to a first degree misdemeanor for delivering money to an inmate.

The bill died in the House.

*** * * Organizing Title 61 Laws** — The Senate unanimously approved legislation that properly organizes Title 61 (Penal and Correctional Institutes) in a clear and concise manner and makes necessary corresponding amendments to Title 42 (Judiciary and Judicial Procedure).

Senate Bill 112 codifies or consolidates laws regarding prisons, probation and parole by repealing acts that are obsolete and organizing current acts into Title 61.

The bill makes it easier for the General Assembly to address prison and parole issues by amending related laws into one title now to be known as Title 61 (Prisons and Parole).

The measure was signed into law as **Act 33 of 2009**.



* **Criminalizing Meth Lab Operation** — The Senate unanimously approved legislation that would have amended the state's Crimes Code to criminalize the act of operating a methamphetamine laboratory.

Senate Bill 124 would have made it a second degree felony to manufacture meth or a substance used to make meth and further would have subjected the defendant to specific existing cleanup restitution laws.

The offense would have been a first degree felony if the crime occurred within 1,000 feet of a public, private or parochial school, a college or university or a nursery school or day care center, or within 250 feet of a recreation center or playground.

The bill died in the House. The subject matter of this bill was included in substance in **Senate Bill 125** prior to its final passage.

* * * **Criminalizing Meth Manufacturing** — The Senate unanimously approved legislation that amends the Controlled Substance, Drug, Device and Cosmetic Act provisions governing the possession of materials that are used to manufacture methamphetamine and creates related offenses.

Senate Bill 125 makes the knowing possession of the substances with the intent to use the same to manufacture methamphetamine a specific violation of the Controlled Substance, Drug, Device and Cosmetic Act. The violation is a misdemeanor punishable by up to six months imprisonment and or \$10,000 fine for the first offense and up to two years imprisonment and or \$25,000 fine for second and subsequent offenses.

The bill also includes the rebuttable presumption that a person who has more than 40 grams or 15 packages of any drug containing the materials to make methamphetamine acted with the intent to manufacture it. In addition, the possession of any amount of the materials along with any materials needed to manufacture methamphetamine will be proof of intent to manufacture.

The bill was amended to add the criminalization of operating a methamphetamine laboratory. The bill makes the offense generally a second degree felony. However, the offense is a first degree felony if the crime occurred within 1,000 feet of a public, private or parochial school, a college or university or a nursery school or day care center, or within 250 feet of a recreation center or playground. (**Senate bills 124** and **127**). A person convicted of the offense is subject to specific existing cleanup restitution laws (original version of **Senate Bill 126**) and, as further penalty for operating a methamphetamine laboratory, is required to reimburse various first responders that do the cleanup.

Further, the bill criminalizes the act of illegally dumping methamphetamine waste (**Senate Bill 127**). The deposit, storage or disposal of various chemical and materials from any stage of the manufacturing of methamphetamine is a third degree felony. The amendment includes in the penalty for illegally dumping the waste specific existing cleanup restitution laws and the requirement to reimburse the various first responders associated to the cleanup.

This legislation does not apply to a licensed pharmaceutical manufacturer, pharmacist or health care professional who lawfully handles the materials to make methamphetamine nor to any area exempt under any federal or state regulations.

The bill was signed into law as **Act 8 of 2010**.

* * * **Environmental Costs for Producing Meth** — The Senate unanimously approved legislation that amends the Controlled Substance, Drug, Device and Cosmetic Act provisions governing the possession of materials that are used to manufacture methamphetamine and creates related offenses. Amongst other things, the bill fine tunes **Senate Bill 125**, a bill that became law prior to the passage of this bill.



Under **Senate Bill 126**, miscellaneous additions to prohibited acts and substances enumerated for the possession part of the offenses related to methamphetamine laboratory, as well as, for the penalties for said offenses, are made to the Controlled Substance Act, including but not limited to, minor amendments to the provisions of Act 8 of 2010, **Senate Bill 125**, are slightly expanded.

The possession of esters, salts, optical isomers or salts or optical isomers is added to the list of prohibited acts specifically enumerated in the law.

The bill expands the prohibited chemicals established in **Senate Bill 125** that define the offense of operating a laboratory and the offense of illegally dumping waste.

Further, the provisions of the law that require the reimbursement of environmental cost (first responder cleanup reimbursement) are slightly expanded to include the possession of material and the chemical reagent as related to the operation of a methamphetamine laboratory.

The bill was signed into law as **Act 21 of 2010**.

*** Criminalizing Dumping Meth Waste** — The Senate unanimously approved legislation that would have amended the Controlled Substance, Drug, Device and Cosmetic Act to provide for the offense of operating a methamphetamine laboratory and the storage and illegal dumping of methamphetamine waste.

Senate Bill 127 created two new offenses related to manufacturing methamphetamine making it a second degree felony to manufacture meth or a substance used to make meth and further would have subjected the defendant to specific existing cleanup restitution laws.

The offense would have been a first degree felony if the crime occurred within 1,000 feet of a public, private or parochial school, a college or university or a nursery school or day care center, or within 250 feet of a recreation center or playground.

The bill further would have made it a third degree felony to intentionally deposit, store or dispose of a precursor substance, chemical waste or debris, used in or resulting from the manufacture of methamphetamine or the products used to make methamphetamine.

The measure also requires violators to pay environmental clean-up costs that first responders incur.

The bill died in the House. Substantial portions of the bill were included in **Senate Bill 125 (Act 8 of 2010)** and **Senate Bill 126 (Act 21 of 2010)**.

*** * * Attorney General Powers in Child Sex Abuse Cases** — The Senate unanimously approved legislation that gives concurrent jurisdiction between the Attorney General and the county district attorneys to investigate and initiate criminal actions against those who sexually abuse children and adds to the corruption of minors offense.

Under **Senate Bill 260**, the Attorney General has the authority to investigate and initiate criminal proceedings when the crime involves more than one Pennsylvania county or a county and another state.

The measure also makes “corruption of a minor” a third degree felony when a sexual-related offense is involved. A third degree felony is punishable by a maximum seven years in prison and/or a maximum \$15,000 fine.

The bill was signed into law as **Act 69 of 2010**.



*** * * Right to Bail Exceptions** — The Senate unanimously approved legislation that amends the Judicial Code to provide exceptions on the right to bail for the most serious crimes. Under **Senate Bill 366**, an individual charged with criminal offenses is entitled to bail, except under the following circumstances:

- The offense charged is a capital offense;
- The offense charged is punishable by a maximum term of life imprisonment; or
- No condition or conditions of bail would reasonably assure the safety of any person and the community.

The bill was signed into law as **Act 39 of 2009**.

*** * * Establishment of Problem-Solving Courts** — The Senate unanimously approved legislation that establishes problem-solving courts.

Senate Bill 383 permits the establishment of problem-solving courts with specialized jurisdiction in the Courts of Common Pleas and the Municipal Court of Philadelphia.

Examples of the areas of specialized jurisdiction that these courts may be established for include drug courts, mental health courts and driving under the influence courts. The court will adopt local rules of problem solving courts and their related treatment services. The local rules will not, however, be inconsistent with Title 42 or any rules established by the Supreme Court.

The Supreme Court will also appoint a statewide problem solving court coordinator and may establish an assisting advisory committee.

The bill was signed into law as **Act 30 of 2010**.

*** Assault on Transit Worker** — The Senate voted 42-8 for legislation that would have toughened criminal penalties against those who assault a public transportation employee.

Under **Senate Bill 387**, assault on a transit worker that results in bodily injury would have become a second-degree felony. If the injury is serious, the assailant could have been charged with a first-degree felony. The maximum penalty for a first-degree felony would have been 20 years in prison and a \$25,000 fine. The maximum penalty for a second-degree felony would have been 10 years in prison.

The bill was not considered by the House.

*** Orphan Children** — The Senate unanimously approved **Senate Bill 391**, which would have repealed Act 513 of 1862, an antiquated law that authorizes a Philadelphia judicial official to commit orphaned, abandoned destitute or vagrant children to two institutions that no longer exist: the St. John's Orphan Asylum or the St. Vincent's Home within the city's jurisdiction.

Although technically the act still exists, other Pennsylvania laws have superseded its authority. Mayors, aldermen and magisterial district judges (formerly justices of peace) do not have the authority to place children. Judges may exercise that authority in accordance with the Juvenile Act and/or the Adoption Act.

In addition, the St. John's Orphan Asylum has since ceased to exist and the St. Vincent's Home no longer serves the purpose for which it was established when the law was enacted.

The bill died in the House.

*** Adam Walsh Child Protection and Safety Act** — The Senate unanimously approved legislation that would have implemented the national "Adam Walsh Child Protection and Safety Act," also known as the Sex Offender Registration and Notification Act (SORNA), in Pennsylvania.



Senate Bill 428 would have increased the Megan's Law registration periods, increased how often offenders must verify their residence and appear in person, and expanded the amount of information posted on the Megan's Law website.

The bill would have strengthened sex offender registration by, instead of the current 10 year registration requirement, requiring convicted offenders to be registered as follows:

- Kidnapping, when the victim is a minor – 25 years
- Luring a child into a motor vehicle or structure – 15 years
- Institutional sexual assault – 15 years. If the victim is a minor – 25 years
- Indecent assault, where the offense is graded as a misdemeanor of the first degree or higher – 15 years
- Incest, where the victim is 12 years of age or older but under 18 years of age – 15 years
- Prostitution and related offenses, where the offender promotes the prostitution of a minor – 25 years
- Obscene and other sexual materials and performances, where the victim is a minor – 25 years
- Sexual abuse of children – 25 years
- Unlawful contact with a minor – 15 years
- Sexual exploitation of children – 25 years

Individuals convicted of an attempt, conspiracy or solicitation to commit any of these offenses would have been subject to a registration requirement of 15 years.

Individuals who were convicted of similar offenses under federal law, in other states or countries would have been subject to the 15 year registration requirement.

Offenders would have been required to register with the State Police prior to release from incarceration or parole. They would have had to have checked in with the state police every 30 days to confirm their current residence and appear in person each quarter at an approved registration site to complete a verification form and be photographed.

The measure was not considered by the House.

* **Parents Monetary Liabilities for Acts of their Children** — The Senate unanimously approved legislation that would have amended the Domestic Relations Code to increase the monetary limits of parental liability for crimes committed by their children.

Under state law, parents are liable if their child is found guilty of committing torturous acts on another party. **Senate Bill 434** would have increased the liability limits as follows:

- For injuries suffered by any one person as a result of one abusive act or continuous series of acts — \$2,000 (up from \$1,000).
- For injuries suffered by more than one person as a result of one abusive act or continuous series of acts — \$4,000 (up from \$2,500).
- In proceedings where the actual loss exceeds the amounts stated, parents are discharged from liability by filing \$4,000 with the court. All costs and fees are paid from the amount paid into the court capped at \$4,000.

The bill died in the House.

* **Clarifying Definition of Burglary** — The Senate unanimously approved legislation that would have clarified the definition of burglary.

Senate Bill 436 would have amended the Crimes Code to specify the sentencing guidelines during a burglary, such as whether a person is present during the crime, and whether the structure is adapted for overnight accommodations.



When a person is present, regardless of structure type or in a case where there is not a person present, but the structure is adapted for overnight accommodations, the offense would have been a first degree felony. In instances where no person is present and the structure is not adapted for overnight accommodations, the crime would have been a second degree felony.

By adopting this language as the statutory language for "burglary" in the Crimes Code, the legislature could have embraced language that has already been approved and implemented for sentencing purposes.

Multiple convictions of burglary and intent to commit would have been prohibited unless the intended offense was a first or second degree felony.

The bill died in the House.

* **Underage Drinking Immunity** — The Senate unanimously approved legislation that would have provided a person with immunity from prosecution for underage drinking under certain circumstances.

Senate Bill 488 would have provided immunity if the underage drinker were seeking medical attention for another underage drinker under the following circumstances:

- Calling 911 or campus safety, police or emergency service for medical assistance to prevent death or serious injury – if it were the only way law enforcement would have become aware of the underage drinking violation.
- The person reasonably believed he was the first to call an emergency service to report that the other person needed medical attention.
- The person reporting the need for medical attention provided his or her own name and remained with the person needing medical help until health care providers arrived.

The bill died in the House.

* **Interagency Sharing of Juvenile Records** — The Senate unanimously approved legislation that would have allowed county interagency sharing of juvenile records.

Senate Bill 531 would have authorized the sharing of records and information on juveniles who are placed under protective services, accepted for service by a county agency, placed under supervision, and alleged to be dependent or delinquent.

The contents of law enforcement, county agency, mental health, drug and alcohol and education records would have been provided upon request to the county agency, court, and juvenile probation office. Information protected by other laws as private or confidential would have not been shared, even if requested.

These entities would have been required to use the information in the records to learn about the disposition of a child, especially to see if he or she is at risk of abuse, neglect or has committed more serious delinquent behavior. The agencies would have entered into agreement for the sharing and transfer of information.

The bill did not pass the House.

* **Bank Robbery** — The Senate approved legislation that makes it a second degree felony to rob a financial institution, regardless of how the demand is made.

Under **Senate Bill 605**, a person who robs a bank, trust company, savings trust, credit union or other similar institutions by making a demand of an employee orally or in writing will be charged with a second degree felony, which is punishable by a maximum fine of \$25,000 and up to 10 years in prison.

The bill was signed into law as **Act 11 of 2010**.



* **Prohibiting Death Penalty for Mentally Retarded** — The Senate passed legislation that would have prohibited use of the death penalty on mentally retarded persons.

Senate Bill 628 would have required that the defendant establish proof of mental retardation. In a first-degree murder prosecution, the issue of mental retardation would have been submitted to the court in a pre-trial motion filed 90 days prior to the date of trial. The motion would have alleged that there is reasonable cause to believe that the defendant is mentally retarded and, therefore, ineligible for the death penalty.

The court would have been required to order a psychological or psychiatric examination of the defendant prior to the evidentiary hearing. The bill would have applied to all individuals currently sentenced to death and to all capital proceedings occurring on or after the effective date of the legislation.

The measure was not approved by the House.

* **Juvenile's Right to Counsel** — The Senate voted 48-1 for legislation that provides for right to counsel in juvenile proceedings.

Senate Bill 873 requires that legal representation must be provided for a child in all juvenile proceedings and cannot be waived at any stage of a proceeding.

The previous law allowed for a parent or guardian to waive counsel for a child with the exception of those cases where the interests of the child conflict with those of the parent or guardian.

This bill was introduced in response to the severity of problems and corruption discovered in the Luzerne County juvenile justice system, in which the right to counsel in a great number of proceedings was routinely waived — resulting in children being wrongly placed in a juvenile detention facility.

The bill died in the House.

* **Juvenile Justice** — The Senate unanimously approved legislation that would have established a joint legislative, executive and judicial commission on juvenile justice.

Senate Bill 949 would have established the Interbranch Commission on Juvenile Justice Act to review and study recent issues concerning the Luzerne County juvenile justice system, ascertain how the system failed, help restore public confidence in the administration of justice and to prevent similar events from occurring in the future.

The commission would have been made up of 11 members. Four members would have been appointed by the Chief Justice of the Supreme Court of Pennsylvania, three members would have been appointed by the governor and one member would have been appointed each by the President pro tempore of the Senate, Minority leader of the Senate, Speaker of the House of Representatives and Minority Leader of the House of Representatives. The appointees of the members of the General Assembly would not have been allowed to be members of the General Assembly.

The bill died in the House. However, the House version of the legislation, **House Bill 1648**, was signed into law as Act 32 of 2009.

* * * **Regulating Prescriptions in Prisons** — The Senate unanimously approved legislation that regulates how prescription drugs may be returned and re-dispensed from correctional facilities.

Senate Bill 1044 allows correctional facilities to return unopened prescription drugs to the pharmaceutical wholesaler for credit and possible redistribution at other correctional facilities.

The prescription must be sealed with the proper label still on the sealed unit dose package, unit of issue package, bottle or manufacturer's package. It also must have remained in a controlled environment of a secured drug room or secured drug cart and never been in the hands of a prisoner. The



drug also must have no fewer than 90 days before its expiration and must undergo an inspection with a determination made by the vendor pharmacist after consideration of factors enumerated in the bill.

Various disciplinary acts can occur if the vendor pharmacist conducts himself improperly or unprofessionally throughout the process. The vendor pharmacy is required to credit the correctional facility for the unused drugs and is permitted to restock and dispense as later determined necessary. This measure could save \$1 million annually, according to the Department of Corrections.

The bill was signed into law as **Act 59 of 2010**.

*** * * Prohibiting Shackling of Pregnant Prisoners** — The Senate unanimously approved **Senate Bill 1074**, which bans the use of restraints on pregnant prisoners during any stage of labor, any pregnancy-related medical distress, transport to a medical facility, delivery or postpartum.

The bill requires correctional institutions to provide adequate personnel to monitor the transfer of pregnant prisoners or detainees during transport to and from the hospital and during her stay at the hospital.

Reasonable restraint may be used when the correctional institution staff assigned to the pregnant prisoner or detainee determines that the detainee presents a substantial flight risk, or some other extraordinary medical or security circumstance dictates that the woman be restrained to ensure safety and security. If this is the case, at no time will the detainee be left unattended by a correctional officer who has the ability to release the restraints if it becomes medically necessary to do so.

In cases where restraints are permitted, the least restrictive restraints must be used when the facility has knowledge that a prisoner is in the second or third trimester of pregnancy.

Further, anytime restraints are applied, various reports containing information set forth in the bill must be made and directed to the appropriate authorities and departments.

The bill was signed into law as **Act 45 of 2010**.

*** Alternative Sentencing Guidelines** — The Senate unanimously approved legislation that would have offered guidelines for alternative sentencing programs for non-violent offenders and established a risk and needs assessment instrument to assist in determining sentences.

Under **Senate Bill 1145**, the Pennsylvania Commission on Sentencing would have considered non-violent offenders' risk of re-offending and treatment needs when laying out guidelines for assigning them to community-based facilities rather than state prisons.

The bill died in the House. With minimal modification, this bill was incorporated into, **Senate Bill 1161**, which was enacted as **Act 95 of 2010**.

*** * * Prison Overcrowding and Recidivism** — The Senate voted 45-4 in favor of legislation that should help ease prison overcrowding and help reduce recidivism by moving certain non-violent offenders into halfway houses, releasing numerous minimum term inmates, diverting technical parole violators, providing guidelines for alternative sentence, establishing a risk and needs assessment instrument to assist in determining sentences, incorporating evidence based practices into the parole process, and providing for inmate employment.

The bill also establishes an Interstate Compact for the Supervision of Adult Offender Application fee.

Senate Bill 1161 creates a system for identifying lower risk non-violent offenders and technical offenders to place them in community corrections facilities and halfway houses that house inmates with pre-release status or those on parole.

The state Commission on Sentencing must develop a "risk assessment tool" for judges to use when they sentence non-violent offenders.



Structure and guidelines were also put in place to allow some inmates to work for a correctional institution while imprisoned.

The bill allows the Board of Probation and Parole to release inmates who have served their minimum sentence, but have not finished required programming, to complete their program while on parole.

The measure also requires that notification be provided and that public hearings be held in communities located in counties of the 6th, 7th or 8th class where convicted murderers are being released into group homes. The Board of Probation and Parole is responsible for holding the hearings.

To further protect crime victims, the Department of Corrections is required to keep confidential all statements and testimony from victims and family members.

The Board of Parole is required to develop and abide by a decisional instrument that incorporates evidence-based practices into the parole decision making process. Further, the board must coordinate re-entry with evidence-based practices to reduce recidivism and conduct necessary research and testing to identify and apply effective evidence-based parole practices.

The bill establishes an application fee for the Interstate Compact for the supervision of adult offenders. There is a fee of up to \$150 for a person on probation or parole to transfer to another state. The fee is distributed between the county and Commonwealth for the administration of the Interstate Compact. However, for the balance of fiscal 2010-11, the fee is \$100 and the county retains 100 percent of it.

The bill was signed into law as **Act 95 of 2010**.

*** * * Court Costs** — The Senate voted 47-2 for legislation that requires defendants to pay court costs without the need for a court order.

Senate Bill 1169 requires judges to impose court costs, but even if the judge fails to do so, the costs could still be imposed. No court order is required.

The bill also requires the county clerk of courts to transmit copies of paperwork on the court costs to the Department of Probation and to the correctional facility where the offender has been sentenced.

The bill also extends a provision that the costs assessed in criminal cases before the minor judiciary and court of common pleas, as well as costs assessed in civil and criminal cases heard by magisterial district judges, increase every January 1 by a percent determined by the Consumer Price Index until Jan. 1, 2025. This provision had expired on Jan. 1, 2010.

The legislation also deals with where children are detained when they are accused of murder and other offenses that are not considered a “delinquent act” under the state’s juvenile law. Under the legislation, a court has the flexibility to place a child in a detention facility for delinquent children rather than a county jail.

This detention occurs if a child was not granted bail and is awaiting the outcome of a hearing to determine if he or she is being tried as an adult or a child. The court may order the child held in a secure detention facility with other children upon consent of the state’s attorney.

The bill was signed into law as **Act 96 of 2010**.

*** Alternative Punishments for Technical Parole Violators** — By a 45-2 vote, the Senate approved legislation that would have provided punishment alternatives for technical parole violators.

Under **Senate Bill 1275**, parolees would have been held accountable for a technical parole violation while avoiding the cost of recommitting the parolee to prison.

Technical parole violations are non-criminal acts such as missing a mandatory meeting.



The Board would have developed a sanctioning grid that would be based on a tiered sanctioning process to assist parole supervision staff responding to parole violations. A tiered sanctioning process would have been developed that divides violations into high, medium and low range violations defined in the bill. An example of a high range violation is assaultive behavior; a medium range violation is the possession of unauthorized contraband; and a low range violation is the failure to pay supervision fees.

The tiered sanctioning process would have also included high, medium and low sanction ranges. An example of a high sanction is shock incarceration (an intensive boot camp-style alternative sentencing program); a medium sanction is electronic monitoring; and a low sanction is increased reporting requirements.

The tiered sanctioning process also includes positive reinforcements, and a recommitment option in certain instances. Staff implementation of the grid and sanctions would have been reviewed by the board quarterly.

The bill did not pass the House.

*** * * Open Adoptions** — The Senate unanimously approved legislation that recognizes voluntary open adoption agreements and streamlines procedures for retrieving adoption records.

Senate Bill 1360 allows a perspective adoptive parent to enter into a voluntary agreement with a birth relative of a child to permit continuing contact between the child and the birth relative. If the child is age 12 and older, the child's consent is required. The court will only approve the agreement if all parties agree and it is in the best interest of the child.

A court may appoint a guardian ad litem to represent the interests of a child or a sibling under 18 years of age.

When there is no agreement and the adopted child wants to find out the identity of his or her birth parents, the bill provides for an authorized representative to use reasonable efforts to locate them. If the birth parent is found, he or she must give written authorization before the identifying information is released.

The bill makes an open adoption agreement enforceable and modifiable in the court where the adoption was finalized. A child over 12-years-old may ask the court to discontinue an agreement that was approved when he or she was younger than 12.

The measure also establishes a registry for the receipt, filing and retention of medical and social history information.

The bill was signed into law as **Act 101 of 2010**.



LABOR AND INDUSTRY

**** *Shackling of Pregnant Prisoners** — The Senate unanimously approved **Senate Bill 1074**, which prohibits the use of restraints on pregnant prisoners during any stage of labor, any pregnancy related medical distress, transport to a medical facility, delivery or postpartum.

The bill requires correctional institutions to provide adequate personnel to monitor the transfer of pregnant prisoners or detainees during transport to and from the hospital and during her stay at the hospital.

In cases where restraints are permitted, the least restrictive restraints will be used when the facility has knowledge that a prisoner is in the second or third trimester of pregnancy.

The bill passed the House unanimously and was signed into law as **Act 45 of 2010**.

**** *Modular Buildings** — The Senate unanimously approved legislation that further defines “industrialized/commercial modular building” and “industrialized/commercial building module.”

Senate Bill 195 defines “industrialized/commercial modular building” as a structure designed for commercial occupancy, and classified within nonresidential use.

The bill defines “industrialized/commercial building module” as a whole or partially closed wall structure incorporating one or more rooms, which is made in a manufacturing facility and separately transported to the building site.

Also, the Department of Labor and Industry is authorized to enter into a multistate agreement for the purpose of regulating the construction of components of industrialized/commercial modular buildings.

The House unanimously passed the bill and it was signed into law as **Act 13 of 2009**.

**** *Death Benefits for Public Safety Employees** — The Senate unanimously passed a Democratic-sponsored bill that ensures that the families of public safety employees killed in the line of duty receive death benefits.

Senate Bill 369 amends the Emergency and Law Enforcement Personnel Death Benefits Act to guarantee killed-in-service-death benefits to all spouses or minor children of a paid firefighter, law enforcement officer and ambulance service member equal to the amount of the decedent’s monthly salary.

Under previous law, pension and workers’ compensation systems provided death benefits that covered only a portion of the salaries of those killed in the line of duty in Philadelphia, Pittsburgh and third-class cities. Under the bill, the state will pick up the remaining share.

Boroughs and townships currently pay the entire cost of benefits for their police. Senate Bill 369 shifts these costs to the state.

The House amended the bill by adding members of certified hazardous material response teams to the list of whose families may receive \$100,000 upon the receipt of a death certificate.

The Senate unanimously concurred in the House amendment and the bill was signed into law as **Act 51 of 2009**.

**** *Mechanics’ Lien** — The Senate unanimously approved legislation that partially updates the 1963 Mechanics’ Lien Law. Under previous law, a contractor could waive his lien rights only for a residential building and only if the contract price was less than \$1 million.

Senate Bill 563 eliminates the \$1 million maximum for the residential exclusion and replaces it with language that defines a “residential property” as “not more than three stories in height, not including any basement level, regardless of whether any portion of that basement is at grade level.”



The measure also states that to the extent that lien rights may be validly waived by a contractor or subcontractor or where the contractor has posted bond, a written contract between the owner and a contractor stipulating that no claim shall be filed by anyone is binding.

The bill was signed into law as **Act 34 of 2009**.

* **Log Houses** — The Senate unanimously passed **Senate Bill 1077**, which would have amended the statewide Construction Code to permit log walls with a minimum average wall thickness of five inches or greater. The walls would have also had to comply with the International Code Council standards on the design and construction of log structures.

The bill died in the House.

* **Industry Clusters** — By a vote of 40-9, the Senate passed **Senate Bill 1409**, which would have required the Department of Labor and Industry to identify “industry clusters” to better target workforce and economic development funds.

An industry cluster is a group of employers closely linked by common products or services, workforce needs, similar technologies, supply chains or other economic ties.

The bill died in the House.

* * * **Conservation Corps** — By a unanimous vote, the Senate passed **House Bill 9**, which extends until 2020 the service of the Pennsylvania Conservation Corps (PCC). The program had been set to expire on June 30, 2010.

PCC is a statewide program that offers work experience, job training and educational opportunities to young people who complete conservation, recreation and historical preservation projects on the state’s public lands. PCC corps members are between the ages of 18 and 25 and work in crews under the guidance of adult crew leaders. Since its creation in 1984, 14,000 corps members have completed more than 1,000 projects.

The Senate amended the bill to remove a provision that would have made crew leaders eligible for state health and retirement benefits.

The House unanimously concurred and Gov. Rendell signed the bill into law as **Act 37 of 2010**.

* * * **Employee Misclassification** — By a vote of 34-13, the Senate passed a bill that sets standards for independent contractors and provides penalties for misclassification of a company’s regular employees.

House Bill 400 is an attempt to crack down on employers who designate regular employees as independent contractors to avoid workers compensation, unemployment insurance and other regulations on employees. Employers who misclassify workers will be subject to criminal penalties.

Under the bill, independent contractors must at least be free from control and direction and customarily perform their services in an independently established business or profession; maintain a separate business office (which may be in an individual’s home); operate under written contracts that include the work, payment, and prohibit the independent contractor from retaining anyone other than employees or other independent contractors that meet these criteria to complete work; and complete their federal income taxes as an independent contractor.

The House approved Senate amendments 109-90 and the bill was signed into law as **Act 72 of 2010**.



* **Emergency Responders** — By a vote of 27-22, the Senate passed **House Bill 664**, which would have amended the Pennsylvania Workers' Compensation Act to add members of community emergency response teams (CERT) under coverage for volunteer service personnel.

Democrats opposed the bill because they claim it would have weakened provisions passed in a previous bill (**House Bill 400**) intended to crack down on construction companies that misclassify employees as "independent contractors" to avoid workers compensation, unemployment insurance and other regulations regarding employees.

The bill died in the House.

* **Sprinkler requirements** — By a vote of 37-12, the Senate passed **House Bill 1196**, which would have delayed by one year a requirement for sprinklers to be installed in new home construction.

Until October 2011, the bill would have required builders to offer the option to install, at the buyer's expense, an automatic fire sprinkler system in the building or dwelling unit and provide the buyer with information that explains the initial and ongoing cost of installing and equipping an automatic fire sprinkler system. In 2011, the construction code would have required sprinklers in all new home construction.

House Bill 1196 would have also made changes to the structural requirements for log homes and manufactured housing.

The amended bill died in the House.

* * **Firefighter cancer** — By a vote of 45-4, the Senate passed **House Bill 1231**, which would have provided workers' compensation eligibility for firefighters who get cancer.

The bill would have specifically added cancer to the state Workers' Compensation Act as a work-related illness if no other obvious cause for the disease were present. The bill would have amended the law to include cancer suffered by firefighters and caused by recognized carcinogens.

The measure would have also covered professional and volunteer firefighters who have been on the job for more than four years and exposed to known carcinogens. There were provisions in the bill that would have allowed the presumption of job-related cancer to be rebutted by evidence of cancer-causing activity – such as smoking – during a firefighter's non-duty hours.

The bill went back to the House where it passed unanimously. However, Gov. Rendell vetoed the measure.

The governor said he vetoed **House Bill 1231** primarily because of cost concerns. He said the bill would have established a presumption that any cancer diagnosis was the result of firefighting activities – and that the benefit provider, in this case local government, would have borne an almost impossible burden to prove otherwise.

* * * **Unemployment Extension** — The Senate unanimously passed a bill that restored unemployment benefits to thousands of jobless Pennsylvania workers.

House Bill 1770 made technical changes to state unemployment compensation laws that qualify Pennsylvania for an additional \$145 million in federal aid for the unemployed.

For state and local government bodies that self-insure for unemployment, the extension carries a small cost, but local officials generally supported the bill because of its impact on the economy.

The bill passed the House 197-1 more than three weeks prior to any Senate action — prompting Senate Democrats to criticize the delay and prod the chairman of the Senate Labor and Industry Committee to schedule the bill for a committee vote. While the bill sat idle in committee, more than 17,000 unemployed workers exhausted their benefits. Ultimately, the bill was amended to retroactively include those workers.

The bill was signed into law as **Act 30 of 2009**.



LAW AND JUSTICE

*** * * Changes to Liquor Code** — The Senate passed an amended version of **House Bill 48** by a 41-6 vote. The bill makes numerous changes to the Liquor Code concerning eligible entities, public venues, and hotel licenses.

Under this legislation, restaurant owners who hold sacramental wine licenses are authorized to sell sacramental wine for consumption on the premises. Also, patrons who purchased, but only partially drank a bottle of wine purchased on the premises are allowed to take the bottle with them.

The definition for “performing arts facilities” was changed by lowering the seating capacity from 500 to 250 people.

The bill also changes the definition of “eligible entity” to allow some Rotary clubs and nonprofit organizations to obtain special occasion liquor permits to promote mushrooms. The legislation also includes visitor centers under the definition of “public venue.”

Lastly, the measure allows hotel licensees exempted from the bedroom requirement to use all areas of the hotel as either storage areas or licensed serving areas.

The bill was signed into law as **Act 35 of 2010**.

*** * V Liquor Licenses** — By a 39-10 vote, the Senate passed **Senate Bill 81**, which would have allowed members of the governing board of a public authority to have an interest in a liquor distributor or importing license, even if that public authority has an interest in one or more retail licenses or acts as a landlord for a retail license.

The bill would have also allowed an entity to obtain both a manufacturer’s or limited winery license and a hotel, restaurant or retail license to be used at the same location. More than one location could have been licensed in this way.

The legislation would have also permitted licenses, which allow an individual to operate a winery or other facility that involves the manufacturing, producing and distilling of alcohol, to be transferred from one person or place to another. Applicants for a transfer would have paid a filing fee of up to \$700.

Senate Bill 81 would have also allowed for a customer relations marketing program that would offer customers coupons or discounts on certain liquor products.

In addition, the bill would not have allowed a state store to be placed within a dry municipality absent a local referendum where voters could approve the location.

Finally, no store would have been allowed to have an interior connection with another business that permits the consumption of alcohol. Stores that currently fit that description, that are not licensed by the board, would have had to cease operation when their current lease is up or by January 31, 2015.

Governor Rendell vetoed the legislation because he said the provision banning a PLCB store from having an interior connection with another business impedes the state’s modernization of alcohol sales.

*** Increased State Police Complement** — By a vote of 49-1, the Senate passed **Senate Bill 572**, which would have upped the State Police complement from 3,940 to 4,310. Enlisted personnel assigned to the Delaware River Toll Bridge Commission, Gaming Enforcement, Liquor Control Enforcement and underwater search teams would not have counted toward the complement.

Since the legislation does not fund any additional troopers, the Senate Democratic Appropriations chairman criticized republicans for voting to expand the State Police complement while also supporting a bare bones budget proposal (**Senate Bill 850**) that would have, in effect, reduced State Police funding and the number of troopers on patrol.

The bill died in the House.



* * * **Missing Endangered Person Advisory System** — The Senate unanimously passed **Senate Bill 976**, which creates the Missing Endangered Person Advisory System under the state’s “Amber Alert” law.

The Missing Endangered Person Advisory System assists the State Police in the recovery of missing adults, such as those with Alzheimer’s disease, who are at special risk of harm or injury. The system works through prompt media alerts to the public and timely notification to law enforcement authorities and other agencies. The State Police operate the system.

The bill was signed into law as **Act 126 of 2010**.



LOCAL GOVERNMENT

*** * * Police and Firefighter Anti-Discrimination** — The Senate unanimously passed a package of bills that conform municipal police and firefighter provisions to federal and state anti-discriminating laws.

House Bills 1515, 1516, 1517, and 1518 require applicants for municipal police and firefighter positions to take a physical fitness or agility examination. These bills also require each applicant, if made a conditional offer of employment, to be given a physical and psychological medical examination.

This package of bills also requires the commission to rank the applicants from highest scoring to lowest upon completion of the written and physical fitness exams.

The bills were signed into law as **Act 75, 76, 77, and 78 of 2010**.

*** * * Traditional Neighborhood Developments** — The Senate unanimously passed **House Bill 1609**, which makes changes to current traditional neighborhood developments (TND) provisions to make it easier for municipalities to zone for TNDs and encourage this type of development as an alternative to sprawl.

TNDs are mixed-use neighborhoods with higher densities and a range of complementary uses. They are characterized by compact, pedestrian-oriented developments that provide a variety of uses, diverse housing types, and are anchored by a central public space and civic activity.

Under previous law, a TND that was in the form of a new development had to be in the form of an overlay zone rather than a designation “by right.” This bill allows municipalities to designate a TND “by right,” making it easier to develop mixed-use, traditional neighborhoods.

The bill was signed into law as **Act 111 of 2010**.

*** * * Clerk of Orphan’s Court** — The Senate unanimously passed **House Bill 1671**, which adds a clerk of the orphan’s court to the County Records Committee in every county except Philadelphia. The measure also increases committee membership from 15 to 16.

The bill was signed into law as **Act 67 of 2010**.

*** County Directors of Veterans Affairs Expenses** — By a vote of 47-0, the Senate passed an amended version of **House Bill 1990** that would have increased the annual meeting and dues expenses allowed for county directors of veterans’ affairs from a maximum of \$100 to a maximum of \$400.

The bill died in the House.

*** * V Erie Convention Center Authority Membership** — The Senate passed **House Bill 2477** by a 41-8 vote. This bill would have increased the size of the governing body of the Erie Convention Center Authority from 9 to 11 members.

This bill would have also established the “County Officer and Employee Fiscal Security Act,” modernizing the bonding requirements for county officials and employees in counties of the second through eighth class.

Lastly, this bill would have allowed the governing body of second, second class A and third through eighth class counties to eliminate the position of jury commissioner by resolution.

The governor vetoed this bill because another provision of the bill would have deprived the public access to coroner records, which he thought was a strike against open government.



* **Removing Borough Assessors** — The Senate unanimously approved **Senate Bill 139**, which would have eliminated the elective office of assessor in all boroughs, as well as all provisions regarding the election of an assessor in all boroughs.

Any assessor or assistant assessor currently in office would have remained in office until the end of their elected term.

The bill died in the House.

* **Removing Assessor of First Class Township** — By a unanimous vote, the Senate passed **Senate Bill 140**, which would have eliminated the office of assessor in all First Class Townships as well as all provisions regarding the election of an assessor in all First Class Townships.

Any assessor or assistant assessor currently in office would have remained in office until the end of term for which they were elected.

The bill died in the House.

* **Removing Assessor of Municipalities** — The Senate unanimously passed **Senate Bill 141**, which would have removed the requirement that assessors be elected in municipalities, as well as all provisions regarding election of an assessor in all classes of municipalities in counties of the fourth through the eighth class.

Any assessor or assistant assessor currently in office would have remained in office until the end of term for which they were elected.

The bill died in the House.

* * * **Electric Generation Projects** — The Senate unanimously passed **Senate Bill 168**, which allows Pennsylvania municipalities to enter into contracts to provide lower energy costs for consumers

This measure gives boroughs the authority to take part in power supply and electric generation projects to secure affordable and reliable energy for consumers.

This bill also allows boroughs that own or operate electric generation or distribution facilities to acquire electricity at the best value through memberships in non-profit member corporations.

Lastly, this bill permits boroughs to advertise or solicit bids or price quotes if the borough council determines that action to be in the public interest.

The bill was signed into law as **Act 87 of 2010**.

* **Intergovernmental Agreements** — The Senate unanimously passed **Senate Bill 282**, which would have allowed one or more local governments to enter into an agreement with one or more municipalities.

The intergovernmental agreements would not have allowed delegation or transfer of local government powers or functions to a municipal authority. It also would have prohibited enlarging or diminishing powers of a municipality beyond those already permitted by law.

Agreements between local governments and municipalities would not have been subject to review by the Local Government Commission.

The bill died in the House.

* **Extend Time to Implement Intergovernmental Agreements** — By a unanimous vote, the Senate passed legislation that would have amended the “Pennsylvania Municipalities Planning Code.”



Senate Bill 284 would have granted local officials the authority to amend an intergovernmental cooperative agreement to extend the time available to implement that agreement.

Currently, the Municipalities Planning Code mandates a two-year time frame for implementing a multi-municipal plan.

The legislation died in the House.

* **Office of Jury Commissioner** — The Senate passed both **Senate Bill 435** and **Senate Bill 1117** by a 31-19 vote. These bills would have abolished the office of Jury Commissioner.

Senate Bill 435 would have abolished the office in Second Class A counties; while Senate Bill 1117 would have abolished the office in third through eighth counties.

Both bills died in the House.

* **Developmental Permit Extension Act** — The Senate unanimously approved **Senate Bill 569**, which would have created the Development Permit Extension Act to automatically suspend the expiration of construction and development approvals and permits until July 2, 2013.

Changes made to law, ordinances and regulations after the suspension period begins would not have affected permits previously obtained and suspended by the law.

The bill would have also allowed permit holders to obtain verification from the government agency that they have a suspended expiration date on their permit, and the expiration date of the permit.

Commonwealth agencies affected by the law would have been required to publish notice in the Pennsylvania Bulletin of the applicability of the expiration period.

The bill died in the House.

* **Pre-hiring Exams for Emergency Responders** — The Senate unanimously passed a package of bills that would have brought municipal law provisions governing pre-hiring examinations of emergency responders in cities, towns, townships, and boroughs into compliance with the federal “Americans with Disabilities Act.”

Senate Bills 908, 909, 911, and 913 would have amended the police officers and firefighters civil service statutory provisions to ensure those laws are interpreted and applied by municipal officials in compliance with federal and state anti-discrimination laws.

These bills would meet the federal ADA (Americans with Disabilities Act) requirements by clearly delineating a difference between prohibited pre-offer “medical examinations” and permissible job-related “physical and agility tests” that may occur at anytime during the testing process; clearly defining “medical examinations” in accordance with federal law, include “psychological medical examinations,” and specify that medical examinations may not occur until a conditional offer of employment has been made; and clearly specifying where in the process “medical examinations” may occur in relation to the written examination, when veteran’s preference points are to be awarded, and how long eligibility lists may be in effect.

The bills died in the House.

* * * **Police and Firefighter Civil Service Provisions** — The Senate unanimously passed **Senate Bill 910** and **Senate Bill 912** by a 49-0 vote. These bills are part of a legislative package offered by the Local Government Commission seeking to conform municipal police and firefighter civil service provisions to federal and state anti-discrimination laws.

Senate Bill 910 adds new provisions stating that an applicant can be subject to a physical



fitness or agility examination that is “job-related and consistent with business necessity” and be given a physical and psychological medical examination if a conditional offer of employment is made.

Senate Bill 912 states that either before or after the written examination, each applicant is required to submit to a physical fitness or agility examination that is job related and consistent with business necessity and physical or psychological medical examinations cannot be conducted prior to an appointment or conditional appointment.

The bills were signed into law as **Act 91** and **Act 92 of 2010**.

*** * * Department of Community Affairs Name Change** — The Senate unanimously passed **Senate Bill 916**, which updates the Second Class County Code to change all references of the “Department of Community Affairs” to the “Department of Community and Economic Development.”

This bill also changes the month that the County Controller has to make their report to the court of common pleas from May to July. Lastly, the bill requires the County Controller to file an annual report to the Department of Community and Economic Development by the first Monday of July after the close of the fiscal year.

The bill was signed into law as **Act 27 of 2010**.

*** Increased Membership for County Records Committee** — The Senate unanimously passed **Senate Bill 917**, which would have increased the membership of the County Records Committee from 15 to 16.

The legislation would have allowed the governor to appoint a Clerk of the Orphans’ Court to the committee.

The bill died in the House. However, its provisions were included in Senate Bill 917 (**Act 67 of 2010**)

*** Removal of Elected Officials** — The Senate unanimously passed a package of bills that were recommended by the Local Government Commission. **Senate Bills 1019, 1020, 1021, and 1022** would have repealed provisions in these statutes relating to the removal of an elected official for failure to perform duties.

Senate Bills 1019, 1021, and 1022 would have repealed language regarding the removal of elected officials in First Class Townships, Second Class Townships, and the Borough Code, respectively. Senate Bill 1020 would have repealed this language regarding incorporated towns.

These provisions were found to be unconstitutional by the Pennsylvania Supreme Court since the process to remove an elected official is already established by the Pennsylvania Constitution.

The bills did not pass the House.

*** Employment Agreements with Township Managers** — The Senate unanimously passed a package of bills recommended by the Local Government Commission and the Township Supervisors of Pennsylvania.

Senate Bill 1059 would have amended the First Class Township Code to allow the board of commissioners to enter into an employment agreement with the township manager. Under the bill, the township manager would serve at the pleasure of the board. **Senate Bills 1060, 1061, and 1062** provide the same language for the position in Second Class Townships, incorporated towns, and in boroughs (borough manager) respectively.

Senate Bill 1063 would have given city council the power to create the position of city administrator or manager and appoint someone to serve in that position whenever a vacancy exists.



The appointed city administrator or manager would not have had to have been a city resident if approved by city council.

There was potential for this package of bills to save local governments money by avoiding legal costs or paying for the length of a contract after the administrator has been removed.

The package of bills died in the House.

* **Access to Coroner's Reports** — The Senate passed **Senate Bill 1091** by a 47-2 vote. This bill would have amended the County Code to allow people to access coroner's reports in accordance with the "Right-to-Know" law.

Under the law, a person can make a request four ways: mail, fax, e-mail or in person. The request must be sufficiently "specific" to allow the public body to identify what you are seeking.

Currently, County Code allows interested parties to inspect the official records and papers for the preceding year in the office of the Prothonotary. Only a certain number of people currently have access to coroner's reports because interested parties need to prove relation to the deceased.

The language from this bill was amended into **House Bill 2477**, which was vetoed by Governor Rendell.

* **Loss of Property by County Officers** — The Senate unanimously passed **Senate Bill 1155**, which would have provided a means of protection in the event of a loss of money or other property by county officers or employees because of improper or fraudulent conduct.

Essentially, this bill would have shifted liability from the employees to the county.

This bill would have permitted the county commissioners from counties of the second through the eighth class to set the amount of security and to select the form of the security that would be used to protect counties.

The bill was amended in the House to add language that would have instituted a severance tax on natural gas and created a Marcellus Shale job creation tax credit. The amended bill died in the Senate.

* * * **Communities Changing Form of Governance** — By a 49-0 vote, the Senate passed **Senate Bill 1429**, which provides additional options recommended by the State Planning Board to communities that seek to change their form of governance.

The previous statute allowed consolidation or merger through either joint agreement or initiative of electors. Senate Bill 1429 allows for a combination of the two processes, if both are approved by the local voters. Voters will also be allowed to approve both a merger/consolidation and a new home rule charter in the same election.

In addition, the bill authorizes the establishment of transitional planning committees to advise the existing and new municipalities throughout the process.

The bill was signed into law as **Act 102 of 2010**.



PUBLIC HEALTH AND WELFARE

*** * * SIDS Education and Prevention** — The Senate voted 35-15 in favor of **House Bill 47**, which creates the “Sudden Infant Death Syndrome Education and Prevention Program.”

The program promotes public awareness and educates parents on the risk factors and prevention of Sudden Infant Death Syndrome (SIDS) and Sudden Unexplained Death in Infants (SUDI). The measure was signed into law as **Act 73 of 2010**.

*** * * Veteran’s Benefits** — The Senate approved **House Bill 254** by a 48-2 vote. This measure requires the Department of Public Welfare to create a standard form for veteran services to use in determining eligibility for available veteran’s benefits on their website.

In an effort to make medical care more accessible to medical assistance recipients, the bill also establishes a Quality Care Assessment on each hospital in order to generate additional revenue.

The Quality Care Assessment Account is established in the General Fund for the receipt and deposit of revenues collected. It provides for Medical Assistance payments to hospitals and Medical Assistance managed care organizations for supplemental payments for inpatient hospital services.

The bill was signed into law as **Act 49 of 2010**.

*** * * Department of Drug and Alcohol Programs** — The Senate voted 40-10 in favor of **House Bill 1186**, which creates the Department of Drug and Alcohol Programs.

The cabinet-level department develops and adopts a state plan for the control, prevention, intervention, treatment, rehabilitation, research, education and training aspects of drug and alcohol abuse and dependence problems. The department also requires all appropriate state and local departments to help implement the state plan by submitting annual reports detailing the success and impact of the various activities.

In addition, the bill changes the structure of the Pennsylvania Higher Education Assistance Agency Board of Directors. In order to make the board less political and more of a private sector entity, the bill allows each legislative caucus to appoint one person with private sector experience in accounting, finance, education or law to replace a legislator on the board who decides not to be reappointed. Each caucus can only appoint one non-legislative member to the board. The board still consists of 20 members: 19 appointed (8 appointed by the President Pro Tempore, 8 appointed by the Speaker of the House, 3 appointed by the governor), and the Secretary of Education.

The measure was signed into law as **Act 50 of 2010**.

*** * * Photo Identification Tag** — The Senate unanimously passed **House Bill 1482**, which amends the Health Care Facilities Act to require employees of a physician or health care facility to wear a photo identification tag.

The tag must include a recent photo of the employee, the employee’s name, the employee’s title



and the name of the health care facility or employment agency.

An employee is not required to wear a tag while delivering direct care to a consumer if not clinically feasible. Also, the last name of the employee can be omitted or concealed when delivering direct care to a consumer who exhibits symptoms of irrationality or violence.

The measure was signed into law as **Act 110 of 2010**.

*** * * Circulating Nurse Act** — The Senate unanimously approved **House Bill 1641**, which establishes the Circulating Nurse Act. The measure requires a registered nurse to be the circulating nurse in an operating room for the safety of the patient.

A circulating nurse is a type of surgical nurse who moves about the operating room to monitor the procedure. He or she acts as a patient advocate, ensuring that the conditions in the operating room are safe and sterile.

The nurse must be licensed in Pennsylvania and qualified through training and operating room nursing experience. The circulating nurse must be present during all surgical procedures when general anesthesia or deep sedation is used. The nurse must be focused completely on the patient and trained to recognize signs of distress in patients under sedation.

While many Pennsylvania hospitals already had a circulating nurse, it was not required.

The measure was signed into law as **Act 32 of 2010**.

*** Health Care Clinic Grants** — The Senate unanimously passed **Senate Bill 5**, which would have established the Community-Based Health Care (CHC) Program in the Department of Health to provide grants to community-based health care clinics.

Grants would have been distributed in a manner that improves access and expands services in all geographic areas in the state. No more than 25 percent of the grants could have gone to federally qualified health centers. No grants could have exceeded \$500,000 of the total amount of funds available. The measure also required a 25 percent matching commitment.

To qualify for funding, a hospital health clinic would have submitted an application to the Department of Public Welfare no later than 90 days after the effective date. For each fiscal year, the Department of Public Welfare would have annually distributed any available funds for hospital clinics. The Secretary of Public Welfare would have determined the funds available and made appropriate adjustments based on the number of qualifying hospitals with clinics.

The measure died in the House.

*** * * County Board of Assistance Appointments** — The Senate approved **Senate Bill 47** with a 46-3 vote.

The measure amends the Public Welfare Code by requiring that each gubernatorial appointment to a county board of assistance be endorsed by the senator of the district in which the nominee resides. In the case of a Senate vacancy in that district, the nominee must be endorsed by a senator of an adjacent district.

The measure was signed into law as **Act 54 of 2009**.

*** Family Day Care Homes** — The Senate unanimously approved **Senate Bill 59**, which would have amended the Public Welfare Code by requiring proof of general liability insurance when applying for a registration certificate, as well as posting requirements and written records at a family day care home.

The bill would have also detailed the process for emergency closure of family day care homes.



If the department would have found evidence of gross incompetence, negligence, misconduct in operating the family day care home or mistreatment or abuse of children likely to constitute an immediate and serious danger, the department could have taken immediate action to close the facility and remove the children from the home.

The bill died in the House.

* * * **Health Care Cost Containment** — The Senate unanimously passed **Senate Bill 89** which creates a Health Care Cost Containment Council Act Review Committee that studies, reviews and recommends changes to the law. The measure also changes the agency's sunset date to June 30, 2014.

The Health Care Cost Containment Council, which is an independent state agency responsible for addressing the problem of escalating health costs, ensuring the quality of health care, and increasing access for all citizens regardless of ability to pay, would have permanently ceased operations by June 30, 2009.

The Senate failed to reauthorize the council before adjourning in October 2008. However, Gov. Ed Rendell extended the council by executive order.

The bill also amends the Health Care Cost Containment Act by establishing a payment data advisory group to produce recommendations on the accuracy and collection of payment data.

The measure was signed into law as **Act 3 of 2009**.

* * * **State Registrar of Vital Statistics** — The Senate unanimously approved **Senate Bill 446**, which amends the Vital Statistics Law by adding the State Registrar of Vital Statistics as someone authorized to issue certificates of death and permits for the disposal of a dead body or fetal remains.

The measure also requires the State Registrar of Vital Statistics to send monthly information on all resident deaths, except residents less than 18 years of age, to the Department of State.

The bill was signed into law as **Act 11 of 2009**.

* **Indoor Tanning Regulation Act** — The Senate unanimously approved **Senate Bill 460**, which would have created the "Indoor Tanning Regulation Act."

Under this legislation, no person would have been able to establish, maintain, or operate a tanning facility without first having obtained a license from the Department of Public Health and Welfare.

The bill would also have required a tanning facility to post a warning sign regarding the dangers of tanning in a place readily visible and require each customer to sign a warning statement.

In addition, the bill would have required tanning facilities to keep and maintain all documentation for at least three years. Facility operators who broke the law would have been subject to a misdemeanor charge and could have had their license suspended or revoked.

The bill died in the House.

* **Vital Statistics Law** — The Senate unanimously passed **Senate Bill 620**, which would have amended the 1953 Vital Statistics Law to require the Department of Public Welfare to issue a certificate of stillbirth, upon request of the parent, for any fetal death previously filed with the department. The fee for issuance would have been the same as a death certificate.

This legislation was prompted by lobbying efforts of mothers who lost their babies to stillbirth, but wanted the option of having a "certificate of birth resulting in stillbirth" as a way to acknowledge the child they lost.

The measure died in the House.



* * * **Medical Assistance Application** — The Senate unanimously passed **Senate Bill 922**, which prohibits long-term care medical expenses, incurred six months or more prior to an application for medical assistance, to be used when determining a recipient's payment toward the cost of long-term care services.

The bill also establishes criteria for a hospital to qualify as a Level III trauma center. Some of the criteria requires that providers have comprehensive emergency services, have at least 4,000 inpatient admission from its emergency room on an annual basis, be located in a third to eighth class county and located more than 25 miles of travel distance

It also establishes funding for Levels I, II and III trauma centers. Level I and II trauma centers receive 90 percent of available funds and Level III trauma centers receive the remaining 10 percent of available funds.

The measure was signed into law as **Act 84 of 2010**.



RULES AND EXECUTIVE NOMINATIONS

Robo calls — The Senate adopted **Senate Resolution #6**, which forbids the use of Senate funds on automatic dialing-announcing devices, also known as robo-calls.

Federal Stimulus Dollars — The Senate adopted **Senate Resolution #21**, which encourages the federal government to require the use of American workers and products in federal stimulus projects. The resolution calls for invigorating our nation's aging infrastructure, particularly in Pennsylvania where manufacturing is a key economic driver.

Restricting Campaign Activity — The Senate adopted **Senate Resolution 228**, which explicitly forbids senators and staff from engaging in campaign activity on Senate time with Senate resources.

The resolution also bans Senate employees from serving as an officer on a campaign committee, forbids providing official Senate mailing lists for political or campaign activities, and prohibits the use of senate offices or resources to solicit or receive campaign contributions.

The measure does allow for minor and unintended exceptions.

The reform resolution was spurred by an investigation where numerous House lawmakers and staffers were indicted for engaging in illegal campaign activities with taxpayer resources.

Temporary Budget Rule — The Senate adopted **Senate Resolution 277**, which was a temporary rule for the 2010-11 budget negotiations that required senators to provide a "statement of intent" with any proposed appropriations increase.

Under the measure, senators were required to identify what item in the budget they would cut as a means to generate any proposed spending increase. The measure also prohibited senators from proposing cuts to certain appropriations items.

STATE GOVERNMENT

*** * * Energy Conservation Improvements** — The Senate voted unanimously in favor of **House Bill 687**, which makes it easier for state agencies, municipalities, school districts and public authorities to make energy conservation improvements to their facilities

Under a 1998 law, governmental entities may enter into a guaranteed energy-savings contract with an energy services company to make improvements to their facilities. The contract has no up-front cost and guarantees that the energy savings from the contracted project will pay for the project during the life of the agreement.

House Bill 687 increases the maximum contract length from 15 years to 20 years, mirroring federal law to allow lengthier payback periods. The bill also expands the list of allowable energy-saving measures to include: technology upgrades; water and sewer conservation measures; upgrades that improve the accuracy of billable revenue-generating systems; and automated or remotely controlled systems that reduce costs.

There is also a "catch-all" clause in the measure that includes technologies yet to be developed, as long as they provide measurable, long-term reductions in operational costs or increases in billable revenues.

The bill was signed into law as **Act 39 of 2010**.



* **Commission on Stimulus Accountability** — The Senate voted unanimously in favor of **Senate Bill 6**, which would have created the Pennsylvania Commission on Stimulus Accountability, an 11-member bipartisan commission to track, monitor and report on all funds distributed to Pennsylvania as part of the American Recovery and Reinvestment Act (federal stimulus law).

The bill would have created reporting standards for state agencies to determine exactly how and where these additional funds were used and required the state to establish a searchable database of individual stimulus projects for the public to review online.

The commission would have also been asked to make recommendations and identify ways to prevent waste and fraud. The body would have been required to submit all reports and meeting transcripts to the Senate and House appropriations committees.

The commission would have been made up of four members of the governor's cabinet, one member appointed by each of the four legislative caucuses and three members of the general public appointed by the governor, the Senate President Pro Tempore and the Speaker of the House of Representatives.

Earlier in 2009, Governor Ed Rendell created the Pennsylvania Stimulus Oversight Commission to provide oversight for stimulus funds.

Senate Bill 6 was not considered by the House State Government Committee.

* **Public Benefits for Illegal Aliens** — Illegal aliens who live in Pennsylvania would have been ineligible to receive public benefits under **Senate Bill 9**, which passed the Senate by a vote of 41-9.

Under current federal law, illegal aliens are prohibited from receiving federal, state or local public benefits. The only exceptions are emergency medical care, necessary immunizations and disaster relief.

Senate Bill 9 would have required anyone requesting public benefits in Pennsylvania to provide identification proving that they are legal residents. Additionally, they would have been required to sign an affidavit stating they are a U.S. citizen or an alien lawfully present in the United States.

Any applicant signing the affidavit would have their status verified through the Federal Systematic Alien Verification of Entitlement Program operated by the U.S. Department of Homeland Security.

The bill died in the House.

* * * **Election District Alterations** — The Senate voted unanimously in favor of **Senate Bill 33**, which extends the standards adopted by the Voting Standards Development Board for use in the 2009 and 2010 elections.

This law prohibits changes to election districts until all judicial appeals to the 2012 redistricting plan are resolved, with certain exceptions.

Finally, it bars the Secretary of the Commonwealth from approving a voting machine that does not comply with Section 301 of the Help America Vote Act and requires the Secretary to submit any corrections to municipal or voting district boundaries to the U.S. Department of Commerce.

The bill was signed into law as **Act 20 of 2009**.

* **Sunshine Law Violations** — The Senate voted 48-1 in favor of **Senate Bill 101**, which would have increased the penalties against public officials who intentionally violate the state's "Sunshine Law."

Pennsylvania's Sunshine Law, also known as the Right to Know Act, is a series of laws designed to guarantee that the public has reasonable access to government public records. These laws were updated in 2008 and took effect in January, 2009.

Senate Bill 101 would have increased the maximum fine from \$100 to \$1,000 for the first violation and up to \$2,000 for a subsequent offense.

The bill died in the House State Government Committee.



* **Use of State Vehicles** — The Senate voted unanimously in favor of **Senate Bill 104**, which would have restricted the use of state vehicles and established more transparency.

With the exception of undercover law enforcement work, the measure would have required state vehicles assigned to employees to have license plates identifying “official use.” The bill would have also required the Department of General Services and the respective state agency assigning vehicles to post employees’ names and titles as well as the year of the vehicle.

The bill died in the House State Government Committee.

* **State Agencies Advertising** — The Senate voted unanimously in favor of **Senate Bill 109**, which would have required public notification when commonwealth agencies pay for advertising.

Under this bill, state agencies would have had to disclose that advertisements are paid for with public funds. All advertising done by the agencies would have had to clearly include the phrase “Paid for with Pennsylvania taxpayer dollars.”

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 House never acted on the bill.

* **IRRC Proposed Regulation Data** — The Senate voted unanimously in favor of **Senate Bill 136**, which would have made changes to the Independent Regulatory Review Commission (IRRC) by requiring detailed data to be included with proposed regulations.

The IRRC was created to review state agency regulations to ensure that they are in the public interest.

Senate Bill 136 would have required a detailed explanation of any data included in proposed regulations. This explanation would have stated how the data was obtained and why the data was acceptable.

The bill died in the House Appropriations Committee.

* **Placing Registration and Reporting Forms Online** — The Senate voted unanimously in favor of **Senate Bill 896**, which would have required the Department of State to post registration and reporting forms on its website within seven days after they are received.

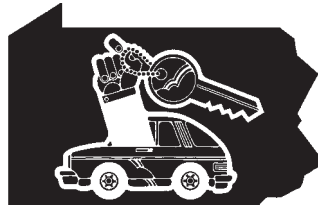
The bill died in the House State Government Committee.

* **Right-To-Know Updates** — The Senate unanimously passed **Senate Bill 1469**, which would have made numerous changes to update the state’s Right-to-Know Law.

This bill would have given agencies 30 business days, instead of 30 calendar days, when an extension to respond to a records’ request is sought. It would have also allowed county, school districts and municipalities to charge up to half of what it charges to copy records when requesters ask to review records — even if duplication is not sought.

Lastly, this bill would have narrowed the types of records government contractors and volunteer emergency responders must provide.

The bill died in the House.



TRANSPORTATION

*** * Restricting Junior Drivers** — The Senate approved legislation that would have placed restrictions on junior drivers.

With the exception of 911 and 511 calls, **House Bill 67** would have banned junior drivers from using cell phones.

Pointing to the state's seat belt law as a good example of emphasizing education over penalizing drivers, the senate changed the penalty in House Bill 67 from a "primary offense" to a "secondary" violation." For secondary offenses, drivers are only cited if they are stopped and prosecuted for a differing "primary offense."

Another amendment that would have banned cell phone use for drivers of all ages was tabled following a largely party-line vote.

The bill would have also limited the number of passengers under 18 if the driver has a junior license. For the first six months that the junior driver is licensed, there would have been a limit of one passenger under 18. After the first six months the junior driver would have been limited to three passengers under 18.

The bill died in the Senate after the House non-concurred in Senate amendments.

*** Vehicle Fee Exemptions** — By a 49-1 vote, the Senate approved **House Bill 1800**, which would have ensured that retirees who make less than \$19,200 and qualify for an exemption from paying vehicle registration fees would not have been penalized for receiving any federal or state stimulus money that puts their income above that limit.

The bill would have also clarified that amusement rides constructed as an integral part of the trailer chassis to create a single unit would be covered by this provision.

The bill would have also allowed the use of school-chartered buses to transport school children to school-related events, provided that they were not used to transport those children to or from their residences or designated bus stops.

The bill would have added a "vintage snowmobile" to the definition of snowmobile. A vintage snowmobile is defined as snowmobile that is at least 25 years old and is not operated in this Commonwealth except at vintage snowmobile events. The bill would have also added a \$10 fee for a vintage snowmobile permit.

The bill died in the Senate. However, many of the provisions in this bill were added to **House Bill 2246**, which was signed into law as **Act 81 of 2010**.

*** * * Penalty for Drivers Who Injure or Kill First Responder** — The Senate voted 44-3 in favor of legislation that toughens penalties against drivers who seriously injure or kill an on-duty emergency responder.

House Bill 2246, the "Sgt. Michael Weigand Law," adds up to five additional years to the



penalty for homicide by vehicle if the victim was an emergency responder acting in an official capacity. If an offender seriously injures an on-duty emergency responder, it is considered a third-degree felony and the court has the discretion to add an additional two years to the sentence.

The bill also establishes several new annual hauling permits and allows school-chartered buses to transport school children to a school-related event only if that vehicle is not used to transport school children to or from their residences or designated bus stops.

The bill was signed into law as **Act 81 of 2010**.

*** * * Trucker Protection from Liability** — The Senate unanimously approved legislation that would protect Pennsylvania trucking firms from unfairly being held responsible for damage caused by a shipper improperly packing goods.

House Bill 2375 adds a chapter titled “Motor Carriers” to the Transportation Code that prevents shippers from shifting liability to truckers when damage is caused by the shipper’s own neglect or intentional or reckless act. Truckers are still responsible for damage they cause.

The bill was signed into law as **Act 83 of 2010**.

*** Use of Commonwealth Aircraft** — The Senate unanimously approved **Senate Bill 110**, which would have required that certain information be provided about any passenger flight undertaken using the commonwealth’s aircraft.

Under the bill, the information and details on use of state aircraft would have been accessible to the public. PennDOT’s Web site would have provided the information, which would have been updated at least monthly.

The bill died in the House.

*** Banning Texting While Driving** — The Senate passed legislation that would have banned text messaging while driving.

Senate Bill 143 would have prohibited driving while using a wireless communication device to send, read or write a text message. The offense would have been a secondary offense and only applicable when a driver is cited for another driving violation.

There was an exemption for a person operating an emergency vehicle, police and fire company personnel on duty, and coroners responding to emergency calls.

This legislation would have superseded and preempted any similar ordinances in municipalities. The bill died in the House.

*** * * Land Sales** — The Senate unanimously approved **Senate Bill 747**, which authorizes the Department of Transportation to sell land acquired by the department at public sale after it’s determined that the land is not needed for any anticipated transportation purpose.

First, however, the land must be offered at its fair market value to other public agencies for public purpose, including the preservation of open space, and the for-sale notice must be published in the PA Bulletin, in which case public agencies have 30 days to express interest in purchasing the land.

The bill was signed into law as **Act 58 of 2010**.

*** Turn Back of Road in Tioga County** — The Senate unanimously approved legislation that would have authorized the turn back of a road to Ward Township, Tioga County by the Department of Conservation and Natural Resources.



Senate Bill 958 would have required Ward Township to adopt an ordinance or resolution accepting the roadway and pledging to maintain the road in the future. Once the ordinance or resolution was locally publicized the Secretary of the Department of Conservation and Natural Resources would have released the roadway to the township.

Ward Township requested this turn back. The road "Old Possessions Road" mostly traverses state forest land; however, there are some year round residents. These residents requested plowing and maintenance services from the township.

The bill died in the House.

* **Rail Freight Assistance Grants** — The Senate unanimously approved legislation that would have broadened language on grant work in the Rail Freight Preservation and Improvement Act.

Currently, a railroad may use in-house employees to do a project that receives a Rail Freight Assistance Grant. Therefore, prevailing wage does not apply and the project does not have to be put out to bid.

Senate Bill 1047 would have broadened the law's language to allow wholly-owned railroad affiliates to do the work at their cost without putting the project out for contract.

The bill died in the House.

* **Weight Limit Exemptions for Farm Vehicles** — The Senate unanimously approved **Senate Bill 1305**, which would have raised the weight limit exemption for farm vehicles from the current 17,000 pounds to the federally-allowable 26,000 pounds.

This bill would have provided relief to drivers of farm vehicles and combinations with weight and weight ratings of less than 26,001 pounds from any intrastate motor safety requirements, whether the vehicle was operated alone or towing a trailer or other farm implement.

The bill also would have clarified that tractors, which are not regulated by the federal Motor Safety Carrier Administration, remain exempt from Pennsylvania regulation in the future.

The bill died in the House. However, the bill's provisions were amended into **House Bill 2246** and signed into law as Act 81 of 2010.

* **Senate Confirmation for DRPA Commissioners** — The Senate voted 47-2 for **Senate Bill 1490**, which would have required Senate confirmation of the six commissioners appointed by Pennsylvania's governor to the Delaware River Port Authority (DRPA).

The bill would have also prohibited DRPA from entering into contracts with an entity owned by or having some relationship with a commissioner. Also, the governor would have been given the authority to veto any commissioner's action.

The legislation was prompted by news accounts on corruption within the DRPA.

The bill died in the House.



URBAN AFFAIRS AND HOUSING

*** * * Tackling Blight** — The Senate unanimously passed Senate Bill 900, which helps municipalities prevent blight and remediate abandoned properties.

The bill, based on the findings and recommendations of the Blight Task Force, holds property owners accountable for the costs to secure, remediate or demolish blighted structures. It also expedites the process of prosecuting owners of blighted properties and gives municipalities the authority to go after the financial assets of negligent owners.

Senate Bill 900 also permits local governments to deny permits to owners of blighted properties; develop an education program for judges and district justices relating to blighted and abandoned property; and creates county housing courts to fight blight at the local level.

The bill passed 177-19 in the House and was signed into law as **Act 90 of 2010**.

*** Private Real Estate Transfer Fees** — By a vote of 49-0, the Senate passed Senate Bill 1481, which would have prohibited private transfer fees on future real estate transactions and created reporting and disclosure requirements on the administrators of the private transfer fees that already exist. If the requirements were not met, the private transfer fee would have been voided.

The bill was introduced because the transfer fees obligation is often hidden in closing documents and doesn't require a signature — enabling a person with no ownership interest in the property to continue collecting revenue from it for up to 99 years.

The bill died in the House.

*** * Affordable Housing** — By a vote of 47-2, the Senate passed House Bill 60.

In an effort to encourage development of low-cost housing using federal funds, this bill would have created the Pennsylvania Housing Affordability and Rehabilitation Enhancement Program to be administered by the Pennsylvania Housing Finance Agency.

Implementation of the program would have been contingent upon the availability of federal funds and would have been suspended if federal money were not available.

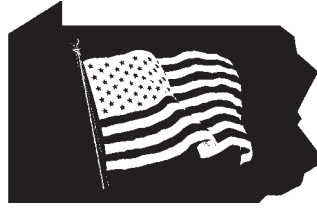
The bill went back to the House and died.

*** * * Cigar Taxes** — By a vote of 35-14, the Senate authorized changes to the Fiscal Code as part of the 2009-10 budget. House Bill 1614 authorizes taxes on small cigars and creates the independent fiscal office to monitor state revenues and projections.

The fiscal office is to operate as an agency independent of the legislative and executive branches. The office will also develop a five-year fiscal projection for Pennsylvania.

The provision for the fiscal office was originally contained in Senate Bill 1, which passed the Senate by a mostly party-line vote. The bill's supporters said such an office would prevent political calculations from entering budget estimating, but opponents said it would provide a costly duplicate agency that the state could ill afford during the existing budget crisis. The issue eventually became part of the budget negotiations after it was amended into House Bill 1614.

The commission's powers took effect on Sept. 30, 2010. House Bill 1614 also contained the provisions of Senate Bill 1042, which passed the Senate by a vote of 36-13. It was signed into law as **Act 50 of 2009**.



VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS

*** * * State Funding for 911 System** — The Senate unanimously approved legislation that continues state funding for Pennsylvania's emergency 911 telephone system.

Under law, a \$1 monthly surcharge is placed on wireless telephone customers for 911 services provided throughout the state. **House Bill 718** extends the surcharge fee on wireless phones to June 30, 2014.

The bill was signed into law as **Act 6 of 2009**.

*** * * Military Family Relief Assistance Program** — The Senate unanimously approved **House Bill 1533**, which changes the expiration date of the Military Family Relief Assistance Program from June 30, 2011 to June 30, 2016.

The program helps Pennsylvania military personnel and their families with grants of up to \$2,500 annually to provide food, shelter and other necessities in times of hardship.

Additionally, the bill adds Pennsylvania National Guard members to the list of individuals who are eligible, as well as military personnel for a period of one year after completion of active duty, and former members for a period of two years after discharge if the member was discharged for certain medical reasons.

The bill was signed into law as **Act 9 of 2010**.

*** Codifying Emergency Services** — The Senate voted 44-5 for **House Bill 2321**, which would have codified over a dozen acts relating to fire and emergency services and inserted them into Emergency Management Code (Title 35).

Some of the current acts that would have been brought together in the measure involve the State Fire Commissioner Act, the Fire Police Act, the Volunteer Firefighters' Relief Association Act, the Volunteer Fire Company and Volunteer Ambulance Service Grant Act, along with others.

The bill also would have inserted language from Title 18 (Crimes Code) into Title 35, which states that individuals convicted of arson are prohibited from serving or being certified as firefighters.

The bill also would have inserted language from Title 4 (Amusement) into Title 35, which requires the transfer of \$25 million to the Volunteer Fire Company Grant Program from the state Gaming Fund.

The bill died in the House.

*** Transfer of Willow Grove Base** — The Senate approved legislation that would have transitioned the former Willow Grove Naval Air Station Joint Reserve Base and Air Reserve Station property to the Horsham Joint Interagency Installation.



Senate Bill 48 would have allowed Pennsylvania to acquire all available land, easements, Air Installation Compatible Use Zones and facilities at the Willow Grove site from the federal government for operation as a joint interagency installation that the Pennsylvania National Guard and other departments of defense would use. The property would have been known as the Horsham Joint Interagency Installation.

The property would have been used by governmental agencies, military units and nongovernmental associated users performing national defense.

It would not have been used for commercial passenger operations, cargo operations, aircraft operations and as a reliever airport, except under extraordinary circumstances.

The bill died in the House.

*** * * Tuition Rates for Military** — The Senate unanimously approved **Senate Bill 87**, which allows community colleges and state-related or state-owned universities to charge residential tuition rates to any active military personnel, their spouse or dependents who are taking online courses.

Previously, the law did not allow these institutions to offer the in-state tuition rate to servicemen and women unless they are state residents.

The bill was signed into law as **Act 57 of 2010**.

*** Veteran-owned small businesses** — The Senate voted 43-4 for legislation that would have established procurement goals for veteran-owned small businesses.

Under **Senate Bill 162**, the Department of General Services and other state purchasing agencies would have been required to establish a policy and publicize regulations on 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.

*** Military Leave of Absence** — The Senate unanimously approved **Senate Bill 196**, which would have granted military leave from their education for spouses of active duty service members.

In addition, upon release from active duty, military personnel and spouses would have been entitled to restore the educational status they had attained prior to their duty.

The bill died in the House.

*** * * Wearing Military Uniform on School Property** — The Senate approved legislation that restricts schools from prohibiting military personnel from wearing their official military uniforms on school property.

Under **Senate Bill 206**, public school administrators cannot impose any restrictions or prohibitions on the wearing of official military uniforms while on school property. The same regulations apply to military personnel who visit or meet with a school district employee or student. Violators face a \$500 fine.

The bill was signed into law as **Act 13 of 2010**.

*** * * EMS System Update** — The Senate unanimously approved **Senate Bill 240**, which updates the Emergency Medical Services System Act to define the objectives of the Emergency Medical Services System, what the Department of Health is authorized to do and the duties of the regional EMS council, as well as require the preparation of a statewide EMS system plan.

Under the measure, the Department of Health plans, guides and coordinates programs to promote effective and efficient operation of a statewide and regional EMS system.

The bill was signed into law as **Act 37 of 2009**.



*** * * Establishing Installation Police Officers** — The Senate voted 47-1 for legislation establishing “installation police officers” at Fort Indiantown Gap and other designated commonwealth military facilities and lists their powers and duties while patrolling the facilities.

Under **Senate Bill 384**, installation officers are responsible for protecting and enforcing good order at Fort Indiantown Gap, escorting disorderly individuals and trespassers from the grounds, preventing and investigating criminal acts, and apprehending, arresting and charging criminal offenders.

Any employee commissioned to be an installation officer must successfully complete a course of training and any other periodic training. Installation officers are considered state employees.

The bill was signed into law as **Act 89 of 2010**.

*** Active-duty Military Personnel in College** — The Senate unanimously approved legislation that would have been protected the status of active-duty military personnel in college.

Senate Bill 825 would have given members of the National Guard returning from active duty a choice to continue their higher education degree under the requirements in place prior to the their military leave, or under the new degree requirements, if their graduation requirements changed while they were deployed.

The bill died in the House.

*** Emergency Service Exemptions from Right-to-Know Law** — The Senate passed legislation that would have amended the Volunteer Fire Company and Volunteer Ambulance Service Grant Act by stating that volunteer companies and services are exempt from the Right-To-Know Law.

Senate Bill 851 would have exempted volunteer ambulance service companies, volunteer fire companies, volunteer rescue companies, volunteer water rescue companies, volunteer organizations that provide hazardous materials response services and volunteer organizations that provide emergency medical services.

If an entity had a contract with a local agency to provide services to the agency, the financial records of the entity relating to the contract would have been subjected to the Right-To-Know Law.

The bill died in the House.

*** * * Military Officers Association of America** — The Senate unanimously approved **Senate Bill 960**, which adds Military Officers Association of America as one of the organizations that is part of the State Veterans’ Commission.

The commission advises the Adjutant General and the Department of Military and Veterans Affairs on all matters pertaining to the status, welfare benefits, employment and support of veterans and veterans’ programs in Pennsylvania.

The bill was signed into law as **Act 28 of 2010**.

*** Burial Details for Veterans** — The Senate unanimously approved **Senate Bill 1186**, which would have allowed the Department of Military Affairs to arrange for burial details for veteran soldiers who are to be interred in the Washington Crossing National Cemetery.

The department currently has the power to arrange for burial details for veteran soldiers who are to be interred in the Indiantown Gap National Cemetery and the National Cemetery of the Alleghenies.

The bill died in the House.

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