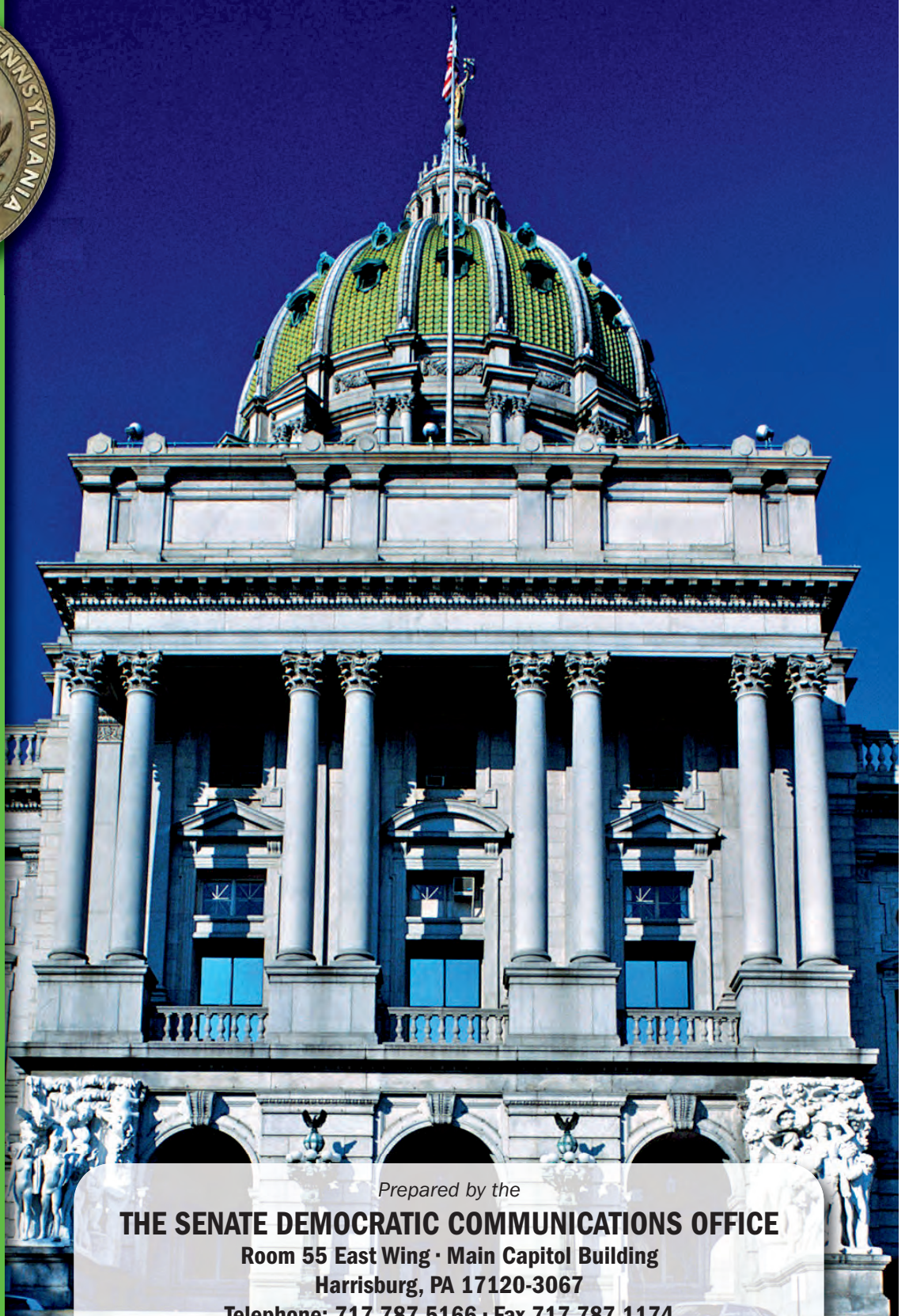




# LEGISLATIVE REVIEW

2011 - 2012 SESSION



*Prepared by the*

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## Senate of Pennsylvania

**LEGISLATIVE WRAP-UP FOR THE 2011-2012 SESSION****FOR EDITORIAL BACKGROUND:**

With the state still reeling from one of the worst recessions since the great Depression, state lawmakers focused much of their efforts on trying to close gaping budget holes without decimating crucial programs and services.

In both of his first two budget proposals, Gov. Tom Corbett proposed devastating cuts to a host of education, social service and economic development programs. In both years, Democrats led efforts to restore funding.

The \$27.15 billion 2011-12 spending plan (see *House Bill 1485, Appropriations*) cut public school funding by \$1 billion, slashed college funding by \$500 million and trimmed overall spending by 3.4 percent. The \$27.7 billion 2012-13 budget (see *Senate Bill 1466, Appropriations*) limited new spending to 2 percent, flat-lined school support and cut human services funding by \$84 million. Senate Democrats helped hammer out an agreement that restored \$517 million.

In both years, Democrats criticized the Corbett Administration for seeking steeper budget cuts than necessary, hoarding dollars and coddling huge corporations at the expense of Pennsylvania's most vulnerable citizens. Also, while Republicans boasted that their budgets held the line on taxes, Democrats countered that the administration's education cuts led to huge statewide property tax increases and tuition hikes.

Throughout the two-year session, Democrats pressed Republicans to focus more attention on stimulating the economy through job creation and economic development programs. They unveiled two separate legislative packages, called "PA Works" and "PA Works Now," aimed at creating jobs and leveraging business investment. Republicans bottled up the bills in committee or helped themselves to selective parts of certain bills that were incorporated into Republican-sponsored legislation.

While most of the attention was aimed at budget issues, senators did pass numerous significant bills. Some of the laws enacted in 2011: expand the right of homeowners to use deadly force (see *House Bill 40, Judiciary*); repeal the requirement for automatic sprinkler systems in new home construction (see *House Bill 377, Labor and Industry*); toughen penalties against those who violate the state's "Sunshine Law" (see *Senate Bill 101, State Government*); prohibit texting while driving (see *Senate Bill 314, Transportation*); impose stricter standards on abortion clinics (see *Senate Bill 732, Health and Welfare*); end Pennsylvania's joint and several liability doctrine (see *Senate Bill 1131, Judiciary*); and re-map the state's congressional districts (see *Senate Bill 1249, State Government*).

For 2012, some of the new laws: reform the state's "Small games of Chance" law (see *Senate Bill 444, Finance*); impose an impact fee and regulatory requirements on the gas drilling industry (see *House Bill 1950, Environmental Resources and Energy*); require voters to show an approved form of photo identification (see *House Bill 934, State Government*); and restore the Homeowners Emergency Mortgage Assistance program (see *Senate Bill 1433, Urban Affairs and Housing*);

For the two-year 2013-14 legislative session, Senate Democrats said they will continue to fight for legislation that would create jobs, fund transportation projects, repair the human services safety net and invest in education.



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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

\*\*\* **Family Caregiver Support** — The Senate unanimously passed **House Bill 210**, which updated Pennsylvania's Family Caregiver Support Program to include non-relative caregivers and brought the state program in line with its federal counterpart.

Pennsylvania's Caregiver Support Act provides benefits and services for eligible caregivers who care for functionally dependent relatives 60 years of age and older, as well as adults with chronic dementia such as Alzheimer's who are 18 and older.

This bill increases the maximum amount allowable under the program for out-of-pocket expenses from \$200 per month to \$500 per month. In addition to out-of-pocket expenses, the program provides grants of up to \$2,000 for home modifications such as ramps and chair lifts.

This bill was signed into law as **Act 112 of 2011**.

\*\*\* **PACE/PACENET COLA Exemption Extension** — The Senate unanimously passed **House Bill 463**, extending the expiration of the Social Security cost-of-living increase exemption date for the PACE and PACENET programs to December 31, 2010.

These extensions were made under the state Lottery law so that certain PACE and PACENET recipients were not disqualified based on Social Security cost-of-living increases. The recipients now remain qualified for the programs until December 31, 2013. In addition, the measure provides for the reenactment to apply retroactively to December 31, 2010.

The bill was signed into law as **Act 21 of 2011**.

\*\*\* **Informal Review of Nursing Homes** — The Senate unanimously passed **House Bill 1052**, establishing an informal review process for long-term care nursing facilities that enables the facilities to use an independent agent to dispute allegations of noncompliance with federal and state regulations.

Under this bill, long-term care facilities and nursing homes may dispute allegations of noncompliance that may arise during the survey process before the findings are entered into the federal data systems, saving them the expense of litigation.

The bill also gives long-term care facilities the option to use the current review process through the Department of Health, or choose an independent Quality Improvement Organization at their own expense.

The bill was signed into law as **Act 128 of 2011**.

\*\*\* **Adult Guardianship** — The Senate unanimously passed **House Bill 1720**, which creates the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act — setting the ground rules for determining which state would have jurisdiction over adult guardianships, conservatorships and other protective proceedings. The bill also created a system for resolving multi-state disputes.

The bill permits a court to consider which jurisdiction can best protect a person from abuse, aids communications between courts in different states about abuse allegations, and allows courts to transfer cases between states in order to remove persons from abusive situations.

This bill does not alter how Pennsylvania determines guardianships or



conservatorships, but merely brings Pennsylvania in line with 29 other states that have adopted the law to streamline the transfers of guardianship from one state to another.

The bill was signed into law as **Act 108 of 2012**.

\* **State Alzheimer's Plan** — By a vote of 194 to 2, the Senate passed **House Bill 2270**, which would have created a planning committee in the Department of Aging to create a state Alzheimer's Plan.

Under the legislation, the planning committee would have measured the current and future impact of Alzheimer's disease on Pennsylvania residents, created a state response strategy to combat the disease, and provided assessments and recommendations on how to deal with Alzheimer's disease.

The House amended the bill and returned it to the Senate where it died.

\*\*\* **Background Checks for Healthcare Employees** — The Senate unanimously passed **House Bill 2407**, which amends the Older Adults Protective Services Act to strengthen criminal background checks for health-care employees.

Under the legislation, health and social service employees must complete a criminal history background check by the Pennsylvania State Police or Federal Bureau of Investigation.

The bill was signed into law as **Act 175 of 2012**.

\*\*\* **Child Abuse Recognition and Reporting Program** — The Senate unanimously passed **Senate Bill 449**, which requires school personnel be trained to recognize the signs of child abuse.

The bill requires schools and their independent contractors to provide training on child abuse recognition and reporting to their employees who have direct contact with children. The training will include recognition of signs of abuse and sexual misconduct; mandatory reporting requirements; individual school policies regarding reporting of suspected abuse; and guidelines for professional and appropriate relationships with students. At least three hours of training in child abuse identification will be required every five years. Continuing education credits will be awarded for programs approved by the departments of Education and Public Welfare.

The bill was signed into law as **Act 126 of 2012**.

\* **Nursing Homes Appeal of Cited Deficiencies** — The Senate unanimously passed **Senate Bill 1095**, which would have established an independent and objective process for nursing homes to appeal deficiencies.

Currently, the state Department of Health conducts its own informal dispute resolution (IDR) process for long-term care facilities as required by federal law. Senate Bill 1095 would have provided an option for long-term care facilities to either use the department's IDR process or have a Quality Improvement Organization (QIO) hear the appeal. The QIO would have been approved by the Centers for Medicare and Medicaid Services and under contract with the state to conduct the IDR.

Any recommendations made by the independent IDR would have been subject to final review and approval of the Department of Health.

The bill died in the House.

Similar legislation, House Bill 1052, was signed into law.



# AGRICULTURE AND RURAL AFFAIRS

\*\*\* **Small Non-coal Surface Mining** — The Senate approved legislation by a 47 to 3 vote that permits non-coal surface mining activities on land enrolled in the “Clean and Green” program.

The Clean and Green program was created in 1974 to encourage preservation of agricultural land. Properties enrolled in the program are assessed and taxed based on their use value, rather than the higher market value. Under the current law, if the use of the property changes, owners may be assessed roll-back taxes on all or part of the land.

**House Bill 143** allows a Clean and Green property owner to lease or devote land to small non-coal surface mining. The landowner will be only assessed roll-back taxes on the portion of the land being used.

A small non-coal surface mining permit limits the permit area to no more than five acres and extraction of no more than 10,000 tons of non-coal minerals per year.

Only one small non-coal surface mining permit will be active at any one time on land subject to a single application for preferential assessment.

These regulations are consistent with the regulations already in place for the exploration and extraction of gas, oil, and coal bed methane.

The bill was signed into law as **Act 34 of 2011**.

\*\*\* **Roll-back Taxes** — The Senate unanimously approved legislation that corrects the language on when roll-back taxes are due when an oil or gas well is drilled on land enrolled in Clean and Green.

The Clean and Green program was created in 1974 to encourage preservation of agricultural land. Properties enrolled in the program are assessed and taxed based on their use value, rather than the higher market value.

**House Bill 144** changes the time when roll-back taxes and fair market value assessment can be applied from when a well site restoration report is approved by Department of Environmental Protection (DEP) to when a well production report is submitted to DEP.

The bill was signed into law as **Act 35 of 2011**.

\*\*\* **Adding to the Definition of ‘Contiguous Acreage’** — The Senate unanimously approved legislation that amends the Agriculture Security Law of 1981 to provide the definition of contiguous acreage. The measure nullifies the existing definition.

Under law, landowners may elect to enroll their farmland into the Agricultural Conservation Easement Program if they have a certain amount of “contiguous” acreage. Previous regulations allowed land to be considered contiguous if it is divided by streams, public roads, and bridges, but the law did not include land divided by railroads.

**House Bill 562** adds the definition of “contiguous acreage” to the Agricultural Security Law and includes railroads in the list of permissible reasons of why acreage can be divided.

The bill also repeals the provisions that permit easements to expire after 25 years, thereby making all easements perpetual. The bill also adds underground mining of non-coal minerals as an authorized activity on preserved farmland.

The bill was signed into law as **Act 44 of 2011**.



\*\*\* **Pennsylvania Preferred Trademark** — The Senate unanimously approved legislation that provides for the registration, licensing and use of the Pennsylvania Preferred Trademark.

Since 2004, the Pennsylvania Preferred program has been used to identify and promote Pennsylvania grown, harvested and processed agricultural commodities and products.

**House Bill 1424** requires the Department of Agriculture to acquire, register, license, protect and promote the Pennsylvania Preferred Trademark for use in the sale and promotion of Pennsylvania-produced agricultural commodities.

The bill also establishes the Pennsylvania Preferred Trademark Licensing Fund as an interest-bearing restricted account that is the depository for funds appropriated, granted or collected. Funds in the account are used for the costs associated with administering the program. There are no fees associated with licensing.

The bill was signed into law as **Act 78 of 2011**.

\* **Agriculture Disaster Recovery Program** — The Senate unanimously approved legislation that would have created the Agriculture Disaster Recovery Program to provide loans and an interest buy-down program to assist in the recovery from a disaster declared by the president, U.S. Department of Agriculture secretary or governor.

Currently, there is no law that applies to loan and interest buy-down programs within the state Department of Agriculture.

Under **Senate Bill 1323**, loans issued through the program would have been zero interest loans with a maximum loan term of 24 months. The maximum loan would have been \$100,000.

Applicants and private banks could have participated in the interest buy-down program, which would have reduced the interest by a maximum of 4 percent on loans from \$10,000 to \$100,000 with maximum loan terms of 24 months.

The funding would have been provided for the following uses: working capital, land contamination remediation, land restoration, floodway restoration, the removal of debris from creeks, streams or waterways and other eligible losses as determined by the department, including milk, feed and crop loss.

The bill died in the House Agriculture and Rural Affairs Committee.

\*\*\* **Parking Meter Inspection** — The Senate voted 47-2 in favor of **House Bill 2366**, which transfers the responsibility to inspect commercial parking meters from the Department of Agriculture to local government.

Under the bill, the appropriate local government or authority would be required to thoroughly inspect the meters within five-year intervals. The bill was aimed at freeing up the Department of Agriculture's weights and measures inspectors.

The legislation was enacted as Act 169 of 2012.

\*\*\* **Transporting Forage Crops** — The Senate unanimously approved **House Bill 2371**, which increases the allowable width of vehicles and implements transporting forage crops and vegetable nutrients from 11 to 12 feet during the day, and to 14 feet, six inches at night. The bill was enacted as **Act 173 of 2012**.





\*\*\* **Husbandry** — The Senate unanimously approved **House Bill 2372**, which permits the daytime or night-time operation of implements of husbandry not exceeding 14 feet 6 inches in width on highways, other than freeways, for a farmer to provide agricultural services to another farmer within 50 miles. The bill was enacted as **Act 174 of 2012**.

\*\*\* **Honey Sales** — The Senate unanimously approved **House Bill 2565**, which exempts on-farm sales of honey from food licensing and registration.

Under the measure, retail food facilities and food establishments that are in compliance with the “Honey Sale and Labeling Act” and located on the farm of origin are exempt from licensing or registering their honey products with the state Department of Agriculture. Producers who sell honey products at locations other than the farm of origin must still be licensed and/or registered.

The bill was signed into law as **Act 180 of 2012**.

\*\*\* **Humanely Euthanizing Animals** — The Senate unanimously approved **House Bill 2630**, which bans several inhumane ways of euthanizing animals.

Under the Animal Euthanasia Method Act, euthanasia must be done with drugs approved for animal euthanasia by the U.S. Food and Drug Administration. The drugs must be administered by a veterinarian, certified veterinary technician or other individual under the supervision of a veterinarian.

The bill specifically outlaws methods such as the decompression chamber, carbon monoxide gas, drowning, and certain drugs used on younger animals. Veterinary schools, medical schools and research institutes are exempt from the law.

The bill was enacted as **Act 182 of 2012**.

\* **Dealer and Supplier Agreements** — The Senate passed **Senate Bill 1169** by a vote of 37-11. This bill would have clarified regulations that govern agreements between dealers and suppliers of agricultural equipment.

Under the bill, a dealer would have been able to terminate a dealer agreement by providing the supplier at least 30-days written notice. The bill would also have blocked a supplier from substantially changing the competitive circumstances of a dealer agreement without good cause.

The bill also included language to protect car dealers from coercive acts by manufacturers.

The measure died in the House.

\*\*\* **Tax Breaks for Composting** — The Senate unanimously approved **Senate Bill 1298**, which permits land devoted to nutrient management and composting to be eligible for preferential tax assessment under the “Clean and Green” program.

The measure would also qualify composting under “agricultural use” and permit participants to bring in off-farm products for use as part of the composted material.

The bill also provides for reimbursement of county roll-back taxes for composting activities that occurred on land enrolled in Clean and Green prior to the effective date of this law, and for which an active appeal of the roll-back tax payment is underway.

The measure was enacted as **Act 190 of 2012**.





\* **Euthanizing Animals** — The Senate unanimously approved **Senate Bill 1329**, which would have banned the use of carbon monoxide gas as a means to euthanize animals.

Under the Democratic-sponsored bill, dogs and cats could only have been euthanized using sodium pentobarbital or a derivative. Exceptions would have been provided for facilities such as farms, veterinary schools and certain research institutions.

The measure also would have limited animal euthanasia to a licensed technician.

While the bill died in the House, its major provisions were included in House Bill 2630 (Act 182 of 2012).



## APPROPRIATIONS

\*\*\* **2011-12 Budget Imposes Severe Funding Cuts** — In a 30-20 party line vote, the Senate passed a controversial fiscal 2011-12 spending plan that imposed massive cuts on schools, health care services, job creation programs and critical services for vulnerable citizens.

The state's \$27.15 billion budget trimmed state spending by 3.4 percent (\$962 million), closed the state's \$4 billion structural deficit, lowered corporate taxes and squirreled away nearly \$800 million in surplus revenue in the Rainy Day Fund. While **House Bill 1485** held the line on taxes, many Democrats pointed out that the Republican education cuts were far harsher than they needed to be and will spur huge local property tax hikes, teacher furloughs and other school cutbacks.

Democrats, who were excluded from the secretive budget negotiations, also criticized the plan for balancing the budget on the backs of working families, students, the jobless and sickly. They also attacked Republicans for refusing to impose any severance tax or fee on the booming natural gas drilling industry; and allowing major corporations to continue shielding taxable income and assets in other states.

Despite funding restorations inserted by both the House and Senate, the final Republican spending plan still cut college funding by nearly \$500 million (approximately 20 percent), and public school district funding by nearly a billion (10 percent). Republicans argued that the huge education cuts were prompted by the loss of federal stimulus dollars. No funding was provided for job creation programs. Despite an alarming increase in uncompensated care costs, the budget slashed hospital funding.

The budget was signed into law at 11:45 p.m. on June 30 as **Act 1A of 2011**.

\*\*\* **Funding for Pitt** — The Senate unanimously approved **House Bill 1727**, which appropriated \$136 million to the University of Pittsburgh for fiscal 2011-12. The non-preferred appropriation represents a \$31.9 million (19 percent) cut compared to 2010-11. The bill was enacted as **Act 10A of 2011**.

\*\*\* **Funding for Temple** — The Senate unanimously approved **House Bill 1728**, which appropriated \$139.9 million to Temple University for fiscal 2011-12. The non-preferred appropriation represents a \$32.8 million (19 percent) cut compared to fiscal 2010-11. The bill was enacted as **Act 11A of 2011**.

\*\*\* **Funding for Penn** — The Senate unanimously approved **House Bill 1729**, which appropriated \$28.1 million to the University of Pennsylvania for fiscal 2011-12. The non-preferred appropriation represents a \$1.8 million (6.2 percent) cut compared to last year. The bill was enacted as **Act 12A of 2011**.



\*\*\* **Funding for Lincoln University** — The Senate unanimously approved **House Bill 1730**, which appropriated \$11.1 million to Lincoln University for fiscal 2011-12. The non-preferred appropriation represents a \$2.6 million (19 percent) cut compared to 2010-11. The bill was enacted as **Act 13A of 2011**.

\*\*\* **Funding for Penn State** — The Senate unanimously approved **House Bill 1731**, which appropriated \$272.4 million to Penn State University for fiscal 2011-12. The non-preferred appropriation represents a \$61.4 million (18.4 percent) cut compared to fiscal 2010-11. The bill was enacted as **Act 14A of 2011**.

\*\*\* **Capital Budget Bill** — The Senate unanimously approved **Senate Bill 1054**, the 2011-12 Capital Budget legislation. Under the measure, the state is authorized to incur a maximum of \$1,662 billion in bond indebtedness for the fiscal year, \$75 million more than the previous year. The bill was enacted as **Act 130 of 2011**.

\*\*\* **SERS Funding** — The Senate unanimously passed **Senate Bill 1055**, which appropriated \$27.3 million for the general government operations of the State Employees Retirement System (SERS) for the 2011-12 fiscal year. The appropriation matched what the governor requested in his budget proposal. The bill was enacted as **Act 2A of 2011**.

\*\*\* **PSERS Funding** — The Senate unanimously passed **Senate Bill 1056**, which appropriated \$44.1 million for the general government operations of the Public School Retirement System (PSERS) for the 2011-12 fiscal year. The appropriation matched what the governor requested in his budget proposal. The bill was enacted as **Act 3A of 2011**.

\*\*\* **Funding for Professional Boards** — The Senate unanimously approved **Senate Bill 1057**, which appropriated \$43.865 million from the General Fund to the Department of State to fund the Bureau of Professional and Occupational Affairs (\$35.5 million); State Board of Medicine (\$6.6 million); State Board of Osteopathic Medicine (\$960,000); State Board of Podiatry (\$189,000); and State Athletic Commission (\$509,000). The bill was signed into law as **Act 4A of 2011**.

\*\*\* **Workmen's Compensation Funding** — By a unanimous vote, the Senate approved **Senate Bill 1058**, which appropriated \$81.9 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. The measure also provided \$194,000 to the Office of the Small Business Advocate under the Department of Community and Economic Development. The bill was enacted as **Act 5A of 2011**.

\*\*\* **PUC Funding** — The Senate unanimously approved **Senate Bill 1059**, which appropriated \$58.8 million from the state General Fund; and \$3.9 million in federal funds to the Public Utility Commission. The federal dollars were for natural gas pipeline safety (\$1.5 million); motor carrier safety (\$1.8 million); and ARRA for electric regulatory assistance (\$511,000). The amounts reflect what Gov. Tom Corbett requested in his budget proposal. The bill was signed into law as **Act 6A of 2011**.



\*\*\* **Funding for Consumer Advocate** — The Senate unanimously approved **Senate Bill 1060**, which appropriated \$5.189 million from the General Fund to the Office of Consumer Advocate in the Office of Attorney General. The measure cut the agency's \$5.2 million fiscal year funding by \$11,000. The bill was enacted as **Act 7A of 2011**.

\*\*\* **Small Business Advocate** — By a 48-1 vote, the Senate approved **Senate Bill 1061**, which appropriated \$1.092 million to the Office of Small Business Advocate in the Department of Community and Economic Development for fiscal 2011-12. The bill was enacted as **Act 8A of 2011**.

\*\*\* **Gaming Funds** — The Senate unanimously approved **Senate Bill 1062**, which appropriated \$66.189 million from the state Gaming Fund to the Gaming Control Board, Department of Revenue, State Police, and Office of Attorney General for gaming industry oversight. The bill was enacted as **Act 9A of 2011**.

\* **Senate Version of Penn State Funding** — The Senate unanimously approved **Senate Bill 1122**, which would have appropriated \$285.8 million to Penn State University for fiscal 2011-12. The non-preferred appropriation would have represented a \$47.9 million (14.4 percent) cut compared to last year. The measure died in the House. In the end, House Bill 1731 was the vehicle used to provide the school's appropriation.

\* **Senate Version of Funding for Pitt** — The Senate unanimously approved **Senate Bill 1123**, which would have appropriated \$142.7 million to the University of Pittsburgh for fiscal 2011-12. The non-preferred appropriation would have represented a \$25.2 million (15 percent) cut compared to last year. The measure died in the House. In the end, House Bill 1727 was the vehicle used to provide the school's appropriation.

\* **Senate Version of Funding for Temple** — The Senate unanimously approved **Senate Bill 1124**, which would have appropriated \$146.8 million to Temple University for fiscal 2011-12. The non-preferred appropriation would have represented a \$25.9 million (15 percent) cut compared to last year. The measure died in the House. In the end, House Bill 1728 was the vehicle used to provide the school's appropriation.

\* **Senate Version of Funding for Lincoln University** — The Senate unanimously approved **Senate Bill 1125**, which would have appropriated \$11.7 million to Lincoln University for fiscal 2011-12. The non-preferred appropriation would have represented a \$2 million (15 percent) cut compared to last year. The measure died in the House. In the end, House Bill 1730 was the vehicle used to provide the school's appropriation.

\* **Senate Version of Funding for Penn** — The Senate unanimously approved **Senate Bill 1126**, which would have appropriated \$29 million to the University of Pennsylvania for fiscal 2011-12. The non-preferred appropriation would have represented a \$1 million (3.3 percent) cut compared to last year. The measure died in the House. In the end, House Bill 1729 was the vehicle used to provide the school's appropriation.





\* **Flood Relief Borrowing** — By a 48 to 1 vote, the Senate approved **Senate Bill 1266**, which would have authorized borrowing up to \$150 million for flood-related highway, bridge and rail rehabilitation projects, as well as flood control and disaster mitigation projects.

The measure was part of a bipartisan eight-bill package designed to provide relief to people impacted by heavy flooding caused by Tropical Storm Lee and Hurricane Irene.

The bill died in the House.

\* **Flood Damage to Highways** — The Senate unanimously approved **Senate Bill 1268**, which would authorize a county-by-county list of highways damaged by the Tropical Storm Lee and Hurricane Irene flooding that require repair and rehabilitation.

The measure, which would authorize up to \$75 million for projects listed by priority under highway Capital Budget project itemization, was part of an eight-bill bipartisan legislative package in response to the fall flooding and storm damage.

The bill is now in the House.

\* **Flood Damage to Railroads** — The Senate unanimously approved **Senate Bill 1269**, which would have authorized a county-by-county list of bridges and railroad facilities damaged by the Tropical Storm Lee and Hurricane Irene that require repair and rehabilitation.

The bill, which would have itemize the projects for Capital funding, was part of an eight-bill bipartisan legislative package in response to the fall flooding and storm damage. The measure would have limited authorization for the bridge projects at \$8.9 million, and \$2 million for the railroad projects

The bill died in the House.

\* **Flood Control Funding** — The Senate unanimously approved **Senate Bill 1271**, which would have authorized a county-by-county list of flood control and disaster mitigation projects eligible for Capital funding in response to damage caused by Tropical Storm Lee and Hurricane Irene.

The bill was part of an eight-bill bipartisan legislative package in response to the fall flooding and storm damage. The measure would have itemized a total of \$41.0 million in public improvement projects and \$7.29 million in disaster mitigation or assistance projects.

The bill died in the House.

\*\* **Funding for Flood Damaged Infrastructure** — The Senate unanimously passed an amended version of **House Bill 1916**, which would have authorize state funding for a list of highways, bridges, and flood control and hazard mitigation projects.

This bill would have authorized \$150 million in borrowing for the rehabilitation of areas damaged by Hurricane Irene and Tropical Storm Lee in September of 2011. The bill would have allocated 75 percent of the funds for Pennsylvania's share of projects funded by the federal government; the remaining 25 percent would have been allocated for projects with either an insufficient federal share or that are ineligible for federal funding.

The bill was tabled and died in the House.



\*\*\* **Non-preferred Appropriations for 2012-13** — The following non-preferred appropriations bills for 2012-13 were enacted:

- The Senate unanimously approved **Senate Bill 1122**, which appropriates \$214.1 million to Penn State University for fiscal 2012-13 – a \$58 million cut compared to fiscal 2011-12. The bill was enacted as **Act 10A of 2012**.
- The Senate unanimously approved **Senate Bill 1123**, which appropriates \$136.076 million to the University of Pittsburgh for fiscal 2012-13. The amount is the same appropriated in 2011-12. The bill was enacted as **Act 11A of 2012**.
- The Senate unanimously approved **Senate Bill 1124**, which appropriates \$139.917 million to Temple University for fiscal 2012-13. The amount is the same appropriated in fiscal 2011-12. The bill was enacted as **Act 12A of 2012**.
- The Senate unanimously approved **Senate Bill 1125**, which appropriate \$11.163 million to Lincoln University for fiscal 2012-13. The amount is the same appropriated in fiscal 2011-12. The bill was enacted as **Act 13A of 2012**.
- The Senate unanimously approved **Senate Bill 1126**, which appropriates \$28.137 million to the University of Pennsylvania for fiscal 2012-13. The amount is the same appropriated in fiscal 2011-12. The bill was enacted as **Act 14A of 2012**.

\*\*\* **2012-13 Budget** — The Senate voted 32 to 17 for **Senate Bill 1466**, the state's \$27.7 billion budget for fiscal 2012-13.

The spending plan was largely patterned from a negotiated agreement the Senate hammered out in May that restored \$517 million in funds that Gov. Tom Corbett recommended cutting in his February budget proposal.

The budget makes numerous funding restorations while holding the line on taxes. It contains state spending at a 2 percent increase over the previous year's budget.

Senate Bill 1466 fully reverses the projected funding cuts to colleges. In turn, school officials pledged to keep tuition hikes below the inflation rate. The measure also partially restores funding to public schools, including \$50 million for Accountability Block Grants and \$50 million for distressed school districts.

The bill restores half (\$84 million) of the funds the governor proposed cutting from county human service programs; as well as easing cuts for hospitals and nursing homes. The bill also provides \$365 million in business tax cuts and credits.

Many Democrats voted against the budget, claiming the cuts were steeper than necessary, that stagnant public school subsidies will trigger more local property tax hikes and that the spending plan fails to adequately invest in economic development and jobs programs. The state ended the year with a \$649 million general fund balance. Lawmakers put \$380 million in reserve.

The budget was signed into law just minutes before the midnight deadline as **Act 9A of 2012**.

\*\*\* **State Employees Retirement System** — The Senate unanimously approved **Senate Bill 1472**, which appropriates \$27.660 million from the State Employees Retirement Fund for the general government operations of the State Employees Retirement System. This appropriation matches what the governor proposed in his budget plan, an increase of \$340,000 over what was provided in fiscal 2011-12.

The bill was enacted as **Act 1A of 2012**.



\*\*\* **Public School Retirement System** — The Senate unanimously approved **Senate Bill 1473**, which appropriates \$44.144 million from the Public School Retirement Fund for the administration of the Public School Retirement System. This appropriation matches what the governor proposed in his February, 2012, budget plan.

The bill was signed into law as **Act 2A of 2012**.

\*\*\* **Professional Licensing Funds** — The Senate unanimously approved **Senate Bill 1474**, which appropriates \$45.733 million from the Professional Licensure Augmentation Account and from restricted revenue accounts to: the Bureau of Professional and Occupational Affairs (\$37.072 million); the State Board of Medicine (\$6.948 million); State Board of Osteopathic Medicine (\$1.006 million); State Board of Podiatry (\$198,000); and State Athletic Commission (\$509,000).

The bill was enacted as **Act 3A of 2012**.

\*\*\* **PUC Funding** — The Senate unanimously approved **Senate Bill 1475**, which appropriates \$60.398 million from the General Fund to the Public Utility Commission for its fiscal 2012-13 operations – an increase of \$1.5 million.

The bill also appropriates \$4.857 million in federal funds, including \$2.819 million to enforce the regulations of the Natural Gas Pipeline Safety Act; \$1.888 million for Motor Carrier Safety; and \$150,000 for electric regulatory assistance under ARRA.

The bill was enacted as **Act 4A of 2012**.

\*\*\* **Small Business Advocate** — The Senate unanimously approved **Senate Bill 1476**, which appropriates \$1.092 million to operate the Office of Small Business Advocate in the Department of Community and Economic Development for fiscal 2012-13.

The bill was signed into law as **Act 5A of 2012**.

\*\*\* **State Gaming Fund** — The Senate unanimously approved **Senate Bill 1477**, which appropriates \$66.727 million from the State Gaming Fund to the Gaming Control Board (\$36 million), Department of Revenue (\$9.5 million), State Police (\$20.2 million), and Office of Attorney General (\$1 million) for fiscal 2012-13 gaming oversight.

The bill was enacted as **Act 6A of 2012**.

\*\*\* **Workers' Compensation Act** — The Senate unanimously approved **Senate Bill 1478**, which appropriates \$75.896 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 2012-13. The bill also provides \$194,000 for the Office of the Small Business Advocate.

The measure was enacted as **Act 8A of 2012**.

\*\*\* **Consumer Advocate** — The Senate unanimously approved **Senate Bill 1479**, which appropriates \$5.173 million to the Office of Consumer Advocate (OCA) in the Office of Attorney General, which is \$16,000 less than what was provided in the 2011-12 budget. OCA funding comes from an assessment on utilities regulated by the PUC.

The bill was enacted as **Act 7A of 2012**.



\*\*\* **Capital Budget for fiscal 2012-13** — The Senate voted 45-2 in favor of the capital budget for fiscal 2012-13.

Under **Senate Bill 1480**, the state is authorized to incur a maximum of \$1.675 billion in bond indebtedness for the 2012-13 fiscal year — \$13 million more than the previous year.

The bill was enacted as **Act 193 of 2012**.





## BANKING AND INSURANCE

\* **Elective Abortion Coverage** — By a 37 to 12 vote, the Senate approved **Senate Bill 3**, which would have prohibited health insurance policies sold through the Pennsylvania Health Insurance Exchange from covering elective abortions.

However, the policies sold through the exchange would have covered abortions in cases of rape, incest, or the health of the mother.

The bill would not have prohibited an individual from purchasing optional supplemental abortion coverage as long as the person paid a separate premium for the coverage and obtained the coverage outside of the health insurance exchange.

The legislation was consistent with the abortion restrictions for the Medical Assistance program and all Pennsylvania health insurance policies that are funded with state or federal dollars.

The state is prohibited from spending public funds to pay for abortions or to cover abortion services.

The bill died in the House.

\* **Obamacare Constitutional Amendment** — On a party-line vote of 29-19, the Senate passed a joint resolution that would have amended the state Constitution to prohibit Pennsylvanians from being required to obtain health insurance coverage or from being penalized for not doing so.

**Senate Bill 10** would have amended the constitution to bar implementation of the 2010 federal Affordable Care Act's individual mandate that will require citizens to purchase health insurance by 2014.

Because it is a constitutional amendment, Senate Bill 10 would have needed approval in two consecutive legislative sessions and then receive a majority vote in a statewide referendum. The bill died in the House.

\*\*\* **Retail and Mail Order Pharmacies** — The Senate unanimously passed **Senate Bill 201**, allowing consumers to use retail community pharmacies if those pharmacies accept the same pricing and conditions as mail-order pharmacies.

Under the legislation, health insurers and government programs cannot impose a copayment, deductible fee, or limit benefits for a covered individual using a retail pharmacy. A study will be done every 18 months to study the impact of this law on the access and cost of prescription drugs.

The House unanimously passed the bill and it was signed into law as **Act 207 of 2012**.

\*\*\* **Requiring Dentists to Carry Malpractice Insurance** — The Senate unanimously approved legislation that will require dentists to carry malpractice insurance.

**Senate Bill 388** requires any licensed dentist to purchase medical professional liability insurance of \$1 million per occurrence or claim and \$3 million per annual aggregate.

The applicant for a license or renewal license will be required to provide proof of professional liability insurance to the State Board of Dentistry. If they fail to do so, the license will be refused, revoked, or suspended by the board.

Liability insurance coverage by the dentist's employer or the community-based clinic for dentists with a volunteer license will be considered acceptable insurance coverage.



The bill was passed unanimously in the House and was signed into law as **Act 65 of 2011**.

\*\*\* **Dodd-Frank Financial Reform Act Compliance** — The Senate unanimously approved legislation amending the Insurance Company Law and Title 72 (Taxation and Fiscal Affairs) to implement insurance premium tax changes required by federal law.

In July 2010, Congress enacted the Consumer Financial Protection Act, commonly known as the Dodd-Frank reform, which prohibits states from collecting surplus lines insurance premium taxes unless the state is the home state of the policyholder.

To comply with the Dodd-Frank Act, **Senate Bill 1096** amends the Insurance Company Law to state that surplus lines insurance premium taxes can only be collected by Pennsylvania when Pennsylvania is the home state of the insured.

Similarly, **Senate Bill 1097** amends Title 72 (Taxation and Fiscal Affairs) to state that surplus lines insurance premium taxes can only be collected by Pennsylvania when Pennsylvania is the home state of the insured.

Surplus lines insurance provides coverage for unique risks that do not fit the guidelines of traditional property and casualty insurance coverage, such as traveling amusement parks.

Pennsylvania levies a 2 percent premium tax on all insurance policies sold here, which go into the General Fund. If the legislation were not passed by July 21, 2011, the state stood to lose \$1.9 million in premium tax revenue.

Senate Bill 1096 was signed into law as **Act 28 of 2011**.

Senate Bill 1097 was signed into law as **Act 29 of 2011**.

\*\*\* **Banking Code** — The Senate passed a series of bills designed to update Pennsylvania's Banking Code, which had not seen significant change since 1965, to recognize changes in modern banking and align with federal law including Dodd-Frank.

- **House Bill 2368** creates mandatory Dodd-Frank lending limits to safeguard the state from credit exposure to derivatives. It also gives state-chartered banks more power to invest in their branches. The Senate passed the bill unanimously. It was signed into law as **Act 170 of 2012**.
- **House Bill 2369** bolsters the Department of Banking's enforcement authority contained in the Banking and Securities Code. The Senate passed the bill by a vote of 47-2. It was signed into law as **Act 171 of 2012**.
- **House Bill 2370** amends the Loan Interest and Protection Law to repeal requirements for redundant mortgage loan disclosures. The Senate passed the bill unanimously. It was signed into law as **Act 172 of 2012**.

\*\*\* **Dental Fees** — The Senate unanimously passed **Senate Bill 1144**, which prohibits insurers from setting fees for dental services they do not cover. Any contract provision in violation of the law will be void. The bill was amended to be consistent with the National Conference of Insurance Legislators model by changing the "covered dentist services" definition.

The bill was signed into law as **Act 186 of 2012**.



\*\*\* **Use of Bank Names** — The Senate unanimously approved legislation that clarifies the use of bank names to reduce the expenses associated with rebranding.

**Senate Bill 1335** clarifies that the name must be in English, and specifies the use of the words “bank,” “banking,” “savings,” and “trust.”

The measure also forbids deception in the bank name, and certain specific words such as “federal” and “national.”

The bill was signed into law as **Act 133 of 2011**.

\*\*\* **Review of Small Group Insurance Policy Rate Increases** — The Senate voted 48 to 1 for legislation that requires the state Department of Insurance to review and approve small group (50 or fewer people) insurance policy rate increases of 10 percent or more.

Under previous law, the department could review rate increases for individual policies and for large nonprofit health insurance plans, but not the smaller commercial carriers.

Under **Senate Bill 1336**, the Insurance Department has 45 days to review and approve the rate requests and may retain experts at the insurance company’s expense to review these rate increases. Rate increases of less than 10 percent for small group policies are filed with the Insurance Department.

The bill was signed into law as **Act 134 of 2011**.

\*\*\* **Insurance Holding Companies** — The Senate voted unanimously to give the state Insurance Department more power to oversee, regulate and assess the “enterprise risk” within insurance holding companies.

**Senate Bill 1464** enables the department to assess the enterprise risk within a holding company system and its impact upon the insurers within that group. The legislation is intended to enhance communication between regulators; facilitate supervision of multi-jurisdictional insurance groups; provide better access to collect information; and provide for better enforcement measures.

It was signed into law as **Act 136 of 2012**.

\* **Medical Malpractice Annual Reports** — By a vote of 47-2, the Senate passed **Senate Bill 1591**, which would have repealed the requirement that medical malpractice insurers – including private insurance companies, risk retention groups, and self-insured hospitals and doctors – file annual reports with the state Insurance Department.

The bill would have also repealed the requirement that the department compile an annual report based on the information and submit it to the chairs of the Senate Banking and Insurance Committee and the House Insurance Committee.

The bill died in the House.

\*\* **Monitoring Lyme Disease** — The Senate unanimously passed **House Bill 272**, which would have created the Lyme and Related Tick-Borne Disease Surveillance, Education, Prevention and Treatment Act. The bill would have created a task force to investigate and recommend ways to prevent, treat, and educate the public about Lyme disease and related tick-borne diseases. The Department of Health would have created a tick surveillance program with the help of the Department of Environmental Protection.

The bill died in the House when it was sent back with amendments.



\*\*\* **Insurance Adjuster Regulation** — By a unanimous vote, the Senate passed legislation to hold public insurance adjusters more accountable and prevent fraudulent activities.

Under **House Bill 424**, adjusters are not able to solicit business in the middle of an emergency. Adjusters will be required to include key disclosure and information in the adjuster/consumer contract. Consumers will have a right to rescind or cancel a contract within five days of signing.

The bill was signed into law as **Act 21 of 2012**.

\*\*\* **Anesthesia Coverage for Children** — The Senate unanimously passed a bill that requires all health insurance policies to cover general anesthesia and associated medical costs for patient that is a child age seven or younger or developmentally disabled.

Coverage under **House Bill 535** is subject to deductibles, copays, coinsurance, or any other type of cost sharing arrangement required for other medical services.

This law does not require insurers to cover every dental service that requires general anesthesia. The provisions of the bill will not apply to dental care rendered for temporal mandibular joint disorders.

The bill was signed into law as Act 94 of 2012.

\*\*\* **Insurance Company Solvency** — The Senate unanimously passed a bill that will help the state Insurance Department better monitor the solvency of life and health insurance companies. **House Bill 2134** adopts the National Association of Insurance Carrier standards for solvency evaluation and allows the department to take more timely corrective action.

The bill was signed into law as **Act 51 of 2012**.

\*\*\* **Insurance on Electronics** — The Senate unanimously passed a bill to regulate the growing business of insurance on portable electronic devices, such as cell phones, GPS units, portable computers and digital cameras.

**House Bill 2135** requires vendors to hold a limited-lines license to sell, solicit or negotiate coverage under a policy of portable electronics insurance, requires vendors to maintain a list of the Pennsylvania locations where they offer coverage, and outlines the written materials that must be made available to customers at all of the vendors' locations.

The bill was signed into law as **Act 112 of 2012**.





## COMMUNICATIONS AND TECHNOLOGY

\*\*\* **Electronically Sharing Health Records** — By a unanimous vote, the Senate passed legislation that draws down federal money to create a health information partnership intended to make the health-care system more efficient through the electronic sharing of information.

**Senate Bill 8** establishes a hybrid model to electronically share health records and other patient information by establishing a Pennsylvania Health Information Partnership Authority comprised of a 19-member board.

The authority is required to establish an information sharing system while assuring confidentiality.

The bill was signed into law as **Act 121 of 2012**.

\* **Security Breach of Government Computer Systems** — The Senate unanimously approved **Senate Bill 162**, which would have required a state agency, county, school district or municipality to notify the public of security breaches to their system within seven days of discovering the breach.

The bill would also have required the state agency to notify the Attorney General's Office within three days of discovering the breach. A county, school district or municipality would have been required to notify a district attorney within three days. The Attorney General's office and the district attorney would have been required to investigate.

The bill died in the House.

\*\*\* **Federal REAL ID Act Compliance** — The Senate unanimously approved **Senate Bill 354**, which bans the Pennsylvania Department of Transportation or any other state agency from participating in either the REAL ID Act of 2005 or any regulations under the act.

The federal REAL ID Act requires security, authentication, and other standards for issuing state drivers' licenses and ID cards. These identification cards would be required for boarding commercial flights and entering federal buildings and nuclear power plants.

The bill was signed into law as **Act 38 of 2012**.

\*\*\* **Collocation of Cell Towers** — The Senate passed legislation by a 48-1 vote that establishes the Wireless Broadband Collocation Act.

**Senate Bill 1345** requires the collocation of new wireless telecommunications facilities on previously approved and constructed wireless support structures, like monopoles and towers, electrical transmission towers, water towers or any other structure not classified as a wireless support structure that can support the placement or installation of cell phone towers if approved by the municipality.



The bill prohibits municipalities that have adopted zoning ordinances and land use regulations for wireless support structures from placing additional requirements on applicants seeking approval for collocating on a wireless support structure or modifying a wireless telecommunications facilities

The bill was signed into law as **Act 191 of 2012**.



# COMMUNITY AND ECONOMIC DEVELOPMENT

\*\*\* **Greyhound Racing** — The Senate unanimously passed a bill that outlaws simulcasting of greyhound races to Pennsylvania audiences. Live greyhound racing is already prohibited in Pennsylvania. **House Bill 67** expands the prohibition to include simulcast wagering of the races. The bill is identical to **Senate Bill 71**, which passed the Senate in March. House Bill 67 was signed into law as **Act 32 of 2011**.

\*\*\* **Gambling Restrictions** — The Senate unanimously passed **House Bill 1893**, which closes a loophole that allowed unregulated gambling in Pennsylvania and prohibits the so-called “internet casino cafes.”

The law allows officials to charge any individual who owns, operates, or places into operation an electronic video monitor used to conduct or promote a sweepstakes through a simulated gaming device with a first-degree misdemeanor, punishable by up to five years in prison and a \$10,000 fine.

The bill was signed into law as **Act 81 of 2012**.

\*\*\* **Small Games of Chance** — By a vote of 44-6, the Senate approved **House Bill 169**, which increases the prize limits allowed for organizations conducting small games of chance. The legislation is similar to **Senate Bill 444**, which passed the Senate in 2011, and was later gutted and redrafted as a revision to House Bill 169, which sparked by numerous complaints among volunteer community organizations. The bill has slightly higher prize limits than contained in Senate Bill 444.

Other provisions include:

- Maximum prize for single game of chance is \$1,000;
- No more than \$25,000 in prizes for any games of chance in any seven-day period;
- Up to \$10,000 in prizes may be awarded in raffles in any calendar month; and
- Overall, the total amount of prizes awarded for all of the mentioned games above may not exceed \$25,000.

Organizations will be allowed to conduct raffles worth more than \$1,000 if all of the following apply:

- The licensing authority has issued a special permit for the raffle;
- The organization shall be eligible to receive no more than eight special permits in any licensed term except volunteer fire, ambulance and rescue organizations which shall be eligible for 10;
- Only one raffle may be conducted under each special permit; and
- The total cash value of all prizes awarded may be no more than \$200,000 per licensed term except volunteer fire, ambulance and rescue organizations which total may be no more than \$250,000

The bill was signed into law as **Act 2 of 2012**.

Senate Bill 444 was redrafted to address complaints after the enactment of Act 2, but many sought-after revisions were blocked in committee. The final bill allows 50-50 drawings and certain major league sports games, and exempts organizations raising under \$2,500 per year from reporting requirements and background checks. It also allows organizations to use



another licensed organization's premises if the licensed premises is unusable due to a natural disaster.

It was signed into law as **Act 184 of 2012**, but the controversy continued and Gov. Corbett announced that the administration is suspending for one year compliance deadlines contained in the law.

\*\*\* **Erie Hotel Tax Increase** — By a vote of 47-2, the Senate passed **House Bill 1478**, which allows Erie County to increase its hotel tax from 5 to 7 percent.

It is estimated that the 2 percent increase in the hotel tax will raise an additional \$1.05 million annually. The revenue from the tax increase will go to the county's tourism promotion agency fund.

The bill was signed into law as **Act 145 of 2012**.

\*\*\* **Adams County Hotel Tax** — The Senate passed **House Bill 1588** by a 46-3 vote. The bill granted Adams County the ability to impose a hotel tax of up to 5 percent. Previous law allowed Adams County to impose a hotel tax of up to 3 percent.

Under this bill, 75 percent of the tax revenue will go to the Tourism Promotion Agency for promotion, advertising and marketing of tourism, special events and administrative costs.

It is expected that a 2 percentage point increase of the hotel tax in Adams County will raise an additional \$243,000 annually.

The bill was signed into law as **Act 142 of 2012**.

\*\*\* **Lackawanna Hotel Tax** — The Senate passed **House Bill 1749** by a 46-3 vote. This bill granted Lackawanna County the ability to increase its hotel tax from 4 percent to 7 percent.

Under the bill, a minimum of 40 percent of all revenue received will be distributed to the Tourism Promotion Agency for operational, marketing and promotional expenses.

Not more than 60 percent of all revenue will be distributed to the county for expenses associated with collection and enforcement of the tax, for county-owned tourist and recreational facilities, sports facilities or visitor centers, for other tourism-related activities, and for other expenditures, debts or liabilities related to tourism or recreational facilities incurred by municipal authorities.

It is expected that a 3 percentage point increase of the hotel tax in Lackawanna County will raise an additional \$204,800 annually.

The bill was signed into law as **Act 143 of 2012**.

\*\*\* **Downtown Location Law** — The Senate unanimously passed legislation to improve the state's Downtown Location Law. Enacted in 2000, the law requires the state to lease office space in the traditional downtowns of local municipalities when feasible. **Senate Bill 276** will require more coordination between state and local community redevelopment groups. The House passed the bill unanimously and it was signed into law as **Act 72 of 2012**.

\* **Horse Racing Commission** — The Senate unanimously passed **Senate Bill 800**, which would have allowed no more than two of the state Horse Racing Commission's three members to reside in the same county at the time of the appointment. The bill was amended in committee to make the same restriction apply to the state Harness Racing Commission. The measure died in the House.





\*\*\* **First Industries Fund** — The Senate unanimously passed legislation extending the First Industries Fund, a loan-guarantee and grant program aimed at strengthening Pennsylvania's agriculture and tourism industries. The program was scheduled to sunset June 30, 2011. **Senate Bill 1007** extends the date until July 15, 2015.

The First Industries Fund is administered by both the Commonwealth Financing Authority and the Department of Community and Economic Development. Funds from loan and loan guarantees may be used for land and building acquisition, construction, machinery, upgrades, and working capital.

The bill was signed into law as **Act 27 of 2011**.

\*\*\* **Harrisburg Takeover** — By a vote of 29-21, the Senate passed a bill giving the governor broad powers to take over the finances of the City of Harrisburg. The legislation was spurred by the city's refusal to accept a state-advised Act 47 recovery plan.

**Senate Bill 1151** allows the governor to declare a fiscal emergency and appoint a receiver to implement a fiscal recovery plan if a distressed city fails to do so. However, the bill does give the distressed city a final chance to adopt a plan that is acceptable to the secretary of the Department of Community and Economic Development (DCED).

The measure creates a four-member advisory committee that includes the mayor, city council president, and an appointee of the affected county, but it gives the DCED secretary the power to develop an Emergency Action Plan to direct nearly all city services and gives the receiver control over city financial matters. The bill also prohibits the levying of a commuter tax on non-residents. The 2011-2012 Fiscal Code bill, (see Senate Bill 907) contains language that prevents Third Class Cities from filing for bankruptcy protection.

The Senate later concurred with House amendments to Senate Bill 1151, sending the bill to the governor who enacted it as **Act 79 of 2011**.

\* **Flood Relief** — The Senate voted unanimously to create a \$15 million Small Business Flood Relief Program for businesses in counties that were declared a federal disaster area as a result of Hurricane Irene or Tropical Storm Lee.

Under **Senate Bill 1297**, small businesses would have been required to apply for a loan by October 2, 2012. Loan amounts ranging from \$10,000-\$100,000 could have been used for working capital, inventory, and purchase of equipment and property improvements.

Working capital loans would have been made at no higher than 3 percent interest and would have been for no more than five years.

The bill died in the House.



# CONSUMER PROTECTION AND PROFESSIONAL LICENSURE

\*\*\* **Public Transit Competition** — By a vote of 27-12, the Senate passed legislation that opens Allegheny County for competition among transportation agencies. Prior law gave the Port Authority of Allegheny County the exclusive right to provide public transit services in the region.

**House Bill 10** allows private or public transportation companies to compete with, or cooperate with, the Port Authority within its operating area. The bill was signed into law as **Act 61 of 2012**.

\*\*\* **New Medical Licenses** — The Senate unanimously approved legislation that amends the Medical Practice Act by establishing a state licensure requirement for prosthetists, orthotists, pedorthists and orthotic fitters.

Under **House Bill 48**, an individual must be licensed with the Board of Medicine in order to provide prosthetics, orthotics, pedorthics or orthotic fitting. The license will be valid for two years and may be renewed biennially.

The bill includes a “grandfather clause.” Within two years after the act’s effective date, an individual may be granted a license if he or she holds a valid national certification as a prosthetist, orthotist, pedorthist or orthotic fitter and has been in an active, continuous practice for the immediately preceding three years.

The bill exempts licensed physical therapists and licensed occupational therapists from the requirements of the legislation.

The bill was signed into law as **Act 90 of 2012**.

\*\*\* **Genetic Counselors** — The Senate unanimously passed two bills that establish licensing requirements and regulations for genetic counselors in Pennsylvania.

**House Bills 332** and **333** require that any genetic counselor or anyone practicing genetic counseling be licensed by the State Board of Medicine or the State Board of Osteopathic Medicine.

To become a licensed genetic counselor, a person must be at least 21-years-old, hold a masters or doctoral degree in human genetics or genetics counseling or have met the requirements for certification by the American Board of Genetic Counselors (ABGC) or the American Board of Medical Genetics (ABMG), have passed the ABGC or ABMG certification examination.

Under these measures, a licensee practicing in Pennsylvania will have to maintain a level of professional liability insurance coverage of at least \$1 million per occurrence.

Senate Bills 332 and 333 were signed into law as **Acts 125** and **126 of 2011**, respectively.

\*\*\* **Natural Gas Safety** — The Senate unanimously passed **House Bill 344**, the Gas and Hazardous Liquids Pipelines Act, which will help protect local communities by ensuring the safety of natural gas lines.



This bill permits the Pennsylvania Public Utility Commission (PUC) to have regulatory oversight of natural gas lines and gives it the power to inspect and investigate natural gas pipelines in coordination with the U.S. Department of Transportation's Pipeline and Hazardous Material Safety Administration.

The PUC was also given the authority to hire more inspectors and regulate the pipelines without having to deem them a public utility, protecting the rights of private property owners.

This bill was signed into law as **Act 127 of 2011**.

\*\*\* **Regulating Appraisal Management** — The Senate unanimously passed **House Bill 398**, which requires appraisal management companies to register with the Pennsylvania Department of State. Currently, individual certified real estate appraisers are licensed by the state, but third-party management companies are not.

Appraisal management companies are business entities or individuals that manage the performance of real estate appraisals for a client by acting as a third-party intermediary between the client seeking an appraisal and the appraiser or firm of appraisers that performs the appraisal.

The House concurred in Senate amendments and the bill was signed into law as **Act 4 of 2012**.

\*\*\* **Defining 'Nurse'** — The Senate unanimously approved companion bills, **House Bill 469** and **House Bill 470**, which allow only individuals licensed as registered nurses or practical nurses to use the title "nurse."

Only those licensed under the Professional Nursing Law are exempt from the measure.

The bills also permit the use of a descriptive title for "nurse assistive personnel." The term "nurse assistive personnel" describes persons providing health-care services under the supervision of a professional or practical nurse.

House Bill 469 makes changes to the Practical Nurse Law and House Bill 470 makes the same changes to the Professional Nursing Law.

House Bills 469 and 470 were signed into law as **Act 34** and **35 of 2012**, respectively.

\*\*\* **Regulating Therapists, Social Workers** — By unanimous vote, the Senate passed legislation to clarify the experience requirements for clinical social workers, marriage and family therapists, and professional counselors.

**House Bill 816** reduces the number of hours required to obtain a license from 3,600 to 3,000 for marriage and family therapists and professional counselors, and would remove the specified number of years. It also extended a grandfathered provision of the law to allow applicants who graduated prior to June 30, 2009, to receive a license.

The bill was signed into law as **Act 17 of 2012**.

\*\*\* **Veterans' Remains** — The Senate unanimously approved legislation that provides for disposition of cremated remains of veterans.

Under **House Bill 973**, a funeral director or funeral establishment that has held in its possession cremated remains for more than 120 days from the date of cremation may



determine if the cremated remains are those of a veteran. If so, the funeral director or funeral establishment may relinquish possession of the cremated remains to a veterans' service organization for final disposition in a national cemetery.

The funeral director, funeral establishment or veterans' service organization upon disposing of cremated remains will be held harmless for any costs or damages, unless there is gross negligence or willful misconduct, and will be discharged from any legal obligation or liability concerning the cremated remains.

Also under the bill, certificates of death or fetal death must be filed in four business days. The bill allows local registrars to issue certified copies of the original death certificate for 90 days after the original certificate has been issued.

The bill was signed into law as **Act 101 of 2012**.

\*\*\* **Retired Professionals** — By a unanimous vote, the Senate amended legislation that created a retired-status license for engineers, land surveyor and geologists.

**House Bill 1054** allows a licensee who lists his occupation as retired and certifies to the board that he no longer engages in any work in his licensed profession, to be exempt from the continuing education requirement and then the board will issue him a retired-status license. The licensee is then required to complete the number of professional development hours required for each year exempted, not to exceed a two year requirement, to resume practice in the profession.

The bill was signed into law as **Act 24 of 2012**.

\*\*\* **Utility Infrastructure Improvements** — The Senate unanimously passed an amended version of **House Bill 1294**, making it easier for public utilities to make infrastructure improvements by providing them with the ability to recover their capital investments in a timely manner.

This bill permits utilities, subject to PUC approval, to gradually recover infrastructure investment costs from consumers, rather than impose large increases in customer bills following general rate cases. For a utility to be eligible to recover these costs, they must submit a long-term infrastructure improvement plan to the PUC that includes a schedule for repairs and replacements, project descriptions, expenditures, etc.

Beginning in 2013, a utility can petition the PUC to approve the establishment of a distribution charge to recover costs related to repairs and improvements. Consumers are required to receive notice of a distribution system improvement charge filing.

The bill was signed into law as **Act 11 of 2012**.

\*\*\* **Home Improvement Consumer Protection Act Updates** — The Senate unanimously passed **House Bill 1336**, which updates the state's Home Improvement Consumer Protection Act by establishing an account where all of the fees paid by home improvement contractors will be deposited.

This money, along with interest, may go to the Office of the Attorney General to administer and enforce the act, promote hiring of reputable contractors and to protect and educate consumers about the home improvement law.

Prior to this legislation, state law required a driver's license and a copy of a state-issued ID card to register with the Attorney General's Bureau of Consumer Protection. This



bill allows other types of identification so that individuals, for religious purposes, can properly register.

In addition, this bill sets a one-third maximum deposit for home improvement contracts valued above \$5,000, rather than the \$1,000 threshold under prior law.

This bill was signed into law as **Act 52 of 2011**.

\*\*\* **Relaxed Health-Club Regulations** — The Senate unanimously approved **House Bill 1525**, which removes the requirement to have a CPR-trained staffer present for health clubs that offer health club services during non-staffed hours.

The portion of the health club in which members are permitted access during non-staffed hours must not be more than 6,000 square feet; must be readily accessible to emergency services responders from outside the health club; and must be equipped with an automated external defibrillator, appropriate signage, panic button, a 911 telephone and no less than four personal security devices.

Also, the health club must provide instructions regarding the use of the health club during non-staffed hours, including the location and use of the emergency equipment, to all new customers of the health club.

Also, all contracts for a new or renewal membership to the health club must contain a waiver that explains that the health club may have hours when it is not staffed and that it is required to have certain safety equipment. The member must sign the waiver.

The bill was signed into law as **Act 106 of 2012**.

\*\*\* **Removing Mark-Up Caps** — The Senate unanimously passed an amended version of **House Bill 1630**, which would remove the arbitrary mark-up cap of 100 percent placed on service contracts, warranties and debt suspension or cancellation agreements.

Currently no other state imposes a mark-up cap on these products and removing the cap will allow the free market to determine what cost a consumer will pay for these products.

The bill was signed into law as **Act 5 of 2012**.

\*\*\* **Cosmetology Testing** — The Senate unanimously passed an amended version of **House Bill 1868**, which allows cosmetology students to take the theoretical portion of the licensing test prior to completing their schooling.

The law reduces from 1,250 to 900 the number of hours of instruction time required before students would be permitted to take the theoretical portion of the two-part licensing examination – allowing them to take the test while still in school.

The bill was signed into law as **Act 161 of 2012**.

\*\*\* **Regulating Towing** — The Senate unanimously approved legislation that created the Towing and Towing Storage Facility Standards Act.

**House Bill 1908** establishes standards for tow truck operators and, where applicable, towing storage facilities. It requires tow truck operators to maintain a physical street address; properly register the tow truck with the Department of Transportation; display the name, address and telephone number of its tow truck business on the tow truck; and post the towing fees, storage fees and related service fees, as well as hours of operation at the towing facility.

At the scene of an accident, the bill requires that a tow truck operator provide the





owner or operator of the vehicle — if the owner or operator is at the scene — with a notice containing the name, address and telephone number or point of contact to be informed where the vehicle is stored.

Also, a tow truck operator can undertake a towing at an accident scene only if summoned to the scene by the vehicle owner or operator, or law enforcement personnel or authorized municipal personnel. The owner of the vehicle being towed has the right to designate the tow truck operator (in consultation with law enforcement or authorized municipal personnel) and the location where the vehicle will be stored.

The bill was signed into law as **Act 110 of 2012**

**\*\*\* Accessible Taxis** — By a 46-3 vote, the Senate approved legislation that addresses the need for wheelchair accessible taxicabs in Philadelphia.

**House Bill 2390** addresses this need through a measured increase to the maximum number of taxicab medallions available for issuance from 1,600 to 1,750 over the next 10 years.

The term “wheelchair accessible taxicab” specifies that a wheelchair-accessible taxi can accommodate at least one person in a wheelchair without the person having to transfer from the wheelchair to a vehicle seat.

The bill also establishes a wheelchair-accessible taxicab driver training program for Philadelphia. Also under the bill, partial-rights taxicabs must display the rates charged to customers, just as medallion taxicabs are required to do.

The bill was signed into law as **Act 119 of 2012**

**\* Puppy Lemon Law** — The Senate unanimously passed **Senate Bill 27**, which would have strengthened the “Puppy Lemon Law” enacted in 1997 to help consumers recover losses from a seller of a sick dog.

This legislation would have extended a consumer’s right to seek reimbursement under the Puppy Lemon Law for incurable as well as curable illnesses. Medical conditions such as hip dysplasia would have been covered.

The bill would have extended from 30 to 90 days the time period in which a congenital condition may be certified by a veterinarian to recover any losses from a seller

This bill was intended to address issues that have been identified by the Pennsylvania Office of the Attorney General in responding to consumer complaints under the Puppy Lemon Law.

The bill died in the House.

**\* Regulation of Pipeline Operators** — The Senate passed **Senate Bill 325** by a 49-1 vote. The bill would have created the Gas and Hazardous Liquids Pipelines Act. The law would have given the Pennsylvania Public Utility Commission (PUC) the general administrative authority to supervise and regulate pipeline operators consistent with federal pipeline safety laws.

While the federal Office of Pipeline and Hazardous Materials Safety Administration has jurisdiction over all pipeline facilities, it relies on agreements with each state to inspect and enforce federal pipeline safety regulations. Currently, the PUC is only authorized to enforce regulations for pipeline operators with public utility status.

The bill died in the House.



\*\*\* **Fuel Testing** — The Senate unanimously passed **Senate Bill 341**, which authorizes the Department of Agriculture to implement an Automotive Fuel Testing and Disclosure Program to test automotive fuel on a random, unannounced basis.

Under the bill, the department would take samples of automotive fuel wherever it is sold, inspect the labeling of automotive fuel dispensers and storage tanks, enter into contractual agreements with qualified laboratories for analysis, and promulgate any necessary regulations.

The bill was signed into law as **Act 208 of 2012**.

V \*\*\* **Occupational Therapy Licensure** — The Senate unanimously approved **Senate Bill 342**, which would have raised the per diem paid to members of the State Board of Occupational Therapy from \$30 to \$60. The bill would have also allow a licensed certified registered nurse practitioner or licensed physician assistant to make a referral for the implementation of occupational therapy.

The bill would also have permitted the removal of a board member for lack of attendance and required occupational therapists to have professional liability insurance. The measure also would have required occupational therapists to carry \$1 million in professional liability insurance, and established an impaired professionals program. Felons would have been barred from participating in the program.

The bill passed the House 188-2, but was vetoed by the governor, who said the provision raising per diems violated his campaign pledge. (Veto No. 1.)

After the veto, the Senate voted 46 to 1 in favor of **Senate Bill 1528**, which mirrors Senate Bill 342, without the increase in per diems.

That bill passed unanimously in the House and was signed into law as **Act 138 of 2012**.

\*\*\* **Changes to State Board of Vehicle Manufacturers** — The Senate unanimously passed **Senate Bill 366**, which removes one member of the general public from the State Board of Vehicle Manufacturers, Dealers and Salespersons and adds a mobility vehicle dealer who has been working in the business for five years.

There are currently four members of the general public on the board who have no connection to the vehicle business.

The measure was signed into law as **Act 120 of 2011**.

\*\*\* **Sunday Motorcycle Sales** — The Senate unanimously passed **Senate Bill 419**, allowing for the sale of motorcycles on Sundays.

Prior to this legislation, many Pennsylvania motorcycle dealerships were already open on Sundays to sell merchandise and sold parts to build a motorcycle, but were not allowed to sell the actual bike.

This bill was signed into law as **Act 65 of 2011**.

\* **Board of Plumbing Contractors** — The Senate passed **Senate Bill 747** by a vote of 35-14. The bill would have established the State Board of Plumbing Contractors within the Department of Labor and Industry and created the Plumbing Contractors Licensure Account in the state treasury.

The funds collected on the Plumbing Contractors Licensure Account would have



been used to fund processing of licenses and renewals, as well as for costs of board operations.

The measure died in the House.

**\*\*\* Athletic Trainer Licensure** — The Senate unanimously approved companion bills, **Senate Bills 957** and **967**, which establishes a state license for athletic trainers. Athletic trainers were the only health care provider group certified by the PA State Boards of Medicine and Osteopathic Medicine who were not licensed.

Senate Bills 957 and 967 were signed into law as **Act 123** and **124 of 2011**, respectively.

**\* Service Contract Renewals** — The Senate unanimously approved **Senate Bill 991**, which would have required those who sell a service contract that includes an automatic renewal provision to disclose that provision to the consumer.

Violators would have been cited under the Unfair Trade Practices and Consumer Protection Law.

The bill died in the House.

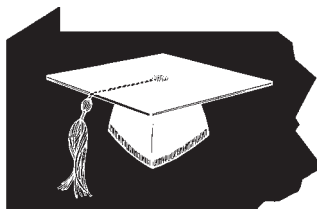
**\*\*\* Automobile Lemon Law** — The Senate unanimously passed **Senate Bill 1228**, which adds an additional 30 days to the amount of time manufacturers have to make repairs under the Automobile Lemon Law in cases of war, terrorism, civil unrest, fire, flood or natural disaster.

Under this legislation, the manufacturer would have an additional 90 days to complete the repairs if they file a sworn affidavit with the Attorney General's office stating that they were unable to make the repairs due to war, terrorism, civil unrest, fire, flood or natural disaster.

The bill was signed into law as **Act 33 of 2012**.

**\* Audiologist Regulation** — The Senate unanimously approved **Senate Bill 1352**, which would have changed the definition of "audiologist" to any person who is qualified by education, training and clinical experience and is licensed to engage in the practice of audiology.

The bill would have required all new applicants for an audiologist license to obtain a doctoral degree in audiology, effective January 1, 2014. The bill died in the House.



## EDUCATION

\*\*\* **School Code Amendments** — By a vote of 33-17, the Senate passed **House Bill 1352**, an omnibus school code amendment that addressed annual education funding, transfer of education-related provisions in the Fiscal Code, technical clarifications and other policy provisions.

This bill was a part of the Republican-crafted 2011-12 budget that cut \$1 billion from public education funding.

One of the bills amended into the final version of House Bill 1352 was Senate Bill 202, which expands certification for principals and teachers, including college certificates, “normal” school diplomas or certificates, residency certificates and intern certificates.

Other bills amended into House Bill 1352 repeal a portion of the school code requiring increases in basic-education funding from the year previous be used only for new programs and the expansion of existing programs (SB857); permit school districts to hire certified superintendents or candidates with a graduate degree in business or finance (SB858); suspend the requirement for schools to establish a Concurrent Enrollment Committee, though districts would still be allowed to keep them (SB872); establish a lifetime employment ban in schools for those who have been convicted of serious violent offenses and prohibits anyone convicted of any other felony from working in a school setting for at least 10 years (SB224); and permits the Department of Education to collect information to identify individual college students for the Pennsylvania Information Management System (SB343).

This legislation was signed into law as **Act 24 of 2011**.

\* **School Vouchers Bill** — The Senate narrowly passed **Senate Bill 1** by a vote of 27-22. The measure would have created a taxpayer-funded school voucher program to allow children in low-income households and failing school districts to attend a private or parochial school.

The bill would have enabled children from families with incomes of \$29,000 or less to transfer to other schools with vouchers ranging from \$5,765 to \$13,905, depending on the district. In the second year, the vouchers would also have been offered to low-income students already attending private schools.

The bill would also have expanded the powers of school boards to convert public schools to charter schools, increasing the number of charter schools.

The measure would have lifted the \$75 million cap on the Educational Improvement Tax Credit (EITC), which gives tax breaks to businesses that donate tuition dollars to help low-income students.

The bill died in the House.



\*\*\* **Military Children Education Accessibility** — The Senate unanimously approved **Senate Bill 159**, which establishes the “Interstate Compact on Educational Opportunity for Military Children Act” in Pennsylvania. This allows the state to enter the Interstate Compact with other states to make education more accessible to children of military families and make school transfers and transitions more uniform.

The measure also establishes the State Council on Interstate Educational Opportunity for Military Children. This council makes sure that no child of military parents is barred from enrolling in school, graduating, participating in extracurricular activities, receiving credit for classes and receiving special education services as needed by making sure that administrative processes run smoothly.

The bill was designed to remove barriers to educational success imposed on children of military families who frequent move.

The measure was enacted as **Act 6 of 2012**.

\*\*\* **Safety in Youth Sports (Concussions)** — The Senate unanimously passed **Senate Bill 200**, known as the Safety in Youth Sports Act.

This measure protects student athletes from serious head injuries and establishes standards for managing concussions and other brain injuries. The bill also requires that any student who may have suffered a head injury be removed from a sporting event and not permitted to return to play until they are medically cleared.

The legislation also requires that coaches be trained about the risks of concussions.

The bill was signed into law as **Act 101 of 2011**.

\* **Public School Building Authority Act** — The Senate unanimously approved **Senate Bill 293**, which would have raised the amount at which the competitive bidding process must take place under the state Public School Building Authority Act. It would have raised the threshold amount from \$4,000 to \$18,500. This amount would have been adjusted every five years based on the Consumer Price Index cost of living index.

The measure died in the House.

\*\*\* **School Facility Work Contracts** — **Senate Bill 296** was unanimously approved by the Senate. The bill requires a school district to obtain pricing from vendors for any school facility construction, repair or maintenance over the amount of \$10,000. For projects or supplies over the amount of \$18,500, the school district must publicize and conduct a competitive bidding process.

The bid limit amounts will be adjusted every five years in accordance with the CPI cost of living index changes.

The measure was signed into law as **Act 97 of 2011**.

\* **Criminal History and School Employment** — By a 47-2 vote, the Senate passed **Senate Bill 224**, which would have established tougher school hiring policies by preventing any individual with a serious criminal history from educating children.

Under **Senate Bill 224**, a lifetime employment ban would have been established for those who have been convicted of serious violent offenses, including sexual violence and crimes against children. The bill would also have prohibited anyone convicted of any other felony crime from working in a school setting for at least 10 years.

The bill died in the House.





**\* Truancy and Driver's License Suspension** — The Senate unanimously passed **Senate Bill 328**, which would have added a section to the Public School Code to describe the requirements needed to restore a suspended drivers' license to a student convicted of truancy prior to the expiration of the suspension.

Under current law, a first conviction of truancy requires a 90-day suspension of a student's driver's license; subsequent convictions require a 6-month suspension. There is currently no mechanism for the restoration of a drivers' license for a student convicted of truancy.

This bill would have allowed PennDOT to restore a drivers' license prior to the expiration of the suspension period with proof from the court that the student completed high school, obtained a general educational development (GED) diploma or reached 21 years of age.

The bill died in the House.

**\* Identity Protection for College Students** — The Senate unanimously passed **Senate Bill 343**, which would have ensured that appropriate safeguards are in place to protect the identity and privacy of Pennsylvania's college students, their families and the higher education community.

Senate Bill 343 would have permitted the Pennsylvania Department of Education to collect information that could identify individual college students, but only when specifically required by federal or state law. When collecting information for the system known as the Pennsylvania Information Management System, the department would have been required to describe in detail its legal authority to collect the information and allow students to opt-out of the system.

Senate Bill 343 would also have provided liability protection to colleges and universities that disclose information to the state as requested and would have established an advisory committee to offer recommendations to the department.

The bill died in the House Appropriations Committee.

**\*\*\* Vocational Agricultural Education** — The Senate unanimously passed **Senate Bill 389**, which redefines "vocational agricultural education" to mean vocational education that provides students with the skills and academics needed to enter and advance in careers in the food, agriculture and natural resources sciences.

The bill was signed into law as **Act 83 of 2011**.

**\*\*\* Military College Legislative Appointment Program** — The Senate passed **Senate Bill 560** by a vote of 45-5. This bill establishes the State Military College Legislative Appointment Initiative Program Act, which allows each member of the legislature to establish a committee to recommend a resident of the legislator's district for appointment to a state military college.

This measure also requires the state military college to offer enrollment to the eligible student appointed by the committee.

The bill was enacted as **Act 29 of 2012**.

**\* Teacher Furloughs** — The Senate passed **Senate Bill 612** by a 38-12 vote. This bill would have added economic reasons as part of a plan to reduce or control school district



costs as a permitted reason for furloughing teachers. However, costs alone could not have been the sole factor when determining which employees to suspend.

The bill would also have required that a suspended professional employee's position remain vacant for at least one year, unless the school entity reinstates the employee who was suspended.

In addition, the bill would have required the school board to adopt a resolution and hold a public hearing where public comment could be made prior to suspending professional employees.

The bill died in the House.

**\*\*\* Driver Education Trainer Requirements** — The Senate unanimously approved legislation that allows a private driving training instructor to teach a driver education program at a school when there are no certified professional educators available who are qualified to teach driver education.

Under **Senate Bill 743**, a private driving training instructor will only be considered after the school district has posted the job for 10 days with no qualified candidate coming forward to fill the position, and there are no other qualified, Department of Education certified individuals available to fill the driver's education position.

The bill was signed into law as **Act 31 of 2012**.

**\* Basic Education Funding Increases** — By a 48-2 vote, the Senate passed **Senate Bill 857**, which would have removed a requirement restricting the use of basic education funding increases to new or expanded programs.

This bill would have repealed a section of the Public School Code that applied to the 2008-2009 basic education funding increases. The section requires any increases to basic education funding above the 2008-2009 index to be used for specific purposes.

The bill died in the House.

**\* Non-Educator Superintendents** — The Senate passed **Senate Bill 858** by a 35-15 vote. This bill would have allowed school districts to hire "non-educator" professionals as superintendents.

Under current law, school districts may only consider candidates who have at least six years of teaching experience and have completed a graduate program that includes Pennsylvania school leadership standards. Senate Bill 858 would have relaxed this restriction by giving school districts the option to hire superintendents who have a graduate degree in business or finance.

The legislation would have required a new superintendent to complete a leadership development program that meets Pennsylvania school leadership standards. However, the current teaching experience requirements would no longer have been a prerequisite for a superintendent candidate under this proposal.

Senate Bill 858 was part of a bipartisan package of education mandate reforms that were designed to give school districts the financial flexibility they need to continue to provide educational opportunities for students without resorting to property tax increases.

The bill died in the House.



\* **Concurrent Enrollment** — The Senate unanimously passed **Senate Bill 872**, which would have removed the requirement that schools establish a concurrent enrollment committee to receive grants under the Department of Education's Concurrent Enrollment Program.

Concurrent or dual enrollment allows high school students to enroll in and earn credit for college courses. Under current law, schools must form a concurrent enrollment committee and conform to a number of other state mandates to participate in the program.

**Senate Bill 872** would have removed the requirement for school districts to establish a concurrent enrollment committee and relaxed some state mandates for participating schools. The legislation would also have required school districts to work with colleges to develop a mutual agreement on concurrent course selection.

The bill died in the House.

\* **State Library Aid Formula** — The Senate unanimously passed **Senate Bill 1086**, which would have established the formula for the distribution and allocation of state library aid among individual libraries for fiscal 2011-12.

The distribution formula would have allowed each library to receive an equal percentage increase or decrease in funding over the current year depending on the amount of funds provided in the General Appropriations Act. The bill would also have authorized the state librarian to distribute any unallocated funds.

The legislation would also have moved this formula into the Library Code. In previous years, the formula was either in the Public School Code or the Fiscal Code.

The bill died in the House.

\* **School Board Lame Duck Voting** — By a 33 to 17 vote, the Senate passed **Senate Bill 1127**, which would have banned school boards from voting or taking any other official action, other than emergency votes, between October 1 of each odd-numbered year and the December meeting required to be held that same year.

Designed to eliminate lame duck voting, school districts that would have violated this measure would have faced a surcharge to be paid to the school district equal to 10 percent of the cost of the matter on which the vote was taken. The surcharge would not have applied if a board voted against an issue.

The bill died in the House Education Committee.

\*\*\* **Distressed Schools** — In a largely party line 27-21 vote, the Senate approved legislation aimed at helping the growing number of school districts in fiscal distress.

Under **House Bill 1307**, the Secretary of Education can declare a school district to be in financial recovery status if one of a number of triggering events occurs. At that point, a Chief Recovery Officer (CRO) is appointed to design and implement a financial recovery plan. The last step of the recovery process gives authority to the Secretary of Education to petition the court for a receivership appointment if the elected school board does not cooperate with the CRO on the financial recovery plan.

The bill also allows the Department of Education to award a long-term, interest free loan to a financial recovery school district that approves and implements a recovery plan. Numerous Democrats criticized the bill for offering inadequate loans to districts that have no ability to pay the money back.



In struggling districts, the measure sets the stage for labor contracts to be renegotiated, conversion to charter schools, and privatization of some services. The bill also limits severance payments and provides for greater accountability and transparency in superintendent contracts.

The cost to implement the proposal was estimated at \$5.8 million. The bill was enacted as **Act 141 of 2012**.

**\*\* EITC Funding** — The Senate unanimously approved **House Bill 1330**, which would have increased the amount of Educational Improvement Tax Credit (EITC) program funds by \$100 million for fiscal 2012-13 and each ensuing year.

The measure would have allocated up to \$60 million to the Scholarship organization program, \$30 million to the Education Improvement organization and \$10 million to the Pre-kindergarten organization Scholarship program.

The bill would also have increased the maximum annual household income limits for households seeking scholarships from \$60,000 to \$75,000; and hike the tax credit limitation from \$300,000 to \$400,000 in 2012-13 and \$750,000 in future years.

The bill would have established an 11-member Special Education Funding Commission to develop a formula for distributing any increases in special education funding over the level of funding for the 2010-2011 school year. The measure would also create a statewide advisory funding commission to study and make recommendations on charter and cyber charter school funding issues.

The bill died on concurrence in the House.

**\*\*\* State System of Higher Education** — The Senate unanimously approved **House Bill 1343**, a freestanding act that governs the relationship between the Pennsylvania State System of Higher Education (PASSHE) and affiliated private nonprofit corporations with the sole purpose of benefiting PASSHE or one of its member institutions. The measure enables affiliated entities to contribute funds to benefit and promote PASSHE or an institution.

The bill allows PASSHE employees or officers to voluntarily provide services to the affiliated entity as an ex officio, nonvoting member of the board of that entity. The bill also permits joint fundraising between the institution and the affiliated entity to raise funds for the affiliated entity, so long as the funds are directly used to benefit PASSHE or the institution.

Under the bill, the State Adverse Interest Act does not apply to such joint fundraising.

The legislation also addresses the offering of doctoral degrees by PASSHE institutions. Except for the Doctor of Philosophy (PhD) degree, the bill allows all PASSHE institutions to provide graduate instruction at the doctoral level for areas of study leading to professional doctorates, also known as applied doctorates.

To offer these doctoral programs, the PASSHE institution must receive Board approval and comply with all criteria established by the Board of Governors of PASSHE.

The bill was enacted as **Act 104 of 2012**.

**\*\*\* School Strikes** — The Senate voted 39-10 in favor of **House Bill 1363**, which permits the Secretary of Education to request a public meeting in a school district after one year after a contract impasse. The public meeting is aimed at drawing testimony from the school board, the school administration, the employee organization and any other party



requested by the Secretary. The public and other experts on the social, emotional and educational well-being of students may submit written testimony. The secretary is required to issue a report with recommendations within 90 days after the hearing.

The bill also requires the Legislative Budget and Finance Committee to issue an interim report on the costs and benefits of the Department's Continuing Professional Development program by November 30, 2012 and the final report by March 1, 2013.

The bill was signed into law as **Act 105 of 2012**.

\*\*\* **Student Athlete Heart Attacks** — By a vote of 46-2, the Senate passed a bill aimed at preventing sudden cardiac death among student athletes.

**House Bill 1610** requires the Department of Health to develop training guidelines for coaches and requires coaches to undergo yearly training and certification for understanding the warning signs of sudden cardiac arrest.

Student-athletes at schools participating in the Pennsylvania Interscholastic Athletic Association (PIAA) must annually sign and return to their school an acknowledgement of receipt and review of the sudden cardiac arrest symptoms information sheet developed by the state.

The law also provides penalties for coaches who fail to remove an athlete from play who is exhibiting warning signs of sudden cardiac arrest.

The bill was signed into law as **Act 59 of 2012**.

\*\*\* **School Code** — The Senate voted 47 to 2 in favor of **House Bill 1901**, the state's School Code.

Under the omnibus bill, all schools are required have at least one person capable of performing CPR (Cardio Pulmonary Resuscitation); school districts can enter into a cooperative agreements to jointly offer students expanded access to high quality curricula using technology; requires greater transparency and accountability in superintendent and assistant superintendent contracts; implements a teacher evaluation system that incorporates student performance, building performance and local assessment provisions; requires the disclosure of information on girls' participation in interscholastic athletics; and allows school districts to enter agreements with other political subdivisions to provide for school security and safety.

The measure also eliminates the school lunch/breakfast reimbursement subsidy; and allows school districts to curtail and alter their educational programs due to staff furloughs without Department of Education approval.

The bill was signed into law as **Act 82 of 2012**.

\*\*\* **Homeless Student Task Force** — The Senate unanimously approved **Senate Bill 157**, which creates a Task Force on Homeless Children's Education to examine the educational needs and status of homeless children to develop and recommend a statewide proposal to provide these children with a strong educational foundation.

The task force study will include:

- A demographic survey of homeless parents and homeless youth;
- An assessment of the difficulties in providing educational services to homeless students;





- An assessment of successful strategies for serving the needs of preschool children experiencing homelessness, including access to early intervention services;
- An assessment of successful strategies for serving homeless students;
- An assessment of best practices used in other states to educate homeless students; and
- Recommendations regarding the collection and use of data currently collected by the department.

The bill was signed into law as **Act 123 of 2012**.

\* **Female Student Athletes** — The Senate unanimously approved legislation that would have created a new article in the Public School Code dealing with the disclosure of athletic opportunities in public and private schools to help ensure that female students are offered athletic opportunities comparable to their male counterparts.

**Senate Bill 209** would have required any public school entity that provides interscholastic athletic opportunities for students in grades 7 through 12 to submit an annual report to the state Department of Education demonstrating that they have met the requirements of Title IX, the federal statute mandating equal education opportunities for students. Current disclosure requirements cover only colleges and universities.

The bill died in the House Education Committee.

\* **CPR in Schools** — The Senate unanimously approved **Senate Bill 244**, which would have required all schools to have at least one person on hand who is certified to perform cardiopulmonary resuscitation (CPR).

The Democratic-sponsored bill would have also provided legal immunity to those who do provide cardiopulmonary resuscitation in schools. The CPR requirement would have applied during school hours to all schools, including area vocational-technical schools, charter schools, cyber-charter schools, intermediate units, nonpublic schools and school districts.

The measure died in the House.

\*\*\* **Driver Training** — The Senate unanimously approved legislation that allows a private driving training instructor to teach a driver education program at a school when there are no certified professional educators available who are qualified to teach driver education.

Under **Senate Bill 743**, a private driving training instructor will only be considered after the school district has posted the job for 10 days with no qualified candidate coming forward to fill the position, and there are no other qualified, Department of Education certified individuals available to fill the driver's education position.

The bill was signed into law as **Act 31 of 2012**.

\*\* **Special Education Funding** — By a 33-16 vote, the Senate approved a special education and charter school reform bill that would have implemented several changes to the law.

Under **Senate Bill 1115**, a Special Education Funding Commission would have been established to explore ways to fund special education; and a Charter School Funding Advisory Commission would have been put in place to explore ways to better fund charter and cyber charter schools.



It would also have required the state Education Department to send payments directly to charter or cyber charter schools upon request, rather than first sending to the public school district where the charter is located. The measure would also have limited funds and reserve funds that charter schools accumulate, and required that any excess dollars be returned to the school districts that paid tuition to the charter school.

The bill also would have require annual independent audits of charter and cyber charter schools; and implemented a teacher evaluation system.

The Senate amended the bill to leave out of provision that would have created a new statewide board to authorize new charter schools rather than the local school districts.

Claiming that they didn't have the votes, majority Republicans in the House never brought the Senate's amended version of the bill up for a vote. Governor Tom Corbett is expected to introduce a new special education funding formula in his 2013-14 budget proposal.

**\* Special Education Costs** — By a 39-8 vote, the Senate passed legislation that would have ensured that school districts quickly reimburse each other for certain regular education and special education costs.

**Senate Bill 1129** would have updated an antiquated state law to allow school districts and other facilities providing services for non-resident students to directly bill the home school district. In addition, the legislation would have provided the school district where the institution is located with immunity from lawsuits.

Under current law, school districts must pay for the education of any students who temporarily reside at educational facilities inside their districts, even if those students normally live outside their districts. Those districts then seek reimbursement from the home school district. This process often has not occurred in a timely manner and millions of dollars in reimbursements are left outstanding, sometimes resulting in legal battles.

The bill died in the House Education Committee.

**\* Doctoral Degrees** — The Senate unanimously passed **Senate Bill 1133**, which would have allowed other schools in the Pennsylvania State System of Higher Education (PASSHE) to offer doctoral degrees.

Indiana University of Pennsylvania (IUP) was the only PASSHE institution allowed to offer a doctoral degree program. Under this legislation, all PASSHE schools would have been permitted to offer doctoral degree programs, with the exception of a doctor of philosophy degree (PhD) that would only be offered at IUP.

The legislation would have required the PASSHE board to approve all professional doctoral degree programs prior to being offered.

While the bill died in the House, its provisions were included in House Bill 1343.

**\*\*\* Library Code** — The Senate unanimously approved **Senate Bill 1225**, which updates language in the Library Code.

The measure designates the Deputy Secretary for Libraries as the State Librarian; requires the state librarian to establish service standards that reflect current and evolving technologies; permits all libraries to apply for waivers of standards if faced with a reduction in state funding, and gives the state librarian discretion to formulate waivers to provide for more



flexibility in the application and enforcement of standards; gives the state librarian authority to establish continuing education requirements for librarians; and permits the state librarian to publicize rules and regulations modifying the number of hours a library must be open each week to receive aid.

The measure also changes the composition of the Advisory Council on Library Development to include more librarians and fewer laypeople; applies the funding formula in the Library Code uniformly from year to year; converts the surplus financial effort required for a library to obtain “incentive for excellence” funding from a dollar amount to a percentage increase in funding; and reduces the maximum term of imprisonment for damaging library materials from 15 days to 10 days.

The bill was enacted as **Act 210 of 2012**.

**\* Administrator Contracts** — The Senate unanimously approved **Senate Bill 1296**, which would have amended the Public School Code to provide for greater transparency and accountability in superintendent and assistant superintendent contracts by setting new requirements for greater public access to the content of those contracts under the state’s Right-to-Know Law.

The legislation was partially in response to a controversial severance package awarded to Philadelphia’s school superintendent in 2011.

The bill would have limited generous contract buyouts to departing school district superintendents and required more contract details to be made available to the public. The legislation would also have linked superintendent contracts to performance standards tied to student achievement. The bill would have also limited contracts to three years for new superintendents and assistant superintendents.

The bill died in the House; however its major provisions were included in House Bill 1901.

**\* Philadelphia Property Taxes** — The Senate voted 43 to 5 in favor of **Senate Bill 1303**, which would have given the Philadelphia School District more flexibility in setting tax rates.

Currently, Philadelphia residents pay property taxes, part of which goes to the city and part of which goes to the school district. Under the bill, which was in response to a change in how the city will assess property, the city would have been permitted to lower the tax rate for the district portion of the property tax. However, a rate must have been established to yield at least as much as the highest one-year yield of property tax revenue based on the assessed values of real estate. This provision would have remained as long as the district was under the fiscal distress designation.

The bill would also have altered the statutory “maintenance of effort” requirement to prevent the tax rates from being too high.

The bill died in the House.

**\*\*\* Economic Development Agreements** — The Senate unanimously passed **Senate Bill 1308**, which creates a new “State System of Higher Education Intellectual Property Act” to allow state-owned universities and PASSHE employees to enter into economic development agreements.

The economic development agreements allow a state-owned university to develop and market intellectual property owned or created by a PASSHE employee.

The bill was enacted as **Act 132 of 2012**.



\*\*\* **Cooperative Use** — The Senate unanimously passed **Senate Bill 1322**, which permits the Pennsylvania State System of Higher Education to enter into an agreement with any entity for the cooperative use of supplies or services.

Under this measure, all purchases and agreements must be made through a competitive bidding process.

The bill was enacted as **Act 134 of 2012**.

\*\*\* **New College Majors** — The Senate unanimously approved **Senate Bill 1406**, which gives private colleges greater flexibility to offer new majors with state Department of Education approval.

Under the bill, private and non-profit colleges that have been operating for at least 10 years can add new programs, majors and degrees without prior review of the Department of Education.

Previously, colleges with a universal charter (including state-related universities such as Lincoln University, Penn State, Temple, and Pitt) were allowed to establish any program and award any degree without department approval. The State System of Higher Education also has authority to review its own programs, and community colleges are authorized to develop their own associate degree programs.

The bill was signed into law as **Act 69 of 2012**.

\* **Commonwealth Partnership School Districts** — The Senate unanimously passed legislation that would have continued the provisions of the Education Empowerment Act related to Commonwealth Partnership School Districts.

**Senate Bill 1410** would have removed the June 30 expiration date of a portion Public School Code of 1949 that applies to the Pittsburgh School District so it can continue its designation as a Commonwealth Partnership School District, which provides needed flexibility under the Public School Code.

By removing the expiration date, the school district, as a Commonwealth Partnership School District, would have been able to continue to use various management tools, including the ability to dispose of real estate more efficiently, the ability to demote underperforming administrators without the necessity of a demotion hearing, and the ability to renegotiate contracts, other than collective bargaining contracts, for improving operations.

The bill died in the House Education Committee.

\* **Open Campus Initiative** — By unanimous vote, the Senate passed legislation that would have allowed a Lancaster County “open-campus” initiative to become a model for school districts throughout the state.

**Senate Bill 1492** would have allowed school districts to enter into “Open Campus Initiatives” under the guidance of the Department of Education. The agreements would have permitted districts to share classes over the Internet. Courses would have been available to students from participating districts over the Internet, teleconferencing or other technological means.

Penn Manor, Hempfield and Manheim school districts in Lancaster County are currently cooperating in such “open-campus.”

The bill died in the House.



## ENVIRONMENTAL RESOURCES AND ENERGY

\*\*\* **Municipal Recycling Programs** — The Senate unanimously approved legislation that provides for the implementation of municipal recycling programs.

Under **House Bill 1934**, municipalities with populations greater than 5,000 people and a population density of more than 300 people per square mile may implement a source separation and collection program for recyclable material. The number of people residing in a federal or state facility that already has a recycling program will be excluded in the determination of the municipality's population.

The bill was signed into law as **Act 83 of 2012**.

\*\*\* **Revegetate Lands Affected by Surface Mining** — The Senate unanimously passed **House Bill 608**, which authorizes the Department of Environmental Protection to encourage the planting of switchgrass or other fast-growing crops to revegetate lands affected by surface mining.

If a mine operator uses switchgrass, camelina, canola or other bioenergy crops in reclamation, the department will make available, at no cost to the surface mining permittee of a remaining sit, sum-certain guarantees to cover Stage III reclamation liability under the reclamation bond.

The bill was signed into law as **Act 95 of 2012**.

\*\*\* **Standards for Biodiesel Blends** — The Senate unanimously passed **House Bill 807**, which will require that each of the biodiesel blends meet certain standards established by the American Society for Testing and Materials International.

The measure requires that a biodiesel blend be created using an approved biodiesel blending method and that any person selling biodiesel to consumers be registered with the Department of Agriculture. In addition, the bill requires that a shipping manifest is created and provided to the person receiving biodiesel each time it is sold or transferred and the biodiesel must have a certification stating that it meets the quality standards set forth under the Biofuel Development and In-State Production Incentive Act.

The Department of Agriculture has the authority to enforce the provisions of the act by conducting inspections and taking samples of biodiesel for testing. Lastly, the bill creates the Biofuel Development Account where all federal and state funds, and fines and penalties will be deposited for use by the department for the administration and enforcement of the act.

The bill was signed into law as **Act 96 of 2012**.





\*\*\* **Noncommercial Aircraft Recreation on Private Lands** — The Senate unanimously passed **House Bill 870**, which adds recreational noncommercial aircraft operations and noncommercial ultralight operation on private airstrips to the list of recreational activities landowners can allow the public to perform on their land with limited liability.

The bill was signed into law as **Act 47 of 2011**.

\*\*\* **Land Reclamation Financial Guarantee Program** — The Senate unanimously approved legislation that provides for bonding and reclamation financial guarantees for surface mining operations.

**House Bill 1813** establishes a “Land Reclamation Financial Guarantee” program to provide financial guarantees to qualified operators, using monies in the Conversion Assistance Fund to start this program.

The Department of Environmental Protection can determine eligibility requirements for operators who want to participate in the program. The department can consider the environmental and safety hazards of the site for which a guarantee is proposed; the availability of coal reserves at the site; the operator’s financial stability; the operator’s compliance history; and the operator’s ability to complete the reclamation and pay the required premiums.

The department can also determine the total amount of financial guarantees that can be supported by the Land Reclamation Financial Guarantee account.

The bill was signed into law as **Act 157 of 2012**.

\*\*\* **Marcellus Shale Impact Fee** — By a 31-19 vote, the Senate approved controversial legislation that taxes and regulates the gas drilling industry.

The conference committee report (approved 4-2 on a party line basis) on **House Bill 1950** establishes a drilling “impact fee” on a sliding scale over 15 years for each well drilled. Under the revenue distribution formula, 60 percent goes to the local county and 40 percent to the state. The measure largely supersedes and preempts local regulation of oil and gas drilling in Pennsylvania.

Under the measure, each county in drilling regions has the authority to decide whether to impose the impact fee. However, if county commissioners decide against the fee, they could be overruled if half of the municipalities representing half of the county’s population approve their own resolutions in favor of a fee. Proceeds are divided between local governments and numerous state-based environmental, infrastructure and economic-development programs.

If counties adopt the fee, it is estimated that the fee could generate about \$180 million in 2012, climbing to \$264 million by 2014.

Other components of the law:

- Prohibit municipalities from regulating gas drilling; but allow local governments to enact zoning restrictions for things like truck traffic, noise, and other industrial effects from drilling. Drillers can appeal a local zoning law to the state Public Utility Commission;
- Require that property owners within 3,000 feet be notified of new permits (used to be 1,000 feet); prohibit drilling within 500 feet of existing buildings or water wells (used to be 200 feet); and ban drilling within 300 feet of streams, springs, bodies of water or wetlands greater than one acre;



- Increase “blanket bonds” from \$25,000 up to \$600,000;
- Require drillers to publicly disclose all chemicals used in the fracking process; and
- Create a Natural Gas Energy Development Fund to convert truck fleets to compressed natural gas, liquefied natural gas, or bi-fuel vehicles. At least half of these funds must be used for grants to local transportation organizations, including mass transit agencies.

Bill proponents said the measure adequately taxes and regulates the lucrative gas drilling agency, while creating thousands of new jobs.

Opponents argued that imposing an impact fee instead of the traditional volume-based royalty structure used by other states will cost Pennsylvania an estimated \$24 billion over the next 20 years. They also argued that the law tramples local zoning rights and doesn’t fairly distribute shale proceeds to all areas of the state.

Prior to this amended conference committee version of the bill, the Senate gutted and amended House Bill 1950 with the contents of Senate Bill 1100 in November of 2011.

The governor enacted the measure as **Act 13 of 2012**.

\*\*\* **Vintage Snowmobile Permit** — The Senate unanimously passed an amended version of **House Bill 2151**, which allows the Department of Conservation and Natural Resources to issue a \$20 vintage snowmobile permit.

The permit exempts vintage snowmobiles from the department’s usual registration for snowmobiles and ATVs (all terrain vehicles). The fees are deposited into a restricted account for training, education, enforcement activities, construction and maintenance of snowmobile and ATV trails.

Under the bill, a “vintage snowmobile” is defined as a snowmobile that is at least 25-years-old and not operated except at vintage snowmobile events.

The bill was signed into law as **Act 113 of 2012**.

\*\*\* **Air Pollution Fine Distribution** — The Senate unanimously passed **Senate Bill 151**, which gives local communities a share of air pollution fines that can be used to fund environmental projects.

This bill provides one-quarter of any fine under PA’s Clean Air Act above \$50,000 to the municipality in which the violation occurred for local projects designed to reduce air pollution, improve parks and trails, or to create open space. Under prior law, all fines levied under the Clean Air Act went to the state.

This bill also requires the Department of Environmental Protection to notify the municipality where a violation occurs within five business days.

The bill was signed into law as **Act 57 of 2011**.

\*\*\* **Spacing Requirements for Gas Wells and Coal Seams** — The Senate unanimously passed **Senate Bill 265**, which changes permitting procedures to establish adequate and safe spacing between natural gas well clusters and workable coal seams.

Under the bill, no permit for a gas well covered by the Coal and Gas Resource Coordination Act can be issued unless the well cluster is located at least 2,000 feet from the nearest well cluster – and unless the permit applicant and the owner of the workable coal seam consent in writing.



In addition, absent an agreement, either the coal operator or the well applicant may activate a dispute resolution process to resolve a spacing issue.

The bill also requires the DEP to commission an independent study funded by the industry to determine the appropriate size of coal pillars left around wells and well clusters.

The bill was signed into law as **Act 2 of 2011**.

\*\*\* **Water and Power Resources Board Work Contract** — The Senate unanimously passed **Senate Bill 292**, which requires that work performed by the Water and Power Resources Board over \$18,500 be contracted to the lowest bidder. The bill increases the threshold amount from \$4,000.

The measure was signed into law as **Act 95 of 2011**.

\*\*\* **Annual Report Requirement for Conservation Fund** — The Senate unanimously passed **Senate Bill 302**, which amends the Keystone Recreation, Park and Conservation Fund Act to require the Department of Conservation and Natural Resources, the Department of Education, the Pennsylvania Historical and Museum Commission and the State System of Higher Education to submit an annual report to the governor and the General Assembly beginning July 1, 2012.

The annual report must contain information on grants awarded from the fund, a description of projects that received grant funding and anticipated project completion dates. The report must also be published on each department's Internet website.

The bill was signed into law as **Act 61 of 2011**.

\* **Hazardous Sites Cleanup Act Violations** — The Senate unanimously passed **Senate Bill 303**, which would have required that any civil penalties resulting from violations of the Hazardous Sites Cleanup Act to be deposited in the Hazardous Sites Cleanup Fund.

The bill died in the House.

\*\*\* **Clean Air Act SIP** — The Senate unanimously passed **Senate Bill 304**, which requires public review of all proposed and final state implementation plans (SIPs) required under the federal Clean Air Act.

The plans are required to be publicly accessible on an Internet website and on the website of the state Department of Environmental Protection.

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

The bill was signed into law as **Act 27 of 2012**.

\*\*\* **Mining and Extraction in State-Owned Property** — By a vote of 46-3, the Senate passed **Senate Bill 367**, which provides new options for the leasing of state-owned real property for mining or removal of valuable coal, oil, natural gas, coal bed methane, limestone and mineral resources.

Under this legislation, the Department of General Services and the State System of Higher Education have the power to make and execute the contracts or leases. This would exclude lands owned by the Department of Conservation and Natural Resources, the Fish and Boat Commission, and the Pennsylvania Game Commission.



Under Senate Bill 367, also known as the “Indigenous Mineral Resources Incentives Development Act,” payments or royalties received pursuant to contracts or leases on state-owned land are apportioned into the following areas:

- 15 percent of all payments or royalties received by DGS through contract/lease of state-owned land are to be retained by the state agency or department that oversees
- 25 percent of all proceeds is allocated to PENNVEST
- 60 percent will be deposited into the Oil and Gas Lease Fund

All payments or royalties received by the SSHE will be allocated as follows:

- 50 percent will be retained by the university where the coal, oil, natural gas, coal bed methane or limestone is leased or extracted and shall be used by the university for deferred maintenance projects or energy cost saving improvements.
- 30 percent will be allocated to the SSHE for distribution among those universities where no coal, oil, natural gas, coal bed methane or limestone have been leased or extracted. The distribution formula will be determined by the Board of Governors of the SSHE
- 15 percent will be allocated to the system for distribution to all 14 universities for the waiver of tuition fees and other charges

The bill was signed into law as **Act 147 of 2012**.

\* **Oil and Gas Production Payment** — The Senate unanimously passed **Senate Bill 460**, which would have required specific information to be provided whenever a lessor pays for oil or gas production to an interest owner. All of the following information would have been included on the check stub or on an attachment:

- Lease identification number;
- Month and year of sales or purchase included in the payment;
- Total barrels of oil or amount of gas purchased;
- Total amount of severance and production taxes;
- Net value of total sales from the property after taxes are deducted;
- Interest owner’s interest in production;
- Interest owner’s share of the total value of sales prior to any tax deduction; and
- Interest owner’s share of the sales tax value less the interest owner’s share of the production and severance taxes.

The bill died the House.

\* **Owner Liability for Recreational Lands** — The Senate unanimously passed **Senate Bill 469**, which would have encouraged recreational walking, jogging, bicycling, exercising and horseback riding on nature trails by limiting a land owner’s liability.

The bill died in the House.

\*\*\* **Bluff Recession and Setback Act** — **Senate Bill 791** was unanimously approved by the Senate. The measure amends the “Bluff Recession and Setback Act” by further defining a bluff recession hazard area. If an area between the shoreline and “bluff toe” is greater than 250 feet, regulations and ordinances established under the act do not apply to that property.

The “Bluff Recession and Setback Act” was enacted in 1980 to limit property damage and shoreline erosion in Pennsylvania. The regulations establish setback distances for nine



municipalities in Erie County that border Lake Erie.

The bill was signed into law as **Act 72 of 2011**.

\* **Marcellus Shale Impact Fee** — By a party-line 29-20 vote, the Senate passed **Senate Bill 1100**, which would have established an impact fee on Marcellus Shale natural gas drilling. Under this legislation, the fee would have been \$50,000 the first year, reducing in \$10,000 increments each year. In years four through 10, the fee would have held at \$20,000 and in years 11 through 20, it would have held at \$10,000.

Revenue from the proposed impact fee would have been distributed as follows:

- County Conservation Districts would have received \$2.5 million in 2011 and \$5 million in 2012 and every year following.
- Office of the State Fire Commissioner would have received \$1.5 million in 2011 and every year after to be used for training programs for emergency responders in the Marcellus Shale region and purchasing special equipment.
- PA Fish and Boat Commission would have received \$1.5 million in 2011 and every year after for the costs related to reviewing applications for drilling permits.

Local governments would have received 55 percent of tax revenues to be distributed as follows:

- 36 percent to counties in the shale region with producing wells;
- 37 percent to municipalities in the shale region with producing wells; and
- 27 percent to municipalities in counties in the shale region with producing wells (based on population and highway miles).
- Housing Affordability and Rehabilitation Enhancement Fund would have received \$2.5 million in 2011 and \$5 million in 2012 and each year after. These funds would have been used to increase availability of quality housing for low- to moderate-income individuals and increase rental availability for low-income individuals.

The remaining 45 percent of the impact fee revenues would have been distributed as follows:

- The Commonwealth Financing Authority would have received 25 percent for grants;
- The Highway Bridge Improvement Restricted Account would have received 25 percent;
- Water and sewer projects would receive 25 percent (50 percent to the PA Infrastructure Investment Authority and 50 percent to the H2O PA Program); and
- Hazardous Sites Cleanup Fund would have received 5 percent

Additionally, this bill would have established the Natural Gas Energy Development Program and required wells to be 500 feet away from an existing building or water well and 300 feet from any stream, spring or body of water and 1,000 feet from a public water supply source. Senate Democrats tried several times to amend Senate Bill 1100, both in committee and on the Senate floor, but were unsuccessful. The Democratic plan would have:

- Provided a higher impact fee of \$75,000 per well in the first year, raising to \$150 million in 2011, \$260 million in 2012, \$380 million in 2013 and \$491 million in 2014;
- Toughened setback requirements to measure distances from the edge of the well pad, rather than from the well head; and
- Totally preserved local zoning power as it relates to natural gas drilling so that no state agency could override a municipality's power to provide for appropriate placement of wells.





The bill died in the House. Many of the provisions of this bill were amended into House Bill 1950, which was signed into law as Act 13 of 2012.

\* **Subsurface Mineral, Oil and Gas Rights** — By a 46-2 vote, the Senate passed legislation that would have assisted landowners who, through no fault of their own, cannot gain ownership of their subsurface mineral, oil and gas rights.

**Senate Bill 1324** would have amended the Action to Quiet Title law to create a “rebuttable presumption” that mineral, oil and gas rights have been abandoned in favor of a surface owner after a 50 year period of non-use. Under the legislation, the plaintiff landowner would still have been required to prove their case in court by a preponderance of the evidence.

The bill would have exempted fee interests, including deeds and long-term leases for coal and other minerals and oil and gas reserved or acquired by a duly recorded conveyance. The bill died in the House.

\* **Mine Water for Marcellus Shale Well Development** — The Senate unanimously approved legislation that would have encouraged the use of mine water for Marcellus shale well development, rather than the continued heavy use of municipal and fresh water sources.

**Senate Bill 1346** would have changed the definitions of “eligible land and water,” “mine operator,” “treated mine drainage,” and “water pollution abatement facilities” so that such definitions would include the use of acid mine water for hydraulic fracturing.

Under the bill, a landowner or mine operator who allows for the withdrawal of acid mine water, or a natural gas operator who withdraws the water, to hydraulically fracture a well, would not have been deemed to assume legal responsibility or to incur liability with respect to cost, injury, or damage that arises out of the use of the acid mine water; including any injury or damage suffered by a downstream riparian landowner.

The bill died in the House.

\*\*\* **Gas Station Regulations** — By a 29 to 20 vote, the Senate approved **Senate Bill 1386**, which removes a regulation requiring a special “boutique” blend of gasoline from being sold in the seven-county Pittsburgh area of Allegheny, Armstrong, Beaver, Butler, Fayette, Washington and Westmoreland counties during the summer months.

Previously, gas retailers in these counties were required to sell a unique blend of gasoline with lower evaporation rates to prevent pollution in hot weather. The regional blends required under the regulations have become increasingly scarce, causing price spikes and supply shortages.

In addition, the legislation allows for the termination of another regulation requiring gas stations to install Stage II vapor recovery systems on fuel pumps.

The bill was signed into law as **Act 135 of 2012**.

\*\*\* **Environmental Protection Grant Programs** — The Senate unanimously passed **Senate Bill 1398**, which extends the sunset date of two environmental protection grant programs.

The measure extends the sunset date of the Underground Storage Tank Environmental Cleanup Program and the Underground Storage Tank Pollution Prevention Program to June 30, 2017. Both programs were set to sunset in June of 2012 unless reauthorized by the legislature.

The bill was signed into law as **Act 74 of 2012**.



# FINANCE

\*\*\* **Fiscal Accountability** — The Senate unanimously passed legislation that makes more state spending records available online. **House Bill 15** creates PennWATCH, which requires the Independent Fiscal Office to create a searchable website containing revenue and expenditure information for state agencies.

The bill was signed into law as **Act 18 of 2011**.

A similar bill, **Senate Bill 105**, was passed unanimously in the Senate, but died in the House.

\*\*\* **Lottery Changes** — The Senate unanimously passed legislation extending the adjusted rate of return for Pennsylvania Lottery games, allowing the lottery to continue marketing programs intended to boost sales and overall revenue. The previous law required that 30 percent of total revenues from Lottery sales go to programs benefitting seniors and other eligible citizens.

Act 58 of 2008 lowered that return rate to 27 percent to allow the lottery to adjust its mix of games to meet consumer demand and increase sales. The provision of Act 58 expired on June 30. **House Bill 986** extends it until June 30, 2015. The extension is expected to boost the overall lottery return by \$86.3 million.

The measure also requires the Department of Revenue to annually submit a report by June 1 to legislative leaders with data on current Lottery profits and a strategy to increase future profits.

The report will be posted on the Department of Revenue's website. The bill was signed into law as **Act 23 of 2011**.

\*\*\* **Hurricane Relief** — The Senate unanimously passed **House Bill 1913**, which allows local taxing bodies to decrease real estate taxes for properties substantially affected by the September 2011, flooding.

The bill permits a county assessment office to decrease, credit or refund up to \$30,000 in real estate taxes due to a decrease in property value caused by Hurricane Irene or Tropical Storm Lee. The bill also creates a real estate tax exemption on the assessed value of houses affected by the storms to encourage communities to reconstruct and rebuild flood damaged properties.

The bill was signed into law as **Act 71 of 2012**.

\*\*\* **Pension Compliance** — The Senate unanimously passed legislation to clarify the various retirement benefit calculations governing members of the State Employees Retirement System (SERS) who enter military service.

Currently SERS members who enter military service have pension benefits determined under three different statutes: USERRA, PA Military Code and SERS Retirement Code.

**House Bill 2591** brings SERS into compliance with the Federal Heroes Earnings Assistance and Relief Act of 2008 (HEART) before the December 31 implementation deadline.

USERRA and the HEART Act govern the pension rights of state employees who leave state service to perform military service and either return to state service or become disabled or die during their military service.

The House unanimously passed the bill and it was signed into law as **Act 181 of 2012**.



\*\*\* **Controversial Tax Measure** — By a near party-line vote of 33-16, the Senate passed controversial legislation aimed at attracting businesses by allowing them to keep most of the state income taxes withheld from employees' paychecks.

**House Bill 2626** creates the Promoting Employment Across Pennsylvania Program, which most analysts claim was targeted to attract software company Oracle to Centre County.

The program allows employers who hire at least 250 new workers to keep 95 percent of their employees' state income taxes instead of sending it to the state treasury. Supporters say the program will create jobs. Opponents said it significantly raises the stakes in a war among the states over jobs, and punishes existing companies.

The House concurred in Senate amendments and the bill was signed into law as **Act 206 of 2012**.

\* **Purely Public Charities** — By a vote of 46-1, the Senate passed a bill intended to clarify the definition of a "purely public charity," and which branch of government is empowered to make the definition.

**Senate Bill 161** was intended to address a recent decision by the state Supreme Court that overturned the 1997 Institutions of Purely Public Charity Act, saying that the definition of a charity, and the tax exemption that comes with the definition, is subject to legal review.

The bill would have amended the state constitution to give the General Assembly the sole authority to define a charity and authorize tax exemption. It would have been required to pass in two separate sessions of the legislature before facing a voter referendum.

The bill died in the House.

\*\*\* **School Tax Payments** — By a unanimous vote, the Senate passed **Senate Bill 330**, which allows small businesses to pay local school taxes in installments. The Taxpayer Relief Act already allows homeowners to pay school tax bills in at least three installments a month apart. House amendments narrowed the language of the bill and Senate Democrats objected on concurrence, saying it would not provide the help small businesses needed with school tax payments.

By a vote of 32-17, the Senate concurred on the House amendments and the bill was signed into law as **Act 25 of 2011**.

\* **Business Privilege Tax Clarification** — By a vote of 34-16, the Senate passed legislation intended to clarify the law on Business Privilege Taxes (BPT) in the wake of a 2007 Pa. Supreme Court decision.

In *V.L. Rendina Inc., v. Harrisburg and the Harrisburg School District*, the court reversed a prior opinion that a municipality cannot levy the BPT on a business that did not have a "permanent" base of operations within its borders.

**Senate Bill 405** intended to clarify the ambiguity that resulted over a municipality's ability to tax any and all taxpayers conducting any business within its borders despite the court's prior distinction between a business "privilege" tax and a business "transaction" tax.

The result, however, could have meant a significant revenue loss for some municipalities, including cash-strapped Harrisburg, which could have lost as much as \$2 million per year.

A Democratic amendment would have allowed most taxing jurisdictions that currently levy a BPT/Mercantile Tax the option of replacing it with an assessment on total payroll. The replacement tax would have been required to be revenue neutral. The amendment was defeated 31-19.

The bill died in the House.



\* **Expanding State Tax Equalization Board** — The Senate unanimously passed a bill that would have increased the number of members on the State Tax Equalization Board (STEB) from three to five. Currently, the STEB consists of three members appointed by the governor and confirmed by the senate. Two members constitute a quorum.

**Senate Bill 704** would have kept the three public members appointed by the governor but would add two members, the Secretary of Education and the Secretary of Revenue, or their designees.

The bill died in the House.

\*\*\* **Fiscal Code** — The Senate unanimously passed **Senate Bill 907**, which originally was intended to extend the authority of the State Workers' Insurance Board to invest money. In the House, the 2011-2012 Fiscal Code language was amended into it and it passed on a partisan, 109-89 vote.

Senate Democrats specifically objected to language inserted into the bill that prevents Third Class Cities from filing for bankruptcy protection, a move they said was intended to prevent Harrisburg City Council from doing so. It passed the Senate 33-17 and was signed into law as **Act 26 of 2011**.

\*\*\* **Harrisburg Takeover** — By a vote of 29-21, the Senate passed a bill giving the governor broad powers to take over the finances of the City of Harrisburg. The legislation was spurred by the city's refusal to accept a state-advised Act 47 recovery plan.

**Senate Bill 1151** allows the governor to declare a fiscal emergency and appoint a receiver to implement a fiscal recovery plan if a distressed city fails to do so. However, the bill does give the distressed city a final chance to adopt a plan that is acceptable to the secretary of the Department of Community and Economic Development (DCED).

The measure creates a four-member advisory committee that includes the mayor, city council president, and an appointee of the affected county, but it gives the DCED secretary the power to develop an Emergency Action Plan to direct nearly all city services and gives the receiver control over city financial matters. It bill also prohibits the levying of a commuter tax on non-residents. The 2011-2012 Fiscal Code bill, (see Senate Bill 907) contains language that prevents Third Class Cities from filing for bankruptcy protection.

In October, the Senate concurred with House amendments to Senate Bill 1151, sending the bill to the governor who enacted the bill as **Act 79 of 2011**.

\* **Fuel Tax Allocations** — The Senate unanimously passed legislation that would have changed the date Liquid Fuels Tax allocations are released to municipalities from April 1 to March 1. **Senate Bill 1036** died in the House.

\* **Historic Building Tax Credits** — The Senate unanimously passed a bill that would have provided tax credits for expenses incurred in renovating a historic building. **Senate Bill 1150** would have create the historic Preservation Incentive Program offering up to 25 percent state tax credit on qualified historic restoration projects. The bill died in the House.

\*\*\* **Keystone Opportunity Zone Extension** — By a vote of 49-1, the Senate approved legislation that extends tax breaks available in Keystone Opportunity Zones (KOZs) and Keystone Opportunity Expansion Zones and allows for the designation of up to 15 additional KOZs.



Originally created in 1998, many KOZ tax breaks were set to expire. **Senate Bill 1237** extends those breaks and provides new KOZs on properties adjacent to already existing zones. The bill extends the tax provisions on KOZs seven to 10 years from the date of occupancy or from the expiration date of the zone.

The bill was signed into law as **Act 16 of 2012**.

\*\*\* **2012 Fiscal Code** — The Senate voted 43 to 6 in favor of **Senate Bill 1263**, the state's Fiscal Code.

Some of the many provisions in the omnibus bill will extend the bankruptcy prohibition for the City of Harrisburg and other financially distressed Third Class cities until November 30, 2012; reduce bond amounts for owners of oil and gas wells to \$2,500 per well or a blanket bond of \$25,000; and prohibit the Department of Environmental protection from issuing permits for oil and gas operations within the boundaries of the South Newark Basin (Bucks, Montgomery, Chester, Berks and Lancaster, and Northampton counties) until a study is completed by DCNR.

The measure also suspends the Rainy Day Fund transfer for fiscal 2011-12; requires that the State Police general government operations appropriation include funding for a cadet class of not less than 100; and establishes a \$1.7 million Veterans' Trust Fund in the State Treasury for veterans' services.

The bill was enacted as **Act 87 of 2012**.

\* **Storm Victim Tax Breaks** — The Senate unanimously passed a bill that would have given property tax breaks to people whose homes were damaged during Hurricane Irene or Tropical Storm Lee. **Senate Bill 1267** would have provided for a local tax abatement of real estate taxes on properties as well as a real estate tax exemption for repairs to property.

The bill died in the House.

\*\*\* **Property Taxes** — **Senate Bill 1301**, the Homestead Exemption bill, authorizes Philadelphia to provide a property tax exemption for low-income citizens and seniors. Currently, Philadelphia is the only jurisdiction in Pennsylvania without the authority to offer a homestead exemption.

Philadelphia is in the process of reforming its property assessment system by undertaking a full, citywide reassessment. Senate Bill 1301 protects low-income and senior homeowners from losing their homes by alleviating a portion of their assessments should their property tax increase significantly under the full valuation system – and render them unable to pay their property tax bill.

**Senate Bill 1302** authorizes the city to create a new independent appellate board, the Philadelphia Board of Property Assessment Appeals.

Both bills were signed into law. SB1301 is now **Act 131 of 2012** and SB 1302 is **Act 17 of 2012**.

\* **Spot Reassessments** — By a vote of 34-13, the Senate passed legislation that would have prevented school districts and municipalities from appealing individual property assessments. Current law prevents such "spot reassessments" but taxing districts are permitted to appeal the assessments of individual properties to the county assessment





appeals offices or, eventually, the county court. Local taxing districts have used the practice to challenge individual properties when a sale price reflects a much higher value than the assessed price.

**Senate Bill 1309** would have prohibited the practice of spot reassessment by appeal by giving the taxpayer the right to appeal such a reassessment and have the value returned to the base year value. Opponents say the measure would have fostered gross imbalances of property values in the absence of countywide reassessment.

The bill died in the House.



## GAME AND FISHERIES

\*\*\* **Homicide-by-Watercraft** — The Senate passed **House Bill 78** by a 49-1 vote, increasing the grading and penalties for the offense of homicide-by-watercraft while operating under the influence of alcohol or drugs.

Previously, this offense was graded as a third degree felony with a penalty of \$2,500 to \$15,000, up to seven years in prison, or both, with a mandatory minimum jail sentence of three years.

This bill increases the penalties for homicide-by-watercraft while operating under the influence to a second degree felony. The maximum penalty is now a fine of not less than \$5,000 nor more than \$25,000, or imprisonment not exceeding 10 years, or both. Additionally, the bill requires that a consecutive three-year term of imprisonment be imposed for each victim who dies as a result of the offense.

The bill was signed into law as **Act 33 of 2011**.

\*\*\* **Removal of Hunting Back Tags** — By a vote of 46-3, the Senate passed **House Bill 735**, which removes the requirement of sportsmen having to wear back tags while hunting. The back tags were often lost by sportsmen while crawling through the brush or coming into contact with trees.

This legislation was initiated by the Pennsylvania Game Commission.

The bill was signed into law as **Act 107 of 2011**.

\*\*\* **Mentored Youth Hunting Program** — The Senate unanimously passed **Senate Bill 274**, creating mentored youth hunting program for young Pennsylvania sportsmen.

Senate Bill 274 allows the Pennsylvania Game Commission to enact regulations for a mentored youth hunting program. The program allows a licensed hunter with an antlered deer permit to give the permit to a young hunter who is participating in a mentored youth hunting program.

Young hunters are limited to one antlered deer license in each license year.

The legislation also reduces the age requirement for an individual to receive a falconry permit from 16 to 12 years of age.

The bill was signed into law as **Act 9 of 2011**.

\*\*\* **Reduced Fee Hunting Licenses** — The Senate unanimously passed **Senate Bill 387**, which expands the sale of reduced-fee hunting licenses for members of the military and National Guard.

Senate Bill 387 allows all state hunting license-issuing agents to sell reduced-fee hunting licenses to members of the U.S. Armed Forces and Pennsylvania National Guard.



Previously, qualified members of the military could only receive the \$1 hunting licenses through a county treasurer or the Pennsylvania Game Commission.

The bill was signed into law as **Act 64 of 2011**.

\*\*\* **Fish and Boat Commission Terms** — The Senate unanimously passed **Senate Bill 450**, which allows a sitting commissioner on the Fish and Boat Commission to continue his term beyond eight years until a successor is appointed.

Previously, a member of the Fish and Boat Commission could hold a seat for the term of eight years. After which, the commissioner was able serve up to six months until a successor was appointed. This bill removed the six month language.

The bill was signed into law as **Act 16 of 2011**.

\*\*\* **National Guard Reduced Cost Hunting Licenses** — The Senate unanimously passed **House Bill 1237**, which reduces the deployment requirement for a member of the Pennsylvania National Guard or Reserves to obtain a reduced cost hunting license.

Under the new law, a member of the National Guard or Reserves that has been deployed for 60 days within the last 24 months is eligible for a \$1 hunting license. The prior deployment requirement was 180 days within 24 months. The Senate unanimously passed a similar bill, **Senate Bill 853**, which died in the House.

House Bill 1237 was signed into law as **Act 64 of 2012**.

\*\*\* **Protection for Game and Fish and Boat Law Enforcement Officers** — By a 45-4 vote, the Senate passed **House Bill 1417**, which added law enforcement officers from the state Game and Fish and Boat commissions to the list of officials protected by higher penalties for aggravated assault under Pennsylvania law.

House Bill 1417 tied the assault of officers and deputies of either commission to similar illegal acts against police and firefighters. For an assault resulting in a serious bodily injury, the penalty becomes a first-degree felony; for such acts that result in a simple bodily injury, the penalty is a second-degree felony. Penalties for a first-degree felony include jail time up to 20 years and fines up to \$50,000; penalties for a second-degree felony include jail time up to 10 years and fines up to \$25,000.

The bill was signed into law as **Act 150 of 2012**.

\*\*\* **Penalties for Illegally Harvesting Fish** — The Senate unanimously passed **House Bill 2293**, which increased the maximum fine from \$200 to \$5,000 for illegally harvesting fish; and extends the period the Pennsylvania Fish and Boat Commission (PFBC) can revoke fishing and boating privileges from two to five years.

The bill also creates a new section in the Fish and Boat code for “serious unlawful take,” which increases the penalty from a first degree summary offense to a second degree misdemeanor for harvesting more than the legal daily limit of fish. It also allows the PFBC to fine violators the cost of replacing the poached fish, and increases the maximum jail time from 90 days to two years.

Lastly, the measure increases the penalties for those who fish while their license is suspended. Previously, that violation was a summary offense, subject to a \$200 fine. The penalty is now a third degree misdemeanor, subject to a fine up to \$5,000.

The bill was signed into law as **Act 167 of 2012**.



\*\*\* **Resident Fishing License Fees** — The Senate unanimously passed **Senate Bill 473**, which reduces the cost of annual resident fishing license to \$1 for members of the armed forces, PA National Guard or reserves deployed for 60 days within the past two years. Previously, a deployment of more than 180 days was required for the reduced-cost license.

The bill was signed into law as **Act 28 of 2012**.

\*\*\* **Additional Licensing Flexibility** — The Senate unanimously passed **Senate Bill 1049**, which gives the Fish and Boat Commission additional licensing flexibility.

Under this legislation, the Fish and Boat Commission may offer multi-year licenses, licenses to cover a group of individuals who meet criteria established by the commission and a license or permit for marketing or promotional purposes that costs less than the current fee.

The bill was signed into law as **Act 66 of 2012**.

\*\*\* **Title 30 (Fish) Updates** — The Senate unanimously passed **Senate Bill 1402**, which makes numerous updates and revisions throughout Title 30 (Fish) that incorporated past regulatory practice, court decisions, and removed obsolete provisions.

Some of the changes included:

- Requiring a majority vote of the Senate to approve Fish and Boat Commissioners;
- Clarifying which boating safety certificates are acceptable for non-resident boaters;
- Allowing certain minor violations to be dealt with through the issuance of a citation for a summary violation;
- Eliminating the need to provide an affidavit to prove that someone had a fishing license; and
- Creating an exemption for fishing licenses to participants in a structured education program involving fishing

The bill was signed into law as **Act 211 of 2012**.

\* **Game Code Liability for Landowners** — The Senate unanimously passed **Senate Bill 1403**, which would have ensured that a landowner who grants permission to a hunter to hunt on his or her land cannot be held liable for any violations of the Game Code committed by the hunter while hunting on their land.

Currently, a landowner who permits a hunter access to his or her land can be held liable for violations of the Game Code on their land by the hunter.

The bill died in the House.



# INTERGOVERNMENTAL OPERATIONS

\*\*\* **Agency Merger** — The Senate unanimously passed **House Bill 2438**, which merged the Department of Banking and the Pennsylvania Securities Commission to create the Department of Banking and Securities. The new department is led by the secretary of Banking.

Under the bill, the functions of the Securities Commission are transferred to the Department of Banking with the securities division to be overseen by a deputy secretary. The current Securities Commission members are retained in the merged department, with some additional members. The new five-member commission consists of the Secretary of Banking, a governor's designee, and three individuals appointed by the governor with the consent of the Senate.

The revenue streams for operating funds for the two portions of the newly formed department remain separate. Both agencies are self-funded through fees for licenses and examinations.

The bill was requested by the governor as part of the 2012-13 state budget and was signed into law as **Act 86 of 2012**.

\* **Senate Version of Agency Merger Bill** — The Senate unanimously approved **Senate Bill 1545**, which would have transferred the duties of the Pennsylvania Securities Commission to what would have been a newly named "Department of Banking and Securities."

The measure would have established a securities division within the department and enabled the Secretary of Banking to appoint a deputy secretary. The following provisions, fees, and functions currently administered by the Securities commission would have been transferred to the department including: Investment Business Licensing Law; Administrative Code fees; Pennsylvania Securities Act; and the Takeover Disclosure Law. It was estimated that the state would save approximately \$1 million annually through this merger.

The bill died in the House. However, its major provisions were included in House Bill 2438 (Act 86 of 2012).

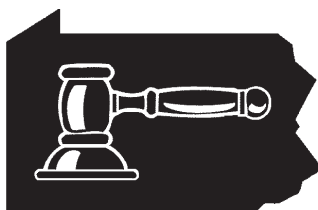
\*\* **State Tax Equalization Board Merger** — The Senate unanimously approved **Senate Bill 1546**, which would have merged the State Tax Equalization Board into the Department of Community and Economic Development.

The State Tax Equalization Board Law, established in 1947, compensates for the lack of assessment uniformity statewide in distributing school subsidies. The board determines the aggregate market value of taxable real property in each municipality and school district statewide.

The measure would have transferred the board, its responsibilities and costs to the department. On two separate occasions, the Senate amended the bill to remove a provision inserted by the House that would have placed a temporary moratorium on court-ordered countywide reassessments. This moratorium would have remained in effect until the General Assembly had enacted property tax reassessment reform legislation or until December 31, 2013, whichever came first.

The bill died on concurrence in the House.





## JUDICIARY

\*\*\* **Jurisdictional Money Limits** — The Senate voted 49 to 1 for legislation that increases the jurisdictional money limits for civil cases heard by the Philadelphia Municipal Court and for other actions before magisterial district judges.

Under **House Bill 38**, the limit for magisterial district judges increases from \$8,000 to \$12,000 and for the Philadelphia Municipal Court from \$10,000 to \$12,000.

The bill also extends the \$11.25 surcharge added to certain court filings for the Access to Justice Account and judicial computerization until December 31, 2014.

The bill was signed into law as **Act 30 of 2011**.

\*\*\* **Expansion of the Castle Doctrine** — The Senate voted 45 to 5 for legislation that expands 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.

Currently, 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. However, under previous law, 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.

**House Bill 40** eliminates an individual’s duty to retreat before using lethal force outside of his home or vehicle. It creates a presumption that the occupant of a home or vehicle has reasonable belief that the use of deadly force is necessary to protect himself against death, serious bodily injury, kidnapping or rape from an intruder.

The presumption will not apply if the person entering the home or vehicle has a right to be in the home or vehicle; a parent, grandparent or guardian removing a child from the home or vehicle; an on-duty peace officer; or if the person using protective force is engaged in criminal activity.

Finally, the bill makes theft of a firearm a first-degree felony where the defendant is in the business of buying or selling stolen property.

The bill was signed into law as **Act 10 of 2011**.

The Senate passed similar legislation, **Senate Bill 273**, which died in the House.

\*\*\* **Collection of Court Costs and Fines** — By a vote of 41-4, the Senate passed **House Bill 61**, which extends the time limitations on private collection agencies for the collection of court costs, restitution and fines.

Under previous law, a collection agency was required to cease its efforts to collect fines, costs and restitution if 180 days elapsed and there was no response by the defendant or collection of money. House Bill 61 extends that period of time from 180 days to 48 months.

The bill was signed into law as **Act 41 of 2012**.



\*\*\* **Adam Walsh Child Protection and Safety Act** — The Senate unanimously approved legislation that updated Pennsylvania’s Adam Walsh Child Protection and Safety Act.

To comply with federal requirements under the Adam Walsh Child Protection and Safety Act, Act 111 of 2011 made substantial revisions to Pennsylvania’s Megan’s law that requires the registration of sex offenders and sexually violent predators. The revisions in Act 111 included criminal penalties for failure to comply with registration requirements, registration and community notification provisions and sentencing provisions.

**House Bill 75** reflects a number of clarifications and revisions to Act 111. It closes loopholes in Megan’s Law and puts Pennsylvania in compliance with the federal Adam Walsh Child Protection and Safety Act. These changes are mostly technical.

The bill also removes the portion of Act 111 requiring those who were on a sex offender registry and served their term to go back on the sex offender registry if they committed a subsequent felony, regardless if the offense is a sex offense or not. However, if the offender commits another sex offense, the offender will go back on the registry.

The bill also clarifies when offenders convicted in other states who move to Pennsylvania are required to register in Pennsylvania and the duration of such registration.

The bill was signed into law as **Act 91 of 2012**.

\*\*\* **Executive Director of Pennsylvania Commission on Sentencing** — The Senate unanimously approved **House Bill 135**, which adds the position of “executive director of the Pennsylvania Commission on Sentencing” to the Pennsylvania Commission on Crime and Delinquency (PCCD).

The bill also allows the Attorney General, Chief Justice, judge of a court of common pleas and any member of the cabinet or the General Assembly who is a member of PCCD to delegate a state employee to represent them at PCCD meetings. The delegate may lawfully vote and otherwise act on behalf of the member.

The bill also makes a number of editorial and technical changes to the PCCD Law.

The bill was signed into law as **Act 196 of 2012**.

\*\*\* **Penalties for Injuring a Service Dog** — The Senate unanimously approved legislation that imposes a criminal penalty on the owner or co-owner of a dog that injures a service dog used by an individual with a disability.

Under **House Bill 165**, an owner or co-owner of a dog that kills, maims or disfigures a service dog will be charged with a third degree misdemeanor. The person will only be responsible when the dog attacks without provocation and the person knew or should have known that their dog had a tendency to attack human beings or domestic animals without provocation.

The bill also makes it a misdemeanor when the owner or co-owner recklessly fails to restrain or contain the dog.

The bill was signed into law as **Act 162 of 2012**.

\*\*\* **Increased Penalties for Hit and Runs** — The Senate unanimously approved legislation that increases the maximum penalty for accidents resulting in the death of the victim.

**House Bill 208** increases the mandatory minimum sentence for a “hit and run” involving a fatality from a third degree felony to a second degree felony and provides for a sentencing enhancement to give judges the ability to provide a longer prison sentence.

The bill was signed into law as **Act 93 of 2012**.



\*\*\* **Drug Delivery Resulting in Death** — The Senate unanimously approved legislation that reduces the crime of drug delivery resulting in death from third-degree murder to a first-degree felony.

**House Bill 396** makes it a first-degree felony if a person intentionally administers, dispenses, delivers, gives, prescribes, sells or distributes a controlled substance in violation of law and another person dies as a result of using the substance.

A person convicted of this crime can be sentenced to prison for up to 40 years.

The bill also adds the crime of drug delivery resulting in death to the definition of “crime of violence.”

The bill was signed into law as **Act 40 of 2011**.

\*\*\* **Exemption from Jury Duty** — The Senate unanimously passed an amended version of **House Bill 804**, which added a fifth exemption to serving jury duty.

This bill adds an exemption for any person who had already served a full term on a statewide investigating grand jury. Other exemptions include military duty, previous service within the last three years, undue hardship and relatives of homicide victims.

The bill was signed into law as **Act 63 of 2012**.

\*\*\* **Reducing Penalties for Sexting** — By a 37-12 vote, the Senate approved legislation that reduces the penalties for the crime of “sexting” by minors.

**House Bill 815** makes it a summary offense for a minor to knowingly transmit, distribute, publish or disseminate an electronic communication containing a sexually explicit image of himself or herself. A minor commits a third degree misdemeanor when he or she knowingly transmits, distributes, publishes, disseminates, possesses or knowingly views an electronic communication containing a sexually explicit image of another minor who is 12 years of age or older.

Under the bill, a judge can consider referring the summary offense violator to a diversionary program that would include an educational component explaining the consequences of sharing sexually explicit images. If the minor successfully completes the diversionary program, the minor’s record is expunged

Additionally under the bill, a minor commits a third degree misdemeanor when he or she transmits, distributes, publishes, disseminates or takes a photo of any minor age 12 or older in the state of nudity without the photographed minor’s knowledge and consent. The crime is upgraded to a second degree misdemeanor when the minor takes or disseminates these photos without consent in order to coerce, intimidate, torment, harass or cause emotional distress to the victim.

The bill was signed into law as **Act 198 of 2012**.

\*\*\* **Increased Penalties for Straw Purchases of Firearms** — The Senate unanimously passed legislation that toughens penalties against those who illegally purchase firearms for criminals — a practice commonly known as straw purchasing.

**House Bill 898** mandates a five-year minimum sentence for people convicted of making multiple straw purchases.

The bill was signed into law as **Act 199 of 2012**.



\*\*\* **Duties of Retired and Senior Judges** — The Senate unanimously approved legislation that allows retired or senior judges to administer oaths and affirmations and take acknowledgments.

**House Bill 1026** adds retired and senior judges to those individuals who are permitted to administer oaths and affirmations and take acknowledgments, as long as they are Pennsylvania residents; have served as a magisterial district judge, judge or justice, whether or not continuously or on the same court, by election or appointment for an aggregate period equaling one full term of office; have not been defeated for reelection or retention; have not been convicted of or pleaded no contest to any misdemeanor or felony offense; have not resigned a judicial commission to avoid having charges filed or to avoid prosecution by federal, state or local law enforcement agencies or by the Judicial Conduct Board; and have not been removed from office by the Court of Judicial Discipline.

The bill was signed into law as **Act 79 of 2012**.

\*\*\* **Increased Penalties for Street Gang Activity** — The Senate voted 45-3 for legislation that further criminalizes street gang activity. **House Bill 1121** makes recruiting criminal street gang members a crime and increases sentences for crimes committed in association with a criminal street gang.

The bill was signed into law as **Act 200 of 2012**.

\*\*\* **Expert Testimony in Sex Assault Cases** — The Senate unanimously approved legislation that allows for the use of expert testimony when a conviction would result in the requirement to register under Megan's Law and in cases relating to statutory sexual assault.

**House Bill 1264** permits an expert to provide testimony on the counterintuitive behavior indicative of a rape victim, as well as any recognized form of post-traumatic stress disorder in sexual assault cases.

If qualified as an expert, the witness may testify to facts and opinions regarding specific types of victim response and victim behaviors. The witness' opinion regarding the credibility of any other witness, including the victim, is not admissible.

The bill was signed into law as **Act 75 of 2012**.

\*\*\* **Juvenile Court Judges' Commission Responsibilities** — The Senate unanimously approved legislation that further provides for the powers and duties of the Juvenile Court Judges' Commission (JCJC).

**House Bill 1546** requires the JCJC to collect and analyze data to identify trends and evidence-based programs and practices and to make recommendations concerning best practices to judges, the Administrative Office of Pennsylvania Courts (AOPC) and other appropriate entities.

The bill also requires the JCJC to post this statistical data on its website.

The bill was signed into law as **Act 42 of 2012**.

\*\*\* **Benefits Corporations** — The Senate unanimously approved legislation that creates a new business class that would provide for the recognition of Benefit Corporations, or "B-Corps."

Previously, corporations were required to make decisions based exclusively on maximizing profits.



**House Bill 1616** allows for-profit companies to make a positive social and environmental impact on their communities as part of their corporate mission. Under the bill, the Benefit Corporation designation reclassifies the fiduciary duties of corporation directors, allowing them to take non-financial interests into consideration when making decisions for the corporation. Benefit Corporations may not be held liable for lost monetary value as a result of socially conscious decisions made.

The process of becoming a Benefit Corporation is entirely voluntary and based on shareholder desire. If a business chooses to become a Benefit Corporation, it must provide yearly disclosures of the public benefit efforts the company has undertaken to shareholders.

The bill was signed into law as **Act 152 of 2012**.

\*\*\* **HIV-Related Testing for Sex Offenders** — The Senate unanimously approved legislation that establishes HIV-Related Testing for Sex Offenders Act.

**House Bill 1794** provides a statutory mechanism for victims of certain sex crimes to request that a court order the defendant to submit to HIV testing.

This bill complies with the federal Violence Against Women Act (VAWA), which requires all 50 states to enact a statute allowing testing of certain sexual offenders within 48 hours of an indictment of, or filing of an information against, the defendant when the request for testing is made by the victim. Failure to enact such a provision results in a 5 percent reduction in federal grants made under VAWA.

The bill was signed into law as **Act 201 of 2012**.

\*\*\* **Wiretapping** — The Senate unanimously approved legislation that updates the Wiretapping and Electronic Surveillance Control Act.

**House Bill 2400** allows any individual to intercept the contents of any wire if that person is under a reasonable suspicion that the intercepted party is committing, about to commit or has committed a violent crime.

Also under the bill, a law enforcement officer may use a lawfully obtained device and pose as the actual person who is the intended recipient if he has received the approval of the Attorney General or district attorney (or a designated deputy) in writing.

The bill also allows for target-specific wiretaps in certain situations, such as when specific information regarding a location or a precise phone number cannot be ascertained due to the target's attempts to thwart interception.

The bill also permits the use of wiretap evidence from other jurisdictions, but the intercepted recording must have been made in accordance with the laws of that jurisdiction. Also, the laws of that jurisdiction must require at least probable cause that the target of the surveillance was engaged in criminal conduct.

The bill also allows a law enforcement officer to use the contents of a wire communication obtained by someone else as long as the contents show evidence of a violent crime or first degree felony.

The bill also permits a court to authorize the installation and use of mobile tracking devices upon a showing of probable cause that the use of the device will yield information relevant to an investigation of criminal activity.

The bill also allows for an interception where the person "may resist with the use of weapons" or if the person is "threatening suicide or harm to himself or others."

The bill was signed into law as **Act 202 of 2012**.





\* **Sexual Violence Victim Protection Act** — The Senate unanimously approved legislation that would have established the Sexual Violence Victim Protection Act.

**Senate Bill 58** would have allowed a victim of sexual assault to petition the court for protection from the defendant — a current option for victims of domestic violence. A protection order would have prohibited a defendant from having any contact with a plaintiff, direct them to not harass or stalk the victim, and provided for any other appropriate relief. A parent or guardian would have been able to file on behalf of the victim.

The bill was modeled after the provisions of Pennsylvania law relating to domestic violence, but was drafted as a free-standing act to avoid confusion with protection from abuse orders in domestic violence cases.

The bill died in the House.

\*\*\* **Uniform Interstate Depositions and Discovery Act** — The Senate unanimously approved legislation that enacts the Uniform Interstate Depositions and Discovery Act (UIDDA).

Previously under law, a tribunal of the commonwealth could exercise personal jurisdiction over someone who acts directly or by an agent, as to cause of action or other matter arising from the transaction of business.

Under **Senate Bill 79**, litigants can present the clerk of the court located in the state where discoverable materials are sought with a subpoena issued by a court in the state in which the trial is to be held.

Once the clerk receives the foreign subpoena, the clerk will issue a subpoena for service upon the person or entity on which the original subpoena is directed. The terms of the issued subpoena must incorporate the same terms as the original subpoena and contain the contact information for all counsel of record and any party not represented by counsel.

The UIDDA requires minimal judicial oversight and eliminates the need for obtaining a commission or local counsel in the discovery state, letters of request, or the filing of a miscellaneous action during the discovery phase of litigation. Discovery authorized by the subpoena must comply with the rules of the state in which it occurs.

The bill was signed into law as **Act 183 of 2012**.

\*\*\* **Modifications to the Judicial Code and Prisons and Parole Code** — The Senate unanimously approved legislation that made a number of modifications to the Judicial Code and Prisons and Parole Code.

**Senate Bill 100** expands the definition of “crime of violence” to include manslaughter of a law enforcement officer, serious assault of a law enforcement officer, use of weapons of mass destruction, terrorism, trafficking of persons and eco-terrorism.

The bill also makes it a second-degree felony for an offender to enter a building, regardless of whether it is adapted for overnight accommodations or not, and regardless of whether a person is present or not at the time of the offense.

The bill also requires the Sentencing Commission to use a risk assessment instrument in monitoring the effectiveness of sentencing guidelines.

The measure also makes more nonviolent offenders eligible for Pennsylvania’s alternative sentencing programs, including county intermediate punishment, state intermediate punishment, state motivational boot camp, and the recidivism risk reduction incentive.



The bill establishes a county probation program providing for swift, predictable and immediate sanctions on offenders who violate their probation.

The bill also establishes the Safe Community Reentry Program and requires the Department of Corrections to establish a comprehensive program to reduce recidivism and ensure the successful reentry and reintegration of offenders into the community.

The bill was signed into law as **Act 122 of 2012**.

**\* Castle Doctrine Expansion** — The Senate passed **Senate Bill 273** by a 43-4 vote. This bill 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.

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 bill would have eliminated an individual’s duty to retreat before using lethal force outside of his home or vehicle. It would have created a presumption that the occupant of a home or vehicle has reasonable belief that the use of deadly force is necessary to protect himself against death, serious bodily injury, kidnapping or rape from an intruder.

The presumption would not have applied if the person entering the home or vehicle has a right to be in the home or vehicle; a parent, grandparent or guardian removing a child from the home or vehicle; an on-duty peace officer; or if the person using protective force is engaged in criminal activity or is using his home or vehicle in furtherance of criminal activity.

The bill died in the House. However, most of its provisions were included in House Bill 40, which was enacted.

**\*\*\* Civil Immunity for AED Use** — The Senate unanimously approved legislation that further provides for Good Samaritan civil immunity for use of automated external defibrillator (AED) and for non-medical Good Samaritan civil immunity.

**Senate Bill 351** provides civil immunity to people who, in good faith, use an AED or other forms of first aid to aid victims during an emergency. Immunity would also be extended to the business or other organization that houses and maintains an AED on its premises.

The bill was signed into law as **Act 125 of 2012**.

**\* Death Penalty for Mentally Retarded** — The Senate voted 43 to 7 for legislation that would have prohibited the state from imposing the death penalty on a mentally retarded person.

In June 2002, the U.S. Supreme Court decided that executing an individual with a mental retardation was unconstitutional, but left it to each state to determine how to implement the decision.

Under **Senate Bill 397**, the death sentence would not have been imposed upon any person who proves they are mentally retarded. The defendant would have been able to file for an order 90 days before their trial, directing the court to conduct a hearing to determine their eligibility for the death penalty.

The bill also would have permitted individuals who have been convicted and claim to be mentally retarded to file for a hearing to prove their mental retardation.

The bill died in the House.



**\*\*\* Immunity for Underage Drinking** — The Senate unanimously approved legislation that provides immunity from prosecution for minors if they call 911 to help an intoxicated friend in an emergency situation.

**Senate Bill 448** grants immunity to the first person to call 911 to report that another person needs medical attention when underage drinking is involved. The caller must provide their name to the 911 operator and must remain with the person until paramedics arrive.

The bill also grants immunity to the caller if they have alcohol in their possession.

The bill was signed into law as **Act 66 of 2011**.

**\* Wrongful Death Lawsuit Awards** — The Senate unanimously approved legislation that would have included dependent step-children in wrongful death lawsuit awards.

Currently, only a spouse, children or parents of the deceased may file civil action to recover damages as a result of wrongful death. **Senate Bill 466** would have treated a dependent step-child as a dependent child of the deceased individual and, therefore, would have qualified them to participate in damages awarded.

The bill died in the House.

**\* Expansion of DNA Testing** — By a 44-5 vote, the Senate approved legislation on the collection, analysis and use of DNA samples, and storage of DNA profiles in the State DNA Database for comparison with DNA profiles collected during criminal investigations.

**Senate Bill 775** would have required the state's DNA Database to store and maintain DNA records related to "arrested and charged" offenders required to provide samples, and records used for statistical research into the frequency of DNA genotypes or the development of new DNA identification methods.

The bill also would have required the State Police DNA identification system to be compatible with FBI quality assurance standards for DNA testing and data basing laboratories, and federal CODIS (Combined DNA Index System) policies and procedures.

The bill also would have expanded the definition of "other specified offenses" for which a DNA sample is required after conviction or adjudication of delinquency to include misdemeanor offenses requiring registration of sex offenders and violations relating to simple assault, unlawful restraint, criminal trespass, concealing the death of a child, and dealing in infant children.

The bill also would have established a new subsection relating to arrest that provides that, unless a DNA sample is already in the DNA data base:

A person arrested for criminal homicide or a felony sex charge would have had a DNA sample collected no later than five days after arrest or if not done then, anytime thereafter and prior to release on bail.

Collection of DNA from those arrested for criminal homicide would have begun one year after the effective date of the bill. Collection from those arrested for felony sex offenses would have begun two years after the effective date.

The bill also would have required that arrestee DNA samples and records be maintained in a separate category within the state data base.

The bill also would have required the collection of a DNA sample from inmates, parolees and probationers convicted of criminal homicide, a felony sex offense or "other specified offense" and accepted from another state or the federal government under an interstate agreement or otherwise, unless the person's DNA sample is already on file.

The bill died in the House.



\*\*\* **Juvenile Justice** — The Senate unanimously approved **Senate Bill 815**, which requires that legal representation be provided for children in all juvenile proceedings and cannot be waived at any stage of a proceeding, except at an intake conference conducted by a juvenile probation officer following the submission of a written allegation.

This bill was introduced in response to the severity of problems discovered in the Luzerne County juvenile justice system, in which the right to counsel in a great number of proceedings were routinely waived resulting in placement in a juvenile detention facility.

The bill was signed into law as **Act 23 of 2012**.

\* **Juvenile Justice** — The Senate unanimously approved legislation that would have created a victim advocate devoted to juvenile justice.

**Senate Bill 816** would have amended the Crime Victims Act to direct the victim advocate to advocate for juvenile justice victims. This legislation is a result of a study of the juvenile justice scandal in Luzerne County.

The bill died in the House.

\*\*\* **Juvenile Restraints** — The Senate unanimously passed legislation that restricts the use of restraints on children during court proceedings.

**Senate Bill 817** requires that restraints, such as handcuffs, chains, shackles, irons or straitjackets be removed from the juvenile offender prior to a court proceeding, except if the restraints are necessary to prevent physical harm to the juvenile or others; prevent disruptive courtroom behavior if the juvenile has a history of disruptive courtroom behavior; or prevent a juvenile with an escape history from fleeing the courtroom.

The bill was signed into law as **Act 56 of 2012**.

\*\*\* **Juvenile Justice** — The Senate unanimously approved legislation that requires a court to publicly state the reason for the disposition of a delinquent child on the record in open court.

Under **Senate Bill 818**, the court is required to state the reasons for its disposition on the record in open court along with the goals, terms and conditions of that disposition.

If a child is to be committed to out-of-home placement, the court must state why a juvenile was committed to the specific facility was determined to be the least restrictive placement that is both in the best interest of public safety and is best suited for the child's treatment, rehabilitation and welfare.

The bill was signed into law as **Act 22 of 2012**.

\*\*\* **Protecting Juvenile Offenders and Defining Cyber Bullying** — By a 37-12 vote, the Senate approved legislation that ensures greater protections for juvenile offenders and defines "cyber bullying."

In response to the judicial abuses that occurred in Luzerne County between 2005 and 2008, **Senate Bill 850** expands the list of situations under which juvenile records may be expunged. Once the individual is 18 years old or older and has satisfied all terms and conditions of the sentence imposed following a conviction for a summary offense (except underage drinking), their criminal history record information and all administrative records of the Department of Transportation may be expunged.



The bill also provides juvenile offenders a rebuttable presumption in favor of indigence and the appointment of counsel. In delinquency cases, all children are presumed indigent. Under the bill, it may be rebutted if the court believes that the child has the financial resources to retain counsel.

The bill also puts Pennsylvania under compliance with a U.S. Supreme Court ruling that sentencing juveniles to life in prison without parole is unconstitutional.

The bill defines the crime of cyber bullying by minors. These activities would only be considered a crime if a minor knowingly transmits an electronic message or photo to harm or harass another person. The crime is a third-degree misdemeanor.

The bill was signed into law as **Act 204 of 2012**.

**\* Nonprofit Corporation Law** — The Senate unanimously approved legislation that would have revised the Nonprofit Corporation Law to make it consistent with the Business Corporation Law.

Under **Senate Bill 884**, revisions would have been made in the Nonprofit Corporation Law so that nonprofit corporations could make use of electronic communications technology to provide for notice of meetings, granting of proxies and acting by consent without a meeting.

The bill also would have continued the codification of the Nonprofit Corporation Law provisions relating to electronic communications so that the Business Corporation Law and Nonprofit Corporation Law provisions are the same.

The bill died in the House.

**\* Criminalizing Aggravated Arson** — The Senate voted 47-2 for legislation that would have further criminalized arson and arson-related offenses.

**Senate Bill 903** would have added the crime of “aggravated arson.” Under the bill, a person would have been committing a first-degree felony if they intentionally caused a fire or explosion, or aided or agreed to pay another to cause a fire or explosion, with the intention of causing bodily injury or knowing that a person was present inside the property at the time.

The bill also would have toughened sentencing if bodily injury resulted to any firefighter, police officer or other person actively engaged in fighting the fire; serious bodily injury resulted to any civilian; more than three people were present inside the property at the time of the offense; or the fire caused more than \$1 million in property damage.

The bill died in the House.

**\*\*\* Penalties for Underage Drinking and Public Drunkenness** — By a 46-2 vote, the Senate approved a measure that strengthens penalties for underage drinking and public drunkenness.

**Senate Bill 941** raises the fine for underage drinking and public drunkenness to a maximum of \$1,000. Previously under law, the fines were \$300 for all offenses, and \$500 for second and subsequent offenses.

The bill was signed into law as **Act 205 of 2012**.

**\* Alcohol Violations in College Towns** — By a 46 to 2 vote, the Senate approved legislation that would have given municipalities where colleges are located the ability to set a \$100 court fee for all alcohol violations in their jurisdiction.





**Senate Bill 943** would have allowed these municipalities to create a local law enforcement alcohol offense prevention unit to collect a fee from the courts to be used for the prevention of alcohol violations. The funds would have been used for the prevention of alcohol violations through the law enforcement unit.

The bill died in the House.

\*\*\* **Outlawing Bath Salts and Synthetic Marijuana** — The Senate unanimously approved legislation that adds certain synthetically produced drugs to the list of Schedule I controlled substances under the Controlled Substance, Drug, Device and Cosmetic Act.

Schedule I drugs are substances that are unsafe, have a high potential for abuse and have no currently accepted medical use.

**Senate Bill 1006** adds Salvia Divinorum, Salvinorin A, Divinorin A, synthetic marijuana, a hallucinogenic compound called 2C, and synthetic amphetamine/heroin, more commonly referred to as concentrated bath salts, to the list of Schedule I controlled substances. The bill also outlaws chemical compounds that are similar to the listed substances so that the ingredients or manufacturing process cannot be altered slightly in an effort to bypass the law.

These drugs are now subject to the same penalties as other non-narcotic Schedule I offenses.

In recent years, law enforcement officials have seen a dramatic increase in use of these substances. The chemicals found within are very powerful and can have life threatening consequences for users and those around them. Salvia Divinorum has been shown to be a powerful hallucinogen. Bath salts and synthetic marijuana mimic the effects of powerful drugs and recent media reports and academic studies indicate a growing problem within our communities.

The bill was signed into law as **Act 7 of 2011**.

\* **Salaries of Corrections Managers** — By a vote of 45-5, the Senate passed legislation that would have outlined the salaries of corrections managers in the Department of Corrections.

Under **Senate Bill 1019**, a corrections manager would have received not less than the same annual percentage salary and fringe benefit increase as received by the highest ranking corrections officer participating in collective bargaining.

The bill died in the House.

\* **Validity of Powers of Attorney** — The Senate unanimously approved legislation that would have amended provisions of the Probate, Estates and Fiduciaries Code relating to the validity of powers of attorney and the good faith reliance on powers of attorney by third parties.

Currently, two witnesses are only required when the power of attorney is executed by mark or by another individual. **Senate Bill 1092** would have required two witnesses when any power of attorney is executed. These requirements would not have applied to a power of attorney contained in an instrument used in a commercial transaction or a power of attorney that exclusively provides for health care decision making.





The bill also would have required that any person who is given instructions by a person claiming to be an agent acting under a document appearing to be a valid power of attorney must comply with the instructions if the action requested is authorized under the terms of the document.

Reasonable cause for failing to comply would have included a reasonable good faith belief that the document presented is void, invalid or terminated; the agent's apparent authority was voided, invalid or terminated; or the agent was exceeding or improperly exercising the agent's apparent authority.

Reasonable cause would have also included a good faith report having been made by the person to whom the instructions had been given by the agent to the local protective services agency.

The bill also would have required that any person who reasonably acts in good faith reliance on a document appearing to be a valid power of attorney would not incur liability as a result of acting in accordance with the instructions of the person claiming to be the agent.

The bill died in the House.

\*\*\* **Joint and Several Liability** — The Senate voted 32-18 for legislation that ends Pennsylvania's joint and several liability doctrine.

Under previous law, the joint and several liability doctrine required a defendant to pay the share of a verdict that a co-defendant could not afford, no matter what percentage of liability is assessed to both, and it was up to the paying defendant to seek repayment from the non-paying one.

Under **Senate Bill 1131**, also known as the Fair Share Act, each responsible defendant only has to pay their share as long if the jury finds them less than 60 percent at fault. If a defendant is found more than 60 percent at fault, they can be made to pay 100 percent of the damages if the other defendants are without sufficient funds.

The bill was signed into law as **Act 17 of 2011**.

\*\*\* **Custody Rights During Military Deployment** — The Senate unanimously passed **Senate Bill 1167**, which allows a service member to petition the court to modify a custody agreement. The modification will grant custody rights to one or more biological relatives. It will include a proposed custody schedule with the relatives and will not exceed the time granted to the service member prior to the time of filing the petition.

The bill also enables the court to hold an expedited hearing when a parent's military duties prohibit their ability to appear in person. If it is reasonable to do so, a parent could present testimony and evidence by electronic means.

In a case where the parent or guardian seeking custody has a criminal conviction, the bill clarifies that the judge or conference officer may perform an initial evaluation to determine if that parent or guardian poses a threat to the child. Previously under law, a mental health professional conducted the evaluation initially. A mental health professional may be called in if the court determines that further evaluation is necessary.

The bill was signed into law as **Act 32 of 2012**.

\*\*\* **Compliance with Sex Offender Registration and Notification Act** — By a vote of 48 to 2, the Senate updated Pennsylvania's Megan's Law, bringing it into compliance with the federal Sex Offender Registration and Notification Act, which is part of the Adam Walsh Child Protection and Safety Act of 2006.



**Senate Bill 1183** establishes a comprehensive system in Pennsylvania for managing the sex offender population. The bill also prohibits group-based homes from providing concurrent residency to multiple individuals who are required to register as sexually violent predators, unless the individuals are spouses, siblings, or parent and child to each other.

The bill also includes penalties for failure to register and establishes mandatory sentences for failure to register.

The bill was signed into law as **Act 111 of 2011**.

\* **Designation of Deficiency Courts** — The Senate unanimously approved legislation that would have addressed deficiency judgments when real property collateral is located in more than one county by designating the court of common pleas in one of the counties as the “deficiency court.”

Under **Senate Bill 1373**, the deficiency court would have been designated by the location where the collateral real property had the highest adjusted value. This court would have been the venue for the fair market valuation of all of the collateral real property located in Pennsylvania. The judgment creditor would have petitioned the deficiency court to determine and fix the fair market value of all of the real property collateral.

The real property collateral would have been valued before any sheriff’s sale, but would have been subject to redetermination at the request of either party to protect against changes in value. A petition for redetermination of the fair market value following a sheriff’s sale must have been brought within six months.

The bill died in the House.

\* **Uniform Child Abduction Prevention Act** — The Senate unanimously approved legislation that would have established the Uniform Child Abduction Prevention Act.

**Senate Bill 1449** would have provided courts with guidelines to follow during custody disputes and divorce proceedings.

Under the bill, a court on its own motion would have been able to order abduction prevention measures in a child custody proceeding if the court finds that the evidence establishes a credible risk of abduction of the child. A party to a child custody determination would have been able to file a petition seeking abduction prevention measures to protect the child. Also, a prosecutor would have been able to seek a warrant to take physical custody of a child or other appropriate prevention measures.

The bill also would have required the court to consider certain evidence in determining whether there is a credible risk of abduction of a child.

The bill also would have included abduction prevention restrictions and duration measures.

Also under the bill, a petition would have been filed only in a court that has jurisdiction to make a child custody determination and must contain the name, date of birth and gender of the child; the customary address and current physical location of the child; the identity, customary address and current physical location of the respondent; a statement of whether a prior action to prevent abduction or domestic violence has been filed by a party and the date, location and disposition of the action; a statement of whether a party to the proceeding has been arrested for a crime related to domestic violence, stalking or child abuse or neglect and the date, location and disposition of the case; and any other information required to the court for a child custody determination under the law.

The bill died in the House.



\*\*\* **Copying Medical Records When Subpoena is Served** — The Senate unanimously approved legislation that amends the Medical Records Act (MRA) to provide for the rates charged for copying medical records when a subpoena is served upon a health care provider or a health care facility.

**Senate Bill 1535** also removes the requirement to provide “the estimated actual and reasonable expenses” because an estimate of the actual expenses cannot be determined until the correct records are identified and a page count is performed. Records responsive to a single request may reside in several different systems.

The bill also provides a specific schedule of rates for copying medical records. The bill updates the schedule of rates to reflect the rates actually in effect for 2012.

The bill also references the federal Health Insurance Portability and Accountability Act (HIPAA) to make it clear that the schedule of rates would apply to requests by subpoena or authorized through HIPAA.

The MRA was enacted prior to HIPPA and this bill specifies that the rates apply to both types of requests. In addition, the bill recognizes the fact that since the MRA was written, new electronic systems have been put in place for storing records and delivering copies of records and the schedule of rates applies regardless of the medium.

The bill was signed into law as **Act 139 of 2012**.



## LABOR AND INDUSTRY

\*\*\* **Human Trafficking** — The Senate unanimously passed **House Bill 235**, which creates the National Human Trafficking Resource Center Hotline. The hotline will provide for awareness and assistance for reporting instances of human trafficking, and also establishes a victim services program under the Pennsylvania Commission on Crime and Delinquency. The bill was signed into law as **Act 197 of 2012**.

\*\*\* **Sprinkler Requirements** — By a vote of 33-17, the Senate passed a bill that repeals the requirement for automatic sprinkler systems in new home construction, and alters the operation of the advisory body that recommends changes in Pennsylvania's construction code. Opponents of **House Bill 377** said the changes were intended to favor special interests over consumer safety.

In 1999, Pennsylvania passed a Uniform Construction Code that corresponded with updates from national and international building codes. In 2008, the legislature created a 19-member Review and Advisory Committee (RAC) to recommend which changes in the international code should be omitted from the state code. The RAC drew the ire of state builders' groups when it voted to approve the national code requirement of automatic sprinkler systems in single family homes and duplexes.

House Bill 377 calls for a two-thirds vote of the RAC to approve any future changes in the statewide construction code. The House concurred in Senate amendments by a vote of 129-68, and the bill was signed into law as **Act 1 of 2011**.

\*\*\* **Workers Comp for Owners** — The Senate unanimously passed **House Bill 440**, making workers' compensation insurance coverage available to previously ineligible business entities, including members of a business partnership or limited liability corporation. The bill was signed into law as **Act 20 of 2011**.

\*\*\* **Emergency Fuel Shut-Off** — The Senate unanimously passed **House Bill 728**, which requires emergency shut-offs to be installed on all fuel dispensing systems.

Under the legislation, the shut-offs would be between 20 and 100 feet from the fuel dispenser, with the farthest fuel dispenser no more than 200 feet away from the master control emergency shut-off. The shut-offs must disconnect power to all dispensing devices; power, control and signal circuits; and, electrical equipment in hazardous or classified areas around the fuel dispensers.

The House concurred in Senate amendments to the bill and the bill was signed into law as **Act 144 of 2012**.

\*\*\* **Firefighter Cancer** — The Senate unanimously passed a bill to help protect firefighters and their families from the unseen hazards of duty.

**House Bill 797** would specifically add cancer to the Workers' Compensation Act as a work-related illness if no other obvious cause for the disease is present. The bill also amends the law to include cancer suffered by firefighters and caused a group of known carcinogens recognized by the International Agency for Research on Cancer.



The measure covers professional and volunteer firefighters who have been on the job for more than four years and have been exposed to known carcinogens. There are provisions in the bill that allow 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. Both the Senate and the House passed similar legislation the previous session, but the measure was vetoed by former Gov. Ed Rendell.

There are more than 3,500 professional and 60,000 volunteer firefighters in Pennsylvania. The bill was signed into law as **Act 46 of 2011**.

The Senate unanimously passed a similar bill, **Senate Bill 654**, which died in the House.

\*\*\* **Professional Employer Organizations** — The Senate unanimously passed legislation to regulate professional employer organizations (PEO) in Pennsylvania. PEOs provide services for employee benefits, payroll and workers' compensation, recruiting, risk/safety management, and training and development. In providing these services, the PEO “hires” a client company's employees, thus becoming their employer of record for tax and insurance purposes. This practice is called “co-employment.”

As of 2010, there were more than 700 PEOs operating in the United States, covering more than 2 million workers, according to the National Association of Employment Organizations.

**House Bill 1055** creates the Professional Employer Organization Act, setting tax and workers compensation guidelines for PEOs, including a requirement for PEOs in the state to provide audited financial statements to the state and to meet a working capital or bonding requirement. The bill was signed into law as **Act 102 of 2012**.

\*\*\* **Unemployed Worker Training** — The Senate unanimously passed legislation that creates the “Keystone Works” program in the state Department of Labor and Industry. **House Bill 1539** represents the Corbett administration’s limited version of the “PA Works” bills introduced nearly a year earlier by Senate Democrats.

The program allows unemployed workers to receive training with a business while continuing to receive their unemployment benefits.

The plan is intended to provide worker training and allow employers time to evaluate prospective employees. Controls contained in the Senate Democrats’ plan, intended to ensure employers were not simply replacing current workers or taking advantage of lower-cost labor, were not included in the Keystone Works plan.

Employers receive up to \$1,500 for every trainee they hire. The state budget includes \$2.5 million to pay for the incentives.

The bill was signed into law as **Act 107 of 2012**.

\*\*\* **Children on TV** — The Senate unanimously passed **House Bill 1548**, which reforms the state’s child labor laws related to children in entertainment and provides the same protections to “reality show” TV child actors that are given to child movie actors.

Under the legislation, children are allowed to be on television, but can only work a limited number of hours. Children under age 16 on a film set must be accompanied by a parent or guardian, cannot work more than eight hours a day, and must finish by 10 p.m. on school nights. This legislation also requires that trust accounts be created for child actors into which their employer must put at least 15 percent of the child’s gross earnings.



The House unanimously concurred in Senate amendments and the bill was signed into law as **Act 151 of 2012**.

\*\*\* **Health-Care Workers and Overtime** — The Senate unanimously passed legislation that exempts certain health-care workers from state mandatory overtime provisions to align with federal law.

The Federal Fair Labor Standards Act provides for hospital workers, or those caring for the sick or mentally ill at an establishment where patients reside at the facility, to be exempt from traditional work week schedules as they relate to overtime. These employees are permitted to come to an agreement with their employer to work a 14 consecutive day work period, as opposed to a seven day work week. Within that time, workers may work up to eight hours a day and 80 hours within that 14 day period before being subject to overtime standards.

**House Bill 1820** amends the Minimum Wage act to allow the Federal 8/80 standard to be applied in lieu of the current Minimum Wage regulations for applicable health-care workers.

The legislation also provides exemptions from overtime regulations for employees on air carriers when overtime is the result of a non-mandatory shift trading agreement or when required hours of work, wages and overtime compensation are part of a collective bargaining agreement.

The bill was signed into law as **Act 109 of 2012**.

\*\*\* **Construction Code Compliance** — The Senate unanimously passed **House Bill 2530**, which amends the Pennsylvania Construction Code of 1999 to address a Commonwealth Court ruling. In April, the court ruled that the law required municipalities enforcing the code to create their own boards of appeal.

Under the legislation, local municipalities can create or designate a board of appeals to hear challenges to local decisions.

The bill was signed into law as **Act 179 of 2012**.

\*\*\* **Industry Clusters** — The Senate unanimously passed legislation that requires the Department of Labor and Industry to work with state and regional workforce and economic development agencies to identify industry clusters to be targeted for workforce and economic development grants.

Under **Senate Bill 552**, an industry cluster is a group of employers closely linked by common product or services, workforce needs, similar technologies, supply chains or other economic ties.

The Department of Labor and Industry will work with businesses, industry associations, career and technical associations to identify the clusters and steer grants toward employment training and development.

The bill was signed into law as **Act 67 of 2011**.

\*\*\* **Unemployment Extension** — By a unanimous vote, the Senate passed a compromise bill that extends unemployment benefits and makes changes to help shore up the Unemployment Compensation Trust Fund.





**Senate Bill 1030** includes provisions that qualify Pennsylvania for the federal unemployment extension funding and alter benefit calculations to save money for the beleaguered trust fund.

Thousands of unemployed Pennsylvanians would have lost extended federal benefits on June 11, 2011 without the changes.

Federally subsidized extended benefits are triggered by a state's unemployment rate over a defined period of time, called a "look-back" period. Using a two-year look-back, Pennsylvania would not have qualified after May 21, 2011 and 45,000 Pennsylvanians would have lost benefits on June 11, 2011. An estimated 90,000 more would have lost regular benefits and would not have qualified for extended benefits through the end of the year. Senate Bill 1030 contains some provisions that were included in legislation (SB 994) that would have extended the look-back period to three years.

The bill also includes a Democratic proposal to authorize "shared-work" programs, through which employers will be able to reduce work hours of employees as an alternative to layoffs and allow affected employees to receive prorated unemployment compensation for lost wages.

Additionally, the bill requires unemployment beneficiaries to conduct an active search for employment. The bill went to the House where it was amended. The Senate concurred unanimously. The governor signed it into law as **Act 6 of 2011**.

\* **PA Conservation Corps** — After the Pennsylvania Conservation Corps (PCC) was eliminated in Gov. Corbett's 2011-12 budget, the Senate unanimously passed a bill transferring the line item from the Department of Labor and Industry to the Department of Conservation and Natural Resources. **Senate Bill 1128** would have allowed the PCC to be funded through the Oil and Gas Lease Fund.

The bill died in the House.

\*\*\* **Unemployment Compensation Debt** — By a vote of 29-19, the Senate passed a bill that will substantially change the state's Unemployment Compensation system to address the \$3.9 billion Pennsylvania owes the federal government for loans made during the depths of the recession.

Along with changes implemented in Act 6 of 2011, **Senate Bill 1310** ensures an estimated \$500 million in cuts to benefits and eligibility while Pennsylvania's taxable wage base, on which businesses pay unemployment taxes, remains among the nation's lowest.

The bill was signed into law as **Act 60 of 2012**.

\*\*\* **Unemployment Extension** — By a vote of 43-7, the Senate approved a measure that allowed 17,000 Pennsylvanians to continue to receive extended unemployment benefits.

The legislation, **Senate Bill 1375**, was needed for the state to draw down federal money that would pay for the extension. The bill sat in the House as the February 4 deadline passed, effectively ending benefits for effected workers. However, once the bill was signed on February 8, 2012, the benefits were paid retroactively.

The bill was signed into law as **Act 10 of 2012**.



## LAW AND JUSTICE

\*\*\* **Happy Hour Extension** — The Senate unanimously passed **House Bill 148**, an omnibus bill that allows bar, restaurant and hotel owners to extend “happy hours” — the length of time they may discount the price of alcohol.

Under this bill, alcohol-serving establishments can still only offer discounted alcohol for a total of 14 hours per week. However, they may use up to four hours per day of the granted 14 hours, instead of just two hours, which the previous law specified. In addition, they must post notices as to when happy hours will be held at least seven days in advance.

In addition, House Bill 148 permits owners of hotels and restaurants to purchase an additional license to sell meals and alcohol for consumption at an off-site, otherwise unlicensed premises. The measure prohibits these establishments from holding more than 50 off-premises, catered events per year and requires that the local or state police are notified in advance.

Previous law banned establishments from providing alcohol at any location other than the licensed premises. If the catering business wanted to cater an event off the licensed premises, the customer had to purchase all of the alcohol separately from the meal.

The Senate amended the bill to remove a provision that would have allowed restaurant patrons to purchase up to three bottles of wine to take home.

The bill was signed into law as **Act 11 of 2011**.

\*\*\* **Small Distillery Sales** — By a vote of 40-9, the Senate passed **House Bill 242**, which makes a number of changes to the state Liquor Code, including granting small distilleries (producing less than 100,000 gallons of spirits) the right to sell their products directly to the public from on-site tasting rooms like Pennsylvania’s wineries and breweries.

In addition, this legislation allows establishments offering meals to begin serving alcohol at 9 a.m. on Sundays, instead of 11 a.m.; enables beer distributors to be open from 9 a.m. until 9 p.m. on Sundays, instead of noon to 5 p.m.; allows wineries to receive permits for 100 days during a year and 30 consecutive days to participate in festivals, up from 40 days during a year and 5 consecutive days; and loosens the restrictions on the time frame that taverns can offer “Happy Hour.”

The bill was signed into law as **Act 113 of 2011**.

\*\*\* **Ski Resort Liquor Licenses** — The Senate passed **House Bill 1310**, which permits the Liquor Control Board to issue a liquor license to a ski resort regardless of the quota for the county where the ski-resort is located.

The bill was signed into law as **Act 149 of 2012**.

\*\*\* **Municipal Police Officer Training History** — The Senate unanimously passed an amended version of **House Bill 2043**, which expanded the definition of training history to be taken into account when considering municipal police officer candidates for employment.

The law allows partial waivers of mandatory basic training to be granted to federal law enforcement and military police officers who have successfully completed previous equivalent training. Under prior law, the Municipal Police Officers’ Education and Training



Commission had the power to grant waivers of mandatory basic training only to police officers who had successfully completed previous equivalent training or who had full-time police experience, or both.

The bill was signed into law as **Act 165 of 2012**.

\*\*\* **Liquor Code Updates** — The Senate unanimously passed **House Bill 2267**, which made a number of updates to the Liquor Code.

Among other small clarifications, this bill allows the Liquor Control Board to sell wine kegs by increasing the maximum wine container size that can be sold from six liters to 60 liters. The bill also permits the board to renew licenses and approve license transfers of restaurant, eating place, hotel and distributor licenses when those licenses are located in a municipality that has merged with another municipality – and the newly established municipality is dry.

The bill was signed into law as **Act 116 of 2012**.

\* **ID Card Confiscation** — By a 48-1 vote, the Senate passed **Senate Bill 117**, which would have allowed any person who is authorized to sell alcoholic beverages to confiscate an identification card if they have a reasonable suspicion that the card was not legally issued to the individual.

Under this bill, the seller would have had to verify the age of the purchaser by placing the ID card through an electronic scanner. The confiscated ID card would have then been submitted to law enforcement within 48 hours to determine its validity.

The bill died in the House Judiciary committee.

\* **Westmoreland County Parks Police Force** — The Senate unanimously passed **Senate Bill 657**, which would have added the Westmoreland County Parks Police Force to the list of police officers who must receive training from the Municipal Police Officers' Education and Training Commission.

The bill died in the House.

\* **Shipping Wine to PA Residents** — The Senate unanimously passed **Senate Bill 790**, which would have allowed out-of-state wineries to ship wine directly to Pennsylvania residents.

Under Senate Bill 790, residents would have been able to receive up to 18 liters of wine (equivalent to 24 750 milliliter bottles) through direct shipment per month. Consumers would have been allowed to purchase the wine from Pennsylvania Liquor Control Board-licensed shippers online, through the mail or by telephone.

The bill would have also required direct shippers to verify the age of the purchaser, pay a one-time \$100 licensing fee and pay all applicable taxes.

The bill died in the House.

\*\*\* **Residency Requirements for Pittsburgh Police Officers** — The Senate passed **Senate Bill 1572** by a vote of 48-1. This bill removes the state requirement that a police officer employed by the city of Pittsburgh maintain a residence in the city during their entire period of employment.



The bill does, however, still allow the city to have an ordinance requiring residency. The Pittsburgh Code of Ordinances currently requires that all city employees, including police and fire personnel, reside in the city.

The bill was signed into law as **Act 195 of 2012**.



# LOCAL GOVERNMENT

\*\*\* **Competitive Bidding for Public Contracts** — The Senate unanimously passed a legislative package that increases the threshold for when a competitive bid and public advertising are required for purchases and contracts from \$10,000 to \$18,500.

**House Bills 278** (Second Class Townships), **279** (First Class Townships), **284** (County Code), **288** (Public Auditorium Authorities), **289** (municipal flood improvements), **290** (Second Class County Code), and **291** (Municipalities Generally) also increases the threshold for telephonic bids from between \$4,000 and \$10,000 to between \$10,000 and \$25,000.

The thresholds can be adjusted based on the Consumer Price Index every five years.

House Bills 278, 279, 284, 288, 289, 290 and 291 were signed into law as **Acts 84, 85, 86, 87, 88, 89 and 90 of 2011**, respectively.

\*\*\* **Online Sale of Personal Property** — The Senate unanimously passed **House Bills 373** and **374**, which allow for the sale of personal property by online or electronic auction in boroughs and incorporated towns, respectively.

Prior to this legislation, sale by auction was allowed in Pennsylvania, but the law did not specify whether an online or electric auction could take place.

The bills were signed into law as **Act 12** and **Act 13 of 2011**, respectively.

\*\*\* **Tax Collection by Treasurers** — The Senate unanimously passed **House Bill 715**, allowing county treasurers within third through eighth class counties to collect municipal taxes if the office of municipal tax collector is vacant.

The bill was signed into law as **Act 115 of 2011**.

\*\*\* **Expenses for County Directors of Veterans' Affairs** — The Senate unanimously passed **House Bill 755**, increasing the annual meeting and dues expenses allowed for county directors of veterans' affairs, in third through eighth class counties, from a maximum of \$100 to a maximum of \$400.

The bill was signed into law as **Act 116 of 2011**.

\*\*\* **Hiring of Local Government Positions** — The Senate unanimously passed **House Bills 1448** and **1449**, clarifying the process of creating and hiring for local government management positions. House Bills 1448 and 1449 apply to manager positions in incorporated towns and boroughs, respectively.

The laws state that the manager serves at the pleasure of the governing body, subject to an employment agreement, the terms of which may be negotiated. The employment agreement may include provisions relating to severance compensation but do not guarantee employment through the term of the contract. The law limits the length of any contract to the term of the existing board or council, ensuring that future elected officials are not saddled with an employment contract they did not negotiate.

The bills were signed into law as **Act 53** and **Act 54 of 2011**.

\*\*\* **Civil Service Promotion** — The Senate unanimously passed **House Bill 1459**, which further clarifies promotion procedures for Civil Service employees in Third Class Cities.

The bill was signed into law as **Act 99 of 2011**.



\*\*\* **Background Investigations of Police and Firemen** — The Senate unanimously passed **House Bills 1460** and **1461**. Under these bills, only candidates on an eligibility list or those certified to the township commissioners (1460) or borough council (1461) are subject to a background investigation for an original position in the police force or fire department.

The bills were signed into law as **Act 100** and **104 of 2011**, respectively.

\*\*\* **County Population Threshold Increase** — The Senate passed **House Bill 1549** by a 49-0 vote, adjusting the population thresholds of fifth and sixth class counties.

In fifth class counties, the bill changes the threshold from a population of 95,000 and more but less than 145,000 to 90,000 and more but less than 145,000 inhabitants. In sixth class counties, the bill changes the threshold from a population of 45,000 and more but less than 95,000 inhabitants to 45,000 and more but less than 90,000 inhabitants.

The bill also states that when counties advance from fifth to fourth class; and when the census figures are certified after the primary election in the year of a municipal election, the county will maintain the current configuration of row offices in effect in the county until the year in which the offices are next up for election.

The bill was signed into law as **Act 55 of 2011**.

\*\*\* **Online Sale of Surplus Farm Products** — By a vote of 40-9, the Senate passed **House Bill 1644**, which permits the sale of county personal and surplus farm products through electronic online auctions.

During the electronic auction, each bidder will have the capability to view the high bid price and increase their own bids accordingly. The purchase price must be paid by the high bidder immediately, or at a time determined by the county commissioners. A record of the electronic auction is made accessible for public inspection.

The board of county commissioners can reject any bids received if they are believed to be less than fair market value.

House Bill 1644 also allows county commissioners to eliminate the costly position of jury commissioner by vote in many of the state's 67 counties – an estimated annual cost savings of \$1.4 million.

The bill was signed into law as **Act 108 of 2011**.

**V Washington County Reassessment Moratorium** — The Senate passed **House Bill 1696** by a 38-11 vote. This bill would have imposed a temporary moratorium on court-ordered countywide reassessments. This moratorium would have only applied to Washington County.

Claiming the measure would violate Pennsylvania's Constitution, Governor Tom Corbett vetoed the bill.

Corbett stated that the Constitution prohibits the legislature from passing "any local or special law... regulating the affairs of counties, cities, townships, wards boroughs, or school districts..." By limiting a property tax moratorium to counties of the fourth class, with a population between 185,000 and 210,000 as of the 2010 census, the bill restricted its application to Washington County.

The bill was vetoed as **Veto 1 of 2011**.





\*\*\* **Municipal Advertising Requirements** — The Senate unanimously passed a package of bills that would ease municipal advertising expenses for small projects.

**Senate Bill 281** (County Code), **282** (Third Class City Code), **283** (Second Class Township Code), **284** (First Class Township Code), **285** (Borough Code), **286** (Incorporated Towns), **287** (Intergovernmental corporations, municipal authorities), **288** (Second Class County Code), **289** (Municipal Flood Improvement Act), **290** (joint purchases by counties), and **291** (Public Auditorium Authorities) would increase the threshold at which projects must be competitively bid and publicly advertised.

These bills would increase the threshold from \$10,000 to \$18,500 and allow for adjustments based on the Consumer Price Index every 5 years. The legislation would also increase the thresholds for telephonic bids from between \$4,000 and \$10,000 to between \$10,000 and \$18,500.

Senate Bills 281, 283, 284, 287, 288, 289, and 291 all died in the House.

Senate Bills 282, 285, 286 and 290 were signed into law as **Acts 91, 92, 93 and 94 of 2011**, respectively.

\*\*\* **Population of Third Class Counties** — The Senate unanimously passed **Senate Bill 1276**, which allows Third Class counties having a population of over 500,000 to have the option to remain a Third Class County and not become a Second Class County A.

Under previous law, if a county had more than 500,000 but less than 850,000 residents it was deemed a Second Class County A. This bill would allow current Third Class Counties to keep their standing through an ordinance or resolution of its board of commissioners. Third Class counties must exercise this option by February 15 of the year following a certified census.

This bill was signed into law as **Act 132 of 2011**.

\*\*\* **County Protection Against Money and Property Loss** — The Senate unanimously passed **Senate Bill 834**, which provides counties with additional security options to protect against loss of money or property.

This measure permits county commissioners in second through eight class counties to set the amount of security and form of security that would be used to protect counties in the event of loss by a county official or employee responsible for state or county money and property.

This bill was signed into law as **Act 106 of 2011**.

\*\*\* **Notice of Residential Developments** — The Senate unanimously passed **House Bill 823**, which required municipalities to give monthly notice of all finally-approved residential developments or planned residential developments to school superintendents for the purposes of anticipating the impact on the local school district.

According to the law, the notice includes the location of the development, the number and types of units included in the development and the expected construction schedule of the development.

The bill was amended to require applicants for certain construction permits, development or land-use change approvals to give notice to a designated wastewater system official so the system's capacity for increased demand may be considered and



determined. A wastewater official is required to provide written notice stating the specific reasons that are causing the wastewater system to exceed capacity or if upgrades are needed.

The bill was signed into law as **Act 97 of 2012**.

\*\*\* **Local Government Commission Review** — The Senate unanimously passed an amended version of **House Bill 197**, which establishes a general rule that any agreement between a local government and the federal government, the commonwealth, any other state or government of another state shall, prior to enactment of an ordinance, be reviewed by the Local Government Commission.

The bill also extended this review period from 60 to 90 days. Within 90 days of the receipt of an agreement, the commission is required to provide a written response of its review and recommended changes to the local government to ensure compatibility with law.

The bill was signed into law as **Act 92 of 2012**.

\*\*\* **Tax Assessments in BIDs** — The Senate unanimously passed **House Bill 1582**, reducing tax assessments for residential properties in Business Improvement Districts (BIDs).

Under the law, assessments on residences in the BIDs would be reduced by 50 percent. The bill also changed the way assessments are made on condominiums to make sure individual unit owners receive the reduced assessment.

The bill was signed into law as **Act 12 of 2012**.

\*\*\* **Modernizing the Borough Code** — The Senate unanimously passed an amended version of **House Bill 1702**, which modernizes the state's Borough Code which was not recodified in 45 years.

This bill removes obsolete provisions, reflects court decisions, combines similar sections and subjects and incorporates provisions from a previous recodification of the Second Class Township Code and the current draft of the Third Class City Code into the Borough Code.

The legislation was a collaborative product of the Pennsylvania State Association of Boroughs and the Local Government Commission.

The Senate version of the bill passed the House by a 185-5 vote and was signed into law as **Act 43 of 2012**.

\*\*\* **PBA Professional Consultants** — The Senate unanimously passed a pair of bills – **House Bills 1718** and **1719** – introduced on behalf of the Pennsylvania Builders Association, which require municipalities to designate at least three professional consultants from multiple firms who are able to review proposed development plans and monitor projects; clarify that the municipality may only retain 10 percent of the original financial security for public improvement projects as they are completed; and extends the time period for a property owner to dispute the amount of review fees from 30 days to 180 days.

House Bills 1718 and 1719 were signed into law as **Act 154** and **Act 155 of 2012**, respectively.



\*\*\* **Voter Approval of Borrowing in Home Rule Counties** — By a 45-4 vote, the Senate passed an amended version of **House Bill 1857**, which expands the use of voter approval of borrowing in home rule counties.

This law allows county home rule charters to include referendum requirements for local government borrowing in addition to any currently contained in the Local Government Unit Debt Act.

The bill was signed into law as **Act 160 of 2012**.

\*\*\* **Separation of Tax Collector and Treasurer** — The Senate unanimously passed **House Bill 2116**, which permits the separation of the positions of tax collector and treasurer in many Pennsylvania municipalities, allowing for more flexibility in first-class townships and giving them the option of splitting the responsibilities into two offices.

The bill was signed into law as **Act 166 of 2012**.

\*\*\* **Construction Bids** — The Senate unanimously passed **House Bill 2324**, which requires that all construction, reconstruction, repairs or work of any nature made by any authority be advertised and bid out if it exceeds the base amount of \$18,500.

The \$18,500 base amount is subject to yearly adjustments tied to the percentage change in the Consumer Price Index. Under previous law, the base amount was \$10,000.

The bill was signed into law as **Act 168 of 2012**.

\*\*\* **Online Sale of Personal Property** — The Senate unanimously passed a legislative package that allows for the sale of personal property by online or electronic auction.

Previously, sale by auction was allowed, but the law did not specify whether an online or electric auction could take place.

**Senate Bills 357, 358, 359, and 360** make these changes to the Borough Code, First Class Township Code, Incorporated Towns, and the Third Class City Code, respectively.

Senate Bills 358 and 360 were signed into law as **Acts 14 and 15 of 2011**, respectively. Senate Bills 357 and 359 died in the House, however, similar legislation contained in House Bills 373 and 374 was signed into law as Acts 12 and 13 of 2011, respectively.

\*\*\* **Use of Municipal Authority Funds** — The Senate unanimously passed **Senate Bill 375**, which restricts municipal authorities from using any funds for purposes not related to their mission or stated purpose.

The bill was amended in the House to add certain exemptions for charitable donations and in-kind donations for the joint purchase and use of equipment, and for sharing equipment during an emergency.

The House concurred in Senate amendments and the bill was signed into law as **Act 73 of 2012**.

\* **Abolishment of Office of Jury Commissioner** — The Senate passed **Senate Bill 386** by a 34-16 vote. This bill would have amended the County Code to add an option to abolish the office of Jury Commissioner in Second Class A through Eighth Class counties.

The position would have been abolished following a majority vote of a county's governing body, but could not be passed in any year that the jury commissioner is on the ballot.

The bill died in the House.



\*\*\* **Office of Assessor Elimination** — The Senate unanimously passed **Senate Bills 725** and **726** which dealt with the elimination of the office of assessor.

Senate Bill 726 eliminates the office of assessor in First Class Townships. It was signed into law as **Act 7 of 2012**.

Senate Bill 725 would have eliminated the office of assessor in boroughs, but ultimately died in the House.

\*\*\* **Transfer of Property in Second Class Townships** — The Senate unanimously passed **Senate Bill 730**, which permits Second Class townships to transfer property to a council of government without competitive bidding or advertising.

The Second Class Township Code previously permitted the transfer of real and personal property to 17 types of governmental, utility, and non-profit agencies without requiring notification and bidding. This legislation expands this exemption to the transfer of real property valued at over \$1,500, personal property valued at over \$1,000 and for letting contracts to include councils of governments and other entities formed through an intergovernmental cooperation agreement.

The House amended the bill to permit townships to sell real property or personal property without utilizing the bidding process in instances where no bids are received after proper notice.

The bill was signed into law as **Act 30 of 2012**.

\*\*\* **Local Government Offices** — The Senate unanimously passed a package bills recommended by the Local Government Commission.

**Senate Bills 828** and **829** create the position of township manager in the first class township code and second class township code. These bills were signed into law as **Acts 73** and **74 of 2011**, respectively. Under the legislation, the township manager serves at the pleasure of the board of commissioners and the powers and duties of the position are regulated by ordinance

**Senate Bill 832** would have created the position of township manager in Act 566 of 1955 regarding incorporated towns. This bill died in the House.

**Senate Bill 830** created the office of City Administrator or Manager in the third class city code. Under this bill, the administrator or manager serves at the discretion of city council and is appointed by a majority vote of the council. The powers and duties of the newly created position will be laid out under city ordinance. Senate Bill 830 was signed into law as **Act 75 of 2011**.

Lastly, **Senate Bill 831** would have created the office of borough manger in the Borough Code. This bill died in the House.

\*\*\* **Medicare Eligibility for Township Supervisors** — The Senate unanimously passed **Senate Bill 894**, which makes township supervisors and their dependents over 65 years of age – in Second Class Townships – eligible for inclusion in supplemental Medicare insurance coverage.

The coverage is paid for in full or partly by the township.

The bill was signed into law as **Act 14 of 2012**.



\* **Accessibility of Coroner's Reports** — The Senate passed **Senate Bill 961** by a vote of 45-5. This bill would have allowed people to access coroner's reports in accordance to the Right-to-Know law.

The Pennsylvania State Coroners' Association supported the bill, which would have limited public access to autopsy reports, photos and other private medical information of decedents.

The bill died in the House.

\*\*\* **Tax Collector in First Class Townships** — The Senate unanimously passed **Senate Bill 1185**, which establishes the elective office of tax collector and changes the township treasurer from an elected position to an appointed position in First Class Townships.

Under this measure, tax collectors serve four year terms and must live in the township from which they are elected continuously for at least one year immediately before their election.

Prior to this law, a single individual was elected as township treasurer who performed the functions of treasurer and collected certain taxes. Township commissioners will now appoint the township treasurer – who may be the elected tax collector or an employee of the township.

The bill was signed into law as **Act 188 of 2012**.

\* **Stormwater Management Planning** — The Senate unanimously passed **Senate Bill 1261**, which would have permitted municipal authorities to engage in stormwater management planning and projects.

This bill would have amended the state Municipality Authorities Act to add stormwater management planning and projects to the purposes and powers of municipal authorities. Municipal authorities currently have the power to oversee sewer systems, water distribution systems, airports, parking spaces, industrial development projects and more.

The bill died in the House.

\*\*\* **Clarifying Act 47** — By a 47-1 vote, the Senate passed **Senate Bill 1321**, which clarifies what municipalities can pay unions while considered financially distressed under Act 47.

This bill is in response to a state Supreme Court ruling that said that Act 47 recovery plans do not apply to determining arbitration awards given under Act 111 for police and fire unions, despite the fact the financially distressed city has no ability to pay the full award. The Supreme Court ruled that arbitration awards were outside the scope of Act 47 limitations.

The bill also contains specifications on how local governments under Act 47 can bargain with union workers, and when arbitration agreements can exceed limitations. That process requires an arbitration board to provide facts and evidence to deviate from the recovery plan.

At the time of the Senate vote, 21 communities were listed under Act 47.

The bill was signed into law as **Act 133 of 2012**.



## PUBLIC HEALTH AND WELFARE

\*\*\* **State Welfare Reforms** — By a vote of 35-15, the Senate passed **House Bill 960**, which made several changes to the state welfare system.

The bill requires the Department of Public Welfare to check the Social Security number of an applicant for public assistance against 19 different electronic databases to determine welfare eligibility. The Income Eligibility Verification System was designed to prevent waste, fraud and abuse by pre-determining whether someone is eligible to receive public assistance.

A majority of Senate Democrats opposed this legislation because they said it could enable the Department of Public Welfare to cut cash assistance, Medicaid, and welfare-to-work support.

The bill was enacted as **Act 22 of 2011**.

\* **Community-Based Health Care Program** — The Senate unanimously passed **Senate Bill 5**, which would have helped develop and expand community-based health care clinics.

**Senate Bill 5** would have created the Community-Based Health Care Program under the Department of Health to provide grants to community-based health care clinics.

The grants to the clinics would have helped expand and improve access to health care services and reduce the unnecessary utilization of emergency rooms for routine health care.

The grants, derived from federal funds obtained through overpayments to hospitals in the state Medicaid plan, would have required a 25 percent match. The Department of Public Welfare would have been responsible for administering the program.

The bill died in the House.

\* **Family Day Care Homes Requirements** — The Senate unanimously passed **Senate Bill 227**, which would have required that family day care homes provide proof of general liability insurance when applying for a registration certificate.

This bill would also have required a family day care home to post and provide the day care's current registration certificate, a copy of department regulations, a copy of the facility's inspection summary and any other record required by the Department of Public Welfare. In addition, a current copy of the family day care home's insurance policy would have to have been on file at the facility.

The bill died in the House.





\*\*\* **HIV Testing** — The Senate unanimously passed **Senate Bill 260**, which updates state law so it is consistent with the Centers for Disease Control and Prevention recommendations that everyone between the ages of 13 and 64 should be tested for HIV as part of routine care.

Under this legislation, physicians may offer opt-out HIV testing, as long as the patient is informed that they will be tested for HIV, unless the patient refuses. Physicians must document the provision of informed consent, including pre-test information and whether the patient declined HIV-testing.

Written “opt out” consent is still required for those who do not wish to be tested for HIV. Those who do not oppose HIV screening as part of their routine care are no longer required to sign a consent form for such screening, and the physician is not required to provide pre-test counseling.

The bill was signed into law as **Act 59 of 2011**.

\*\*\* **Stillbirth Birth Certificates** — The Senate unanimously approved **Senate Bill 326**, which allows a parent to request a “Certificate of Birth Resulting in Stillbirth” from the Pennsylvania Department of Health.

At the option of the parent, the name of the child, names of the parents and birth place can be included on the certificate. The cost of a certificate is covered by the parent.

The bill was signed into law **Act 62 of 2011**.

\* **Tanning Facilities** — **Senate Bill 349**, which would have regulated the state’s tanning facilities and set age limits for who can use them, passed the state Senate by a vote of 48-1.

This bill would have prohibited children younger than 14 from using a tanning device without a letter from a physician; and would have required parents to accompany 14 to 18-year-old minors to the tanning facility and sign written consent forms each time they use a tanning device.

The bill would also have required tanning facilities to have a license, undergo inspections, post signs warning of the hazards of UV rays, require customers sign a warning statement, report injuries to the state and train tanning bed operators.

The license fees would have been \$300 per salon (up to 10 beds) and \$20 per additional bed.

The bill died in the House.

\*\*\* **Birth and Death Records Release** — The Senate unanimously approved **Senate Bill 361**, which makes birth certificates public records 105 years after the date of birth and death certificates public records 50 years after the date of death.

The bill was signed into law as **Act 110 of 2011**.

\*\*\* **Words Do Matter Initiative** — The Senate unanimously passed **Senate Bill 458**, which amends the Mental Health and Mental Retardation Act of 1966 and renames it the “Mental Health and Intellectual Disability Act.”

Some county agencies had previously updated their department titles with more appropriate terms. The measure is part of a Senate Democrat’s “Words Do Matter” effort that seeks to strike the word “retardation” from state statutes and use.

The bill was signed into law as **Act 105 of 2011**.



\*\*\* **Methadone Client Transportation** — The Senate unanimously passed **Senate Bill 638**, limiting taxpayer-funded transportation for methadone clients.

Under Senate Bill 638, the Department of Public Welfare (DPW) requires that individuals who receive methadone treatment services, covered by Medicaid under the Medical Assistance Transportation Program, receive treatment at the clinic closest to their residence if they are using para-transit services by taxi or bus or being reimbursed mileage for using their own vehicles.

Previously, methadone recipients chose their preferred service location with the cost of the transportation paid by tax dollars. The transportation costs totaled \$32.5 million in 2009-10, an increase of 26 percent from 2007-08. According to DPW, this legislation will save millions.

More than one in three trips paid for through the Medical Assistance Transportation Program (MATP) is for methadone maintenance. The state Medical Assistance Transportation Program (MATP) provides transportation to individuals who are receiving methadone treatments by either reimbursing those with private vehicles at a rate of 25 cents per mile or by providing rides in vans and taxis. There was little accountability regarding the most cost-effective mode of transportation to the clinic.

The bill was signed into law as **Act 121 of 2011**.

\*\*\* **Abortion Facilities** — By a 32-18 vote, the Senate passed **Senate Bill 732**, which requires the state Department of Health to regulate abortion facilities as ambulatory surgical facilities and requires the department to perform at least one unannounced inspection of each abortion facility annually.

This bill also establishes a \$250 licensing fee that is assessed to abortion facilities for either the license application or renewal.

The governor signed this bill into law as **Act 122 of 2011**.

\*\*\* **Methadone Deaths** — The Senate unanimously passed **House Bill 140**, which creates the Methadone Death and Incident Review Act. Under the legislation, an Incident Review Team oversees drug and alcohol programs within the Department of State. Previously, reviews of deaths possibly caused by methadone were done by the Department of Health.

By a vote of 190 to 1, the House concurred on Senate amendments and the bill was signed into law as **Act 148 of 2012**.

\*\*\* **Human Service Cuts** — In a largely party line vote, the Senate voted 31-18 for **House Bill 1261**, the state's Public Welfare Code.

Democrats protested that the measure reshuffles, re-titles and reorganizes human service programs and resources in a shrouded attempt to mask devastating budget funding shortfalls. They said the new code turns the screws on eligibility and cuts struggling families from the basic safety net support they rely on to survive.

The bill arbitrarily eliminates 70,000 people from public assistance support and ushers in tougher requirements for medically needy families to maintain their eligibility including mandated work requirements and an enforcement strategy that cuts off assistance to the entire "family unit" if the arbitrary work requirements are not met.



House Bill 1261 implements a pilot block grant program that consolidates a host of human service programs including: behavioral health, intellectual disabilities, homeless assistance, assistance for seniors, assistance for low-income adults, and drug and alcohol programs. While overall funding is being cut, the Corbett Administration claims the block grant approach will give counties greater flexibility and efficiency in their human service spending. The pilot program is being tried out in 20 counties.

The new law also includes a provision to help protect vulnerable children who previously “aged out” of the foster care system at 18. The bill creates a subsidized custodianship program to keep kids eligible for the program until they turn 21.

The measure was enacted as **Act 80 of 2012**.

\*\*\* **Stroke Centers** — The Senate unanimously passed **House Bill 1400**, which establishes the Primary Stroke Center Recognition Act in Pennsylvania.

This bill requires the Department of Health to recognize hospitals that have been certified by a national commission based on a series of established standards for care as primary stroke centers (PSCs). This designation lasts as long as the hospital remains certified as a primary stroke center.

Under the bill, the Department of Health is required to maintain a list of PSCs, provide that list to the medical director of every licensed emergency medical services provider in Pennsylvania and post the list on its website.

The department is also required to make available a nationally recognized standardized stroke triage assessment tool and establish procedures on the pre-hospital assessment, treatment and transport of stroke patients by licensed EMS providers. These procedures include plans for triage and transport of acute stroke patient to the closest PSC or an alternate facility within a specified time from the onset of symptoms. Protocols will be developed to ensure proper training for certified EMS providers.

The bill was enacted as **Act 54 of 2012**.

\*\*\* **Pediatric Extended Care** — The Senate unanimously approved legislation that amends the Prescribed Pediatric Extended Care Centers Act by defining the term “child.”

The Prescribed Pediatric Extended Care Centers Act ensures licensure and health and safety standards for pediatric extended care centers (PECC) to assure that the centers provide appropriate care.

**House Bill 1960** adds the definition of a child as a person less than 21 years of age. The bill also removes the language “8 years of age or younger” from the term “medically dependent or technologically dependent child.”

The bill also clarifies that PECCs are to consider the components of an individualized education plan for any child under the age of 21 when developing the child’s required individualized care plan.

The bill was enacted as **Act 111 of 2012**.

\*\*\* **Energy Assistance** — The Senate unanimously passed **House Bill 1991**, which amends the Energy Conservation and Assistance Act to better verify the income eligibility of users receiving energy assistance and weatherization services.

Under the legislation, the Inspector General will deal with any fraudulent behavior; and



the Auditor General must complete performance audits of all energy assistance programs and weatherization services.

The bill was signed into law as **Act 164 of 2012**.

\*\*\* **Death Certificates** — The Senate unanimously passed **Senate Bill 1351**, which permits a certified registered nurse practitioner (CRNP) to sign death certificates.

Previously, only physicians, dentists and coroners could sign death certificates. CRNPs were only permitted to pronounce death, determine the cause of death and provide medical information necessary for death certificates. Senate Bill 1351 streamlines the death certificate process by allowing them to also sign the paperwork.

The bill was enacted as **Act 68 of 2012**.



# STATE GOVERNMENT

\*\*\* **Composition of Civil Service Commission** — The Senate unanimously passed **House Bill 378**, which requires that at least one member of the Civil Service Commission be a veteran of the U.S. armed forces, including a reserve component or National Guard, who was honorably discharged or released from that service.

The bill was signed into law as **Act 76 of 2011**.

\*\*\* **Penalties for Sunshine Act Violations** — The Senate unanimously passed **Senate Bill 101**, which increases penalties for violations of the Sunshine Act.

This legislation increases the penalty to \$1,000 for a first offense and \$2,000 for a second and subsequent offenses plus the cost of prosecution. The Sunshine Act requires that any time a government body holds a meeting in which “deliberation” or “official action” by a quorum of its members takes place. The meeting must also be open to the public after public notice of the meeting.

The bill was signed into law as **Act 56 of 2011**.

\*\*\* **Accuracy of State Regulations** — The Senate unanimously passed **Senate Bill 263**, which would help ensure that state regulations are based on reliable data and sound science.

This bill expands the scope of review by the Independent Regulatory Review Commission (IRRC) to include the examination of the quality of data, studies, reports and information underlying state regulations being implemented.

Under this legislation, the state agency seeking to implement a regulation has the responsibility to provide to the IRRC a sufficient description of any data upon which the regulation is based as well as a detailed explanation of how the data was obtained and why the data is acceptable.

The bill was signed into law as **Act 60 of 2011**.

\*\*\* **Updating Voting Standards** — The Senate unanimously passed **Senate Bill 916**, which amends the Pennsylvania Election Code to apply the standards adopted by the Voting Standards Development Board and published in the Pennsylvania Bulletin on August 2, 2003, to any primary, municipal, special, and general election in 2011 and 2012.

The bill was signed into law as **Act 3 of 2011**.

\*\*\* **Congressional Reapportionment** — By a narrow 26-24 vote, the Senate passed the Republican-crafted Congressional redistricting map contained in **Senate Bill 1249**.

This legislation redraws the boundary lines for Pennsylvania’s 18 Congressional districts.

Senate Democrats, who unsuccessfully tried to amend the legislation with their own proposed redistricting map, blasted the Republican’s map for being gerrymandered and contorted to protect incumbent Republicans. They also criticized Republicans for unveiling their redistricting plan at the last minute to all but eliminate public input and review.

The bill was signed into law as **Act 131 of 2011**.



\*\*\* **Voter ID** — By a narrow 26-23 vote, the Senate passed **House Bill 934**, the controversial Voter ID bill that requires voters to present photo identification each time they vote.

Democrats railed against the Republican-pushed initiative, calling it a “solution in search of a problem” because voter fraud is incredibly rare in Pennsylvania. They added that another problem with requiring ID to vote is that an estimated 340,000 senior citizens in Pennsylvania do not have the required form of photo identification.

The law was slated to take effect for the November 2012 election, but was delayed by a Commonwealth Court ruling.

Once in effect, the law will require Pennsylvanians to present one of the following forms of ID each time they vote:

- A current Pennsylvania driver’s license, or one that expired after November 2011;
- A current Pennsylvania photo ID card issued by Penn DOT, or one that expired after November 2011;
- A current U.S. passport;
- A U.S. military or Pennsylvania National Guard photo ID (note: it must include “a designation that the expiration date is indefinite”);
- A U.S. government-issued photo ID, e.g., agency employee, armed services, etc.;
- A current employee photo ID issued by a Pennsylvania county, city, town, township or borough;
- A current student photo ID issued by a Pennsylvania college or university that contains an expiration date; or
- A current photo ID issued by a licensed nursing, personal care or assisted living facility that contains an expiration date.

If a person does not have one of the necessary forms of photo identification, they will have to obtain a photo ID from PennDOT. However, to qualify for a PennDOT photo ID card, the person must produce an original Social Security card and either an original birth certificate (with a raised seal), a US citizenship certificate, naturalization certificate or a valid US passport.

In addition to the foundation identification documents, the applicant for a PennDOT photo ID must also present two forms of proof of residency such as tax records, lease agreement, mortgage documents, a W2 form, current firearm permit or recent utility bill.

The bill was signed into law as **Act 18 of 2012**.

\*\*\* **Uniform Real Property Electronic Recording Act** — The Senate unanimously passed **House Bill 970**, which creates the Uniform Real Property Electronic Recording Act to establish uniform standards for county recorders of deeds to electronically record deeds, mortgages, leases and other property documents.

Under the law, a 13-member Electronic Recording Commission will establish the uniform standards and the commission will be comprised of eight recorders of deeds from various-sized counties, and appointees from the Department of State, Pennsylvania Bankers Association, Pennsylvania Association of Notaries, Pennsylvania Land Title Association and Pennsylvania Historical and Museum Commission. It does not require electronic recording and the new law specifies that paper documents may be used for recording.

The bill was signed into law as **Act 100 of 2012**.





\*\*\* **Small Business Regulations** — The Senate unanimously passed an amended version of **House Bill 1349**, which ensures that government agencies consider the impact new regulations could have on small business when new state regulations are being created – allowing the small business community to have input on the proposed regulations and communicate to state regulators about any potential negative impacts.

The measure only applies to new regulations and not those that had already started through the Independent Regulatory Review Commission (IRRC) process or those dealing with public health and safety.

Under House Bill 1349, when submitting regulatory proposals agencies must inform the IRRC the type of small business that would be affected by the proposed regulation; any financial, economic or social impacts on small businesses; an economic impact statement that includes an estimated number of small businesses affected, cost of compliance to the regulation, probable effect on impacted small businesses, and a description of any less intrusive or less costly alternative; and offer alternatives to small businesses that would still achieve the effect of the proposed regulation.

This legislation also brings Pennsylvania in line with other states that are giving small businesses greater input in terms of regulatory changes. Forty-five other states have implemented similar measures in the past decade.

The bill was signed into law as **Act 76 of 2012**.

\*\*\* **Reviewing DGS List of Exempt Products** — The Senate unanimously passed **House Bill 1840**, which allows contractors and public agencies to simply review the state Department of General Services' list of exempt products instead of processing documentation for each public works project.

This law directs the department to prepare a list of machinery and equipment made of steel products that are exempt from the contract provision in the Steel Products Procurement Act. The contract provision requires public works contracts between public agencies and contractors to contain language requiring the contractor to use steel products made in the United States.

The bill was signed into law as **Act 159 of 2012**.

\* **Requiring ID for Public Benefits** — By a 39-10 vote, the Senate approved **Senate Bill 9**, which would have required individuals requesting public benefits in Pennsylvania to provide identification proving they are legal residents. They would also have been required to sign an affidavit stating they are a U.S. citizen or a lawfully present alien.

Under the bill, any applicant signing the affidavit stating they are a legal alien would have had their immigration status verified through the Federal Systematic Alien Verification of Entitlement Program operated by the U.S. Department of Homeland Security.

This bill would not have applied to services provided to women and children under the WIC program, persons under 18 years of age, a person applying for public benefits on behalf of a person under 18 years of age, anyone currently receiving Supplemental Security Income, Social Security disability income, a person enrolled in or entitled to enroll in Medicare Part A or B or both, a person whose citizenship has been verified pursuant to section 1902(EE) of the Social Security Act or a person who declares by affidavit that because of domestic violence, she or he does not currently possess any of the identification documents listed in the bill.

The bill died in the House.



\* **Maintaining List of State Vehicles** — The Senate unanimously passed **Senate Bill 104**, which would have required that the Department of General Services to post and maintain a list of vehicles assigned to agency motor pools, state employees, contract employees, independent contractors and the temporary fleet on its website.

The Department of General Services and other state and judicial agencies currently maintain this information and would have been able to post the registry information on their websites without encountering additional costs.

The bill died in the House.

\* **State Government Advertising Requirements** — The Senate unanimously passed **Senate Bill 109**, which would have required all paid advertising by state government (i.e. executive, judicial and legislative branches; Attorney General; Auditor General; Lieutenant Governor; Treasury; Lottery Fund; and state Liquor Control Board) to include the statement "Paid for with Pennsylvania Taxpayer Dollars."

The bill died in the House.

\*\*\* **E-Verify** — By a 42-7 vote, the Senate passed **Senate Bill 637**, which requires that contractors and subcontractors on publicly funded projects verify that their employees are legally permitted to work in Pennsylvania.

Under this law, the verification of a person's ability to work in Pennsylvania is done by using the U.S. Department of Homeland Security's online E-Verify system

If a contractor or subcontractor fails to verify employment eligibility through the E-verify Program, the following sanctions apply:

- For the first violation- the contractor or subcontractor receive a warning letter from DGS, which is to be posted on the department's website
- For a second violation- debarment for 30 days
- For a third and subsequent violations- debarment for at least 180 days and not more than a year
- If, upon petition of Commonwealth Court, the court finds that the contractor or subcontractor engaged in a willful violation, they are debarred for three years

If a contractor or subcontractor fails to provide or makes a false statement on the verification form, they are subject to a civil penalty ranging from \$250 to \$1,000 for each violation.

The bill was signed into law as **Act 127 of 2012**.

\*\* **Emergency, No Bid Contracts** — The Senate unanimously passed **Senate Bill 1200**, which would have required state agency purchasing agents to provide written documentation for all sole-source, no-bid, and emergency contracts over \$250,000.

The legislation would have also required state agencies making such purchases to post contract information on their respective website, allow for public comment prior to the signing of the contract, and have it remain on the website for 30 days after it is signed.

The bill was in response to a 2009 audit by the Auditor General relating to various technology contracts, which found weaknesses in the state's procurement process for services as well as careless monitoring and record-keeping and refusal to provide public documentation.

The bill was amended in the House and ultimately died in the Senate.



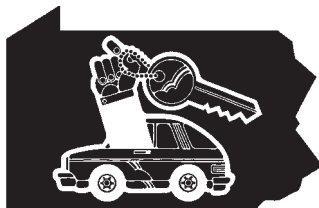
\*\*\* **Uniform Military and Overseas Voters Act** — The Senate unanimously passed **Senate Bill 1255**, which creates the Uniform Military and Overseas Voters Act. The bill was designed to make it easier for military personnel and overseas civilians to vote.

The bill extends some of the accommodations given for Federal elections by the Uniformed and Overseas Citizens Absentee Voting Act and the Military and Overseas Voter Empowerment Act to military and overseas civilian voters in state elections.

The bill also includes federal and state primary elections, and also municipal, general and special elections. The bill allows all covered voters to use the federal postcard application to register to vote and apply for an absentee ballot at the same time. It also allows uniformed service members, their spouses and dependents, and bedridden veterans to use the federal write-in absentee ballot to register to vote, apply for an absentee ballot or vote at the same time.

Under the law, an application for an absentee ballot for a primary election must be considered a standing request for an absentee ballot for a special election, general election, or municipal election occurring in the same calendar year as the primary.

The bill was signed into law as **Act 189 of 2012**.



## TRANSPORTATION

\*\*\* **Authorizing Public-Private Partnerships** — The Senate unanimously approved legislation that authorizes public-private partnerships in Pennsylvania as defined by federal law.

Under **House Bill 3**, these public-private partnerships are for transportation facilities of the Department of Transportation or of proprietary public entities.

The measure establishes the Public-Private Transportation Partnership Board to evaluate and approve or deny requests by PennDOT and proprietary public entities to enter into public-private transportation partnerships.

Upon approval as a public-private transportation partnership project, PennDOT will retain oversight and monitor the project, including periodic reports to the board.

The bill was signed into law as **Act 88 of 2012**.

\*\*\* **Junior Driver Restrictions** — The Senate voted 42 to 7 for legislation that provides passenger limits for junior drivers.

Under **House Bill 9**, for the first six months after the issuance of the junior driver's license, the junior driver may not drive with more than one passenger under the age of 18 who is not a member of the junior driver's immediate family unless a parent or legal guardian is present. After the first six months, the number of non-immediate family under 18 increases to three. If the junior driver is convicted of a vehicle code violation or responsible for a reportable crash, the restriction reverts to one passenger.

The measure also requires that the minimum behind-the-wheel driving requirements for licensure increase from 50 to 65 hours. Ten hours must be at night, and five hours must be during inclement weather.

The bill also makes it a primary offense if a driver or passenger under 18 is not properly restrained with a seat belt, child safety seat or booster seat.

Similar language was included in **Senate Bill 314**, which the Senate passed in June, 2011. House Bill 9 was signed into law as **Act 81 of 2011**.

\*\*\* **Bicyclists on Road** — The Senate voted 45 to 5 for **House Bill 170**, which allows a vehicle to pass a bicycle in a no-passing zone as long as the vehicle establishes a four-foot minimum passing distance when it is passing to the left of a bicycle going in the same direction.

The bill also prohibits motorists from making sudden turns when a bicycle is proceeding straight in the same direction. Lastly, the bill requires a bicyclist to use reasonable efforts to not impede normal and reasonable traffic movement.

The bill was signed into law as **Act 3 of 2012**.



\*\*\* **Red Light Enforcement Cameras** — By a 34-15 vote, the Senate approved legislation that provides for the use of automated red light enforcement systems in certain municipalities to enforce red light violations.

**House Bill 254** changes the expiration date for the red light camera enforcement in Philadelphia through June 15, 2017 and expands the program into Pittsburgh and municipalities with populations exceeding 20,000 residents in Bucks, Chester, Delaware and Montgomery counties.

Implementation of automated red light enforcement systems requires the adoption of an ordinance and must have the approval of the Secretary of Transportation. Either the municipality or its designee must be the system administrator.

The bill also includes motorcycles in the current provisions of law for a junior driver. To qualify for a motorcycle license, the individual must submit proof of completion of a PennDOT-approved motorcycle safety course.

The bill was signed into law as **Act 84 of 2012**.

\*\*\* **Motorcycle Safety** — The Senate unanimously approved legislation that enhances motorcycle safety education programs.

**House Bill 563** creates an exemption for land owners who authorize the use of their property as an approved motorcycle safety course. Specifically, the legislation exempts qualified land owners from liability for any injury, death or property damage that may occur during instruction or training.

The bill was signed into law as **Act 103 of 2011**.

\*\*\* **Pedalcycle and Pedestrian Advisory Committee** — The Senate unanimously approved legislation that increases the numbers of members of the Pedalcycle and Pedestrian Advisory Committee.

**House Bill 864** increases the composition of the Pennsylvania Pedalcycle and Pedestrian Advisory Committee to 17 members. It removes the nine public members representing various sectors and replaces them with 11 public members appointed by the governor who represent various bicycling or pedestrian constituencies and have relevant expertise and extensive knowledge with bicycle and pedestrian policy, planning, design and education.

The bill was signed into law as **Act 98 of 2012**.

\*\*\* **Purple Lights for Funeral Processions** — By a 45-4 vote, the Senate approved **House Bill 869**, which allows for the use of purple lights on vehicles in a funeral procession.

The bill also provides guidelines for the use of power decals on vehicles. The device can be no greater than a 5.5 inch width and 4.5 inch height and must be located in rear corner or rear side corner windows. It can only provide back lighting and cannot project a beam of light beyond the vehicle. Flashing lights are prohibited on motor vehicles.

Also under the bill, no person can drive any vehicle with any lamp or device displaying a red light visible from directly in front of the center of the vehicle.

The bill was signed into law as **Act 99 of 2012**.



\*\*\* **Selling Ads on SEPTA Railcars** — The Senate unanimously approved legislation to help public transit agencies generate additional revenue by allowing advertising on the exterior of railcars.

Previously, railcars were the only transit vehicles prohibited from exhibiting ads.

**House Bill 1173** allows the Southeastern Pennsylvania Transportation Authority (SEPTA) and the Port Authority of Allegheny County to generate revenue by selling ad space on railcars.

The bill was signed into law as **Act 49 of 2011**.

\*\*\* **Vintage Registration Plates** — The Senate unanimously approved legislation that updates the requirements for using a vintage registration plate. **House Bill 1203** allows the owner of an antique, collectible or classic motorcycle or motor vehicle to request permission from the Department of Transportation to display a vintage registration plate from the model year of the vehicle.

The vintage plate is provided by the owner of the motor vehicle and must be a Pennsylvania registration plate issued between the years 1906 and 1975 and legible from a reasonable distance. The applicable fee for the processing of this request is \$75.

The bill was signed into law as **Act 25 of 2012**.

\*\*\* **Definition of “Motorcycle”** — By a 36 to 14 vote, the Senate approved **House Bill 1399**, which changes the definition of “motorcycle.”

Previous law stated that a motorcycle must have a seat or saddle for the use of the rider and is designed to travel on not more than three wheels. House Bill 1399 adds to the definition of motorcycle to allow the cycle to travel on two wheels and modified by the addition of two stabilizing wheels on the rear of the vehicle.

The bill was amended in the Senate to extend the Automated Red Light Enforcement Systems in Philadelphia until June 30, 2012. The system was due to expire December 31, 2011.

The bill was signed into law as **Act 129 of 2011**.

\*\*\* **Penalizing Insufficiently Licensed Trucks and Implementing Automated Red Light Cameras** — The Senate voted 48 to 1 in favor of legislation that toughens fines against Maryland truck drivers whose rigs are insufficiently licensed for use in Pennsylvania.

Previous law required out-of-state operators driving their tri-axle dump trucks into Pennsylvania to purchase a Class 20 license at a cost of \$1,251. Failure to do so is considered a summary offense with a \$25 fine.

**House Bill 1458** provides a specific penalty of \$500-\$1,000 per offense. The violation remains a summary offense.

The bill also states that any person whose commercial driver’s license designation has been removed would have the right to appeal to the court vested with jurisdiction of such appeal.

Under this legislation, an employee of a county emergency management organization who holds of a Class C license and has a certificate of authorization from the head of the county emergency management organization while operating an emergency vehicle equipped with audible and visual signals is not required to obtain a commercial driver’s license.

Lastly, the bill outlines the self-certification requirements for an applicant for a commercial driver learner’s permit.

The bill was signed into law as **Act 1 of 2012**.





\*\*\* **Failing to Pay Restitution for Vehicle-related Fines** — The Senate voted 46-3 for legislation that provides for suspension of operating privileges when a driver fails to pay restitution for vehicle-related fines.

Under previous law, a driver received an indefinite suspension of a driver's license if he or she failed to pay fines and cost. **House Bill 1617** adds restitution to what must be paid.

The bill was signed into law as **Act 146 of 2012**.

\*\*\* **Registration Plates for U.S. Merchant Marines and Military Airborne Units** — The Senate unanimously approved **House Bill 1830**, which amends the Vehicle Code to add new special registration plates for the U.S. Merchant Marines and U.S. military airborne units.

Under the bill, the plates will cost \$20 in addition to the annual registration fee. The Merchant Marine plate is for those who served during World War II. The airborne plate is for veteran or current members of airborne units.

The bill was signed into law as **Act 158 of 2012**.

\*\*\* **Transporting Portable Traffic Control Signals** — The Senate unanimously passed **House Bill 1970**, which exempts from registration any trailers (under 3,000 pounds) that transport portable traffic control signals or devices.

The bill also permits traffic control signals or devices to be mounted on a trailer and hauled in tandem if the vehicle is less than 3,000 pounds and each trailer being towed does not exceed 300 inches in length.

The bill was enacted as **Act 163 of 2012**.

\*\*\* **Ignoring Temporary Emergency Barricades** — The Senate unanimously approved legislation that fines motorists who ignore temporary emergency barricades.

Under **House Bill 2199**, a driver is prohibited from driving past, around or through a sign or traffic-control device used to close a road or highway due to an existing or potentially hazardous condition.

Any driver who commits this violation is subject to a fine of up to \$500 and assessed two points on his/her driver's license.

The bill was signed into law as **Act 114 of 2012**.

\*\*\* **Veteran Status on PA Driver's and Non-driver's ID** — The Senate unanimously approved **House Bill 2428**, which requires the Department of Transportation to issue a driver's license or non-driver identification card with an indication that the holder is a veteran of the U.S. armed forces, including a reserve component or the National Guard.

Under the measure, the special veteran designation is free. The Department of Military and Veterans Affairs will reimburse the Motor License through the Veterans Trust Fund for the actual costs incurred.

The bill was enacted as **Act 176 of 2012**.

\*\*\* **Requirements to Obtain Certificate of Salvage** — The Senate unanimously approved **House Bill 2467**, provides an exemption from notarization and verification requirements for vehicle owners who transfer a vehicle title to an insurer to obtain a certificate of salvage.



A certificate of salvage authorizes a vehicle to be destroyed, dismantled, salvaged or recycled.

Vehicles cannot be transferred when the manufacturer's statement of origin for a new vehicle is not yet in the dealer's hands in the same way that the dealer can currently sell a vehicle that the title is not yet in the dealer's hands. A prescribed secure power of attorney must be used.

The bill was signed into law as **Act 178 of 2012**.

**\* Neighborhood Electric Vehicles** — The Senate passed **Senate Bill 52** by a vote of 41 to 9. This bill would have allowed the use of neighborhood electric vehicles (NEV) on certain highways.

Under the bill, a NEV would have been considered a four-wheeled electric vehicle with a maximum design speed between 20 and 25 mph, which is certified to comply with federal low-speed vehicle safety standards.

This bill would have authorized travel in NEVs on roadways with a posted speed limit of no more than 25 mph and would have authorized the NEV to cross roadways with a maximum speed of 35 mph unless there is a traffic signal at the intersection.

NEVs would have been required to be equipped with most basic safety equipment, such as brakes, mirrors, seatbelts, lights, and windshield wipers among other federal requirements. NEVs also would have been required to show a slow moving vehicle emblem placed in the rear of the vehicle, prominently display the lettering "25 MPH Vehicle."

NEVs would have been classified as a passenger vehicle for the purposes of titling and registration, but would not have been subject to annual safety or emissions inspections.

The bill died in the House.

**\*\*\* Chop Shops** — The Senate unanimously approved **Senate Bill 86**, which codifies the Motor Vehicle Chop Shop and Illegally Obtained and Altered Property Act of 1998 into the Vehicle Code and Crimes Code.

The bill clarifies the offense of dealing in proceeds of unlawful activity to specifically include stolen or illicitly obtained property. Prosecutors can more readily use this statute based on these changes. Also, scrap processors are required to retain records of motor vehicles acquired for scrap.

The bill also requires that inspections occur during normal business hours or any time when work is being conducted and performed, as a means of limiting suspected "chop shops."

The bill limits police searches of vehicles on premises to those vehicles and parts that are subject to the record keeping requirements of the law.

The bill was signed into law as **Act 203 of 2012**.

**\*\*\* Use of State Aircraft** — The Senate unanimously passed a bill that requires more detailed information on the use of state-owned aircraft be made available on the Internet.

**Senate Bill 110** requires that the website is to be updated at least monthly and must include the following:

- Flight Date and identification number;
- Name of Agency requesting the flight and the aircraft used;



- Originating city and all destination cities;
- Departure and arrival times;
- All passengers (including first and last names and titles except state police security personnel);
- The public purpose of the trip;
- The total number of hours; and
- The invoice amount

The bill was signed into law as **Act 26 of 2012**.

\* **Load Securing Requirements** — The Senate unanimously passed **Senate Bill 155**, which would have added an additional exception to load securing requirements.

This bill would have added an exception for the falling, blowing, or unintentional dropping of loose chopped fragments or strands of plant materials from vehicles that haul harvested forage crops from fields to storage facilities. This bill was introduced to assist the farming community.

Current law requires that a vehicle driven or moved upon any highway be constructed or loaded to prevent any of the load from dropping, sifting, or otherwise escaping.

The bill died in the House.

\*\*\* **Raising Revenue for State Police Training Classes** — The Senate unanimously passed Democratic-sponsored legislation that raises revenue for State Police training classes while creating a fairer fine-distribution system.

**Senate Bill 237** denies distribution of traffic-fine revenue from the Motor License Fund to any municipality that does not provide locally for at least 40 hours of coverage per week through its own police force or a regional contract. Municipalities with fewer than 3,000 residents are exempt. The portion of the fine that currently goes to the municipality will be used to fund State Police cadet classes.

Under previous law, half of the traffic-enforcement fines collected through state police patrols in a local municipality were returned to the municipality through a Motor License Fund formula – even if the municipality relied solely on the state police for police services.

The bill is expected to raise as much as \$4 million for cadet training. Municipalities that provide less than 40 hours of local police coverage will lose their share of fines collected through State Police traffic stops.

The bill was signed into law as **Act 124 of 2012**.

\*\*\* **Texting While Driving Ban** — The Senate voted 45 to 5 in favor of **Senate Bill 314**, which prohibits motorists from using a wireless communications device to send, read or write a text message while driving.

This violation is punishable by a \$50 fine and considered a primary offense, which means a law enforcement officer can pull over a driver for that offense alone.

The statewide ban preempts and supersedes all local ordinances on this type of violation.

“Interactive wireless communications device” is defined as a wireless telephone, personal digital assistant, smart phone, portable or mobile computer or similar device that can be used for voice communication, texting, emailing, Internet browsing or instant



messaging. It does not include a GPS or other navigation system, a system that is built into the vehicle or a communication device that is affixed to a mass transit vehicle or school bus.

“Texting” includes a text message, instant message, email or other written communication composed or received on an interactive wireless communications device.

The bill was signed into law as **Act 98 of 2011**.

**\* Public-Private Partnerships** — The Senate voted 49 to 1 for legislation that would have authorized public-private partnerships as defined by federal law within Pennsylvania.

Under **Senate Bill 344**, these public-private partnerships would have been for transportation facilities of the Department of Transportation or of proprietary public entities.

A public-private transportation partnership would have been constituted a binding agreement transferring the rights for use or control of a transportation facility to a development entity. The development entity would have been entitled to receive all or a portion of the revenue of the transportation facility in return for providing transportation-related services.

The bill also would have established the Public-Private Transportation Partnership Board to evaluate and approve or deny requests by PennDOT and proprietary public entities to enter into public-private transportation partnerships.

The bill died in the House.

**\*\*\* Farming Vehicles and Transportation** — The Senate unanimously approved **Senate Bill 390**, which regulates agricultural vehicles.

Under the measure, any implement of husbandry not exceeding 14 feet 6 inches may be driven, hauled or towed without any time restrictions on highways other than freeways if the traveling location is not more than 50 miles away. When operated at night, the implements must have hazard signals and at least one flashing or revolving yellow light or strobe light that can be seen from any direction.

The bill was enacted as **Act 209 of 2012**.

**\* Registration Plates for Military Medal Recipients** — The Senate unanimously approved legislation that would have allowed for special registration plates for recipients of certain medals.

Under **Senate Bill 468**, recipients of the Silver Star, Bronze Star and the Bronze Star with Valor would have been able to apply for special registration plates for these distinguished medals. The fee would have been \$20. The registration plates would have been allowed on passenger car or trucks with a registered gross weight not exceeding 10,000 pounds.

The bill died in the House.

**\*\*\* DUI with a Minor in the Car** — The Senate unanimously approved **Senate Bill 539**, which makes it a first-degree misdemeanor to drive under the influence of alcohol or a controlled substance with a minor.

An individual pays a fine of \$1,000 and completes 100 hours of community service for the first offense; pays a fine of \$2,500 and goes to prison for up to six months for the second offense; and goes to prison for six months to two years for the third offense.

The bill was signed into law as **Act 39 of 2012**.



\* **Automated Red Light Cameras** — The Senate voted 35 to 14 in favor of **Senate Bill 595**, which would have allowed traffic enforcement through the use automated red light cameras at intersections in Pittsburgh, Scranton and 17 third-class cities – if approved by their city council. Philadelphia already has red light enforcement cameras.

A warning would have been sent to violators or the first 60 days of automated enforcement at the initial intersection and for the first 45 days at any subsequent intersections. After that time, the penalty would have been \$100. However, a lesser amount could have been set by local ordinance.

The violation would not have been made part of the driver record; no points would have been assessed; and the violation could not have been used against an individual for insurance purposes.

Signage would have been in place to make motorists aware of the devices at designated intersections.

Half of the fines collected would have gone toward funding transportation enhancement grants in the city in which the violation was prosecuted. The other half would have gone toward funding transportation enhancement grants to eligible sponsors in other communities across the state.

Senate Bill 595 died in the House but the language was added in the Senate as an amendment to **House Bill 1458**, which was signed into law as Act 1 of 2012.

\*\*\* **Educational Leave of Absence Expansion** — The Senate unanimously approved legislation that allows spouses of active duty National Guard and Reserves to receive an educational leave of absence.

Previously under law, members of the National Guard (and reserve components) were allowed to receive an educational leave of absence, no loss of tuition, credits, fees, etc., during times of deployment.

**Senate Bill 707** expands the leave of absence benefit to the spouse of deployed/active duty service members. Because of the hardship placed on families when a service member is deployed, there are circumstances when a spouse has no choice but to abandon their educational pursuits. This measure allows them to do so without suffering any long term educational or financial loss.

The bill was signed into law as **Act 128 of 2012**.

\*\*\* **Broadening the Rail Freight Preservation and Improvement Act** — The Senate unanimously approved legislation that broadens language in the Rail Freight Preservation and Improvement Act (Act 119 of 1984) pertaining to grant work.

The previous law allowed a railroad to use in-house employees to do a project that receives a Rail Freight Assistance Grant. Therefore, prevailing wage did not apply and the project did not have to be put out to bid.

**Senate Bill 745** broadens language to allow a railroad company that has a “wholly-owned subsidiary” to do the work at their cost without putting the project out for contract.

Rail Freight Assistance grants are used for a variety of infrastructure improvement and economic development projects on railroad properties and rail service facilities. The bill does not affect grant eligibility or the amount of grant money that a railroad is eligible for.

The bill was signed into law as **Act 71 of 2011**.



\* **Including Methadone Use as DUI** — The Senate unanimously approved legislation that would have included methadone under the list of controlled substances in driving under the influence provisions.

Under **Senate Bill 954**, if a person has more methadone than prescribed in their system, it would have been considered DUI (driving under the influence). The DUI charge would also have been applied if the methadone is in combination with alcohol or another drug. The bill died in the House.

\*\*\* **Definition of “Emergency Vehicle”** — The Senate unanimously passed a bill that expands the definition of “emergency vehicle” to include any vehicle operated by certain individuals when acting in their official capacity.

Under **Senate Bill 1067**, qualified individuals include county haz-mat directors, and special agents, special agent supervisors, narcotics agents or narcotics agent supervisors working for the Attorney General. It also includes vehicles owned by a county or regional police association that are used for police transport or victim extraction.

The bill was signed into law as **Act 67 of 2012**.

\*\*\* **Laws Impacting Commercial Drivers** — The Senate unanimously passed **Senate Bill 1147**, which made several changes to vehicle laws impacting commercial drivers.

The measure adds the movement of cryogenic liquid to those commodities that necessitate an annual permit from PennDOT for movement on the state highway system.

The measure allows for the hauling of eggs in vehicles that do not exceed 95,000 pounds and the weight on a non-steering axle cannot exceed 21,000 pounds. The fee for hauling eggs is \$400. No highway permit is necessary.

The bill also expands commercial driver employer prohibitions, updates the requirements for driving a commercial motor vehicle and expands the requirements for commercial drivers when approaching a railroad.

The measure was signed into law as **Act 187 of 2012**.

\* **Exemptions for Emission Inspection Testing** — By a 36-13 vote, the Senate approved legislation that would have provided exemptions for emission inspection testing for certain vehicles.

Current law provides for an annual vehicle emission inspection test.

**Senate Bill 1532** would have provided an exemption for vehicles that are 10 years old or newer, as well as electric, alternative fueled and hybrid vehicles from emission inspection testing. The visual anti-tampering inspection of emissions control components would still have been required.

The bill also would have exempted new vehicles from safety inspection requirements for the first two years after the vehicle is manufactured.

The bill died in the House.





# URBAN AFFAIRS AND HOUSING

\* **Private Transfer Fees** — **Senate Bill 353** was intended to ban all new private real estate transfer fees, allow for remedies if private transfer fees are imposed, require the full disclosure of existing private transfer fees, establish a process to free the property of an obligation and require persons entitled to such a fee to register with the county Recorder of Deeds.

A private transfer fee is also known as a resale fee or a capital recovery fee and allows the developer or builder of a home to collect 1 percent (or more) of the sales price from the seller every time the property changes hands for the next 99 years. To date, private transfer fees have been seen in 43 states, with 18 states acting to ban the practice, one acting to require additional disclosure requirements while six other states are considering similar bills.

While the bill died in the House, its provisions were contained in **House Bill 442** which was signed into law as **Act 8 of 2011**.

\*\*\* **Housing Authority Revenue** — By a vote of 46-3, the Senate passed legislation to expand dedicated funding for the Philadelphia Housing Trust Fund. **House Bill 639** allows the city to implement a local ordinance approved in 2009 to raise the city's Deed and Mortgage Recording Fee by \$30 to generate as much as \$3.5 million per year to boost housing efforts.

The governor signed the bill into law as **Act 114 of 2011**.

\*\*\* **Public Land Banks** — The Senate unanimously passed **House Bill 1682**, which allows municipalities to create public land bank authorities to oversee and develop abandoned properties.

Under the legislation, any city, county or borough with a population of at least 10,000 can form a land bank to manage and rehabilitate vacant or tax-foreclosed properties. Two municipalities of populations less than 10,000 can come together to create a land bank as well.

The bill was signed into law as **Act 153 of 2012**.

\*\*\* **Homeowner Rights** — The Senate unanimously passed **House Bill 1767**, which amends the Manufactured Home Community Rights Act that gives protections to Pennsylvanians who own manufactured (mobile) housing on leased land.

Under the legislation, expenses are allocated to help homeowners move their homes, create immunity of abandoned properties from certain liabilities, and describes how abandoned manufactured homes can be leased or sold.

The bill was signed into law as **Act 156 of 2012**.

\*\*\* **Construction Bids** — The Senate unanimously passed **Senate Bill 295**, which raises the minimum cost of a local housing authority construction project that triggers the competitive bid requirement.

Under current law, housing authorities are required to conduct public bidding on projects estimated to cost \$10,000 or more, and conduct written or telephone bids on



projects of more than \$4,000. **Senate Bill 295** raises those minimums to \$25,000 and \$7,000 respectively, and puts in place an inflation adjustment based on the Consumer Price Index for subsequent years.

The bill was signed into law as **Act 96 of 2011**.

\*\*\* **Tenant Possessions** — The Senate unanimously passed a bill outlining the obligations of landlords and tenants if a tenant leaves personal possessions in the property after the lease has expired.

Under **Senate Bill 887**, a tenant has 10 days to inform the landlord of intention to remove any left-behind property and a landlord has 10 days to notify the tenant of intention to dispose of the property. If the tenant gives notice, a landlord must keep the property for 30 days at a location of the landlord's choice. If the landlord gives notice and the tenant does not respond, the landlord can dispose of the property in 10 days. (If the tenant does respond, the landlord must wait 30 days.) In either case, if the property remains for 10 days, the landlord could charge appropriate storage fees for the items up to 30 days.

The bill was signed into law as **Act 129 of 2012**.

\* **Carbon Monoxide Detectors** — By a unanimous vote, the Senate passed legislation that would have required carbon monoxide detectors in multi-family buildings where fossil fuels are burned.

**Senate Bill 920** would have required that detectors be installed in each apartment unit and that all homeowners disclose whether a carbon monoxide detector has been installed in a home prior to any sale.

In multi-family dwellings, alarms would have been required to be installed in the vicinity of each sleeping area and fossil-fuel burning heater in the unit. Failure to install or maintain a carbon monoxide alarm would have been a summary offense and carry a fine of up to \$50.

The bill died in the House.

\*\*\* **Housing Authority Police** — The Senate unanimously passed **Senate Bill 923** that allows county housing authorities to hire police officers. Under the previous law, only first-or-second-class cities can hire police officers.

The bill passed the House unanimously and was signed into law as **Act 8 of 2012**.

\*\*\* **Regulations on Manufactured Homes** — The Senate unanimously passed **Senate Bill 1141**, which establishes new regulations and guidelines on relocated manufactured homes that are newly manufactured constructions transported to a site away from their installation location.

The standards include design specifications, installation techniques, fire safety measures, structural integrity, elements that would render the home unsafe, exterior coverings and proper foundation construction. If installation instructions are no longer available or usable, the Department of Community and Economic Development would be required to provide alternate instructions.

Under the bill, permits to install relocated manufactured homes are not to be issued until compliance with all new safety standards has been verified.

The bill was signed into law as **Act 40 of 2012**.



\*\*\* **Philadelphia Housing Authority Board** — The Senate unanimously passed legislation that expands the size of Philadelphia's Housing Authority board and allows the mayor of Philadelphia to appoint all members.

Previously, the Philadelphia Housing Authority was comprised of five members – two were appointed by the mayor, two by the city controller, and four appointed members selected the fifth member.

**Senate Bill 1174** expands the board to nine members whose terms run concurrently with the mayor's.

The House passed the bill 163-28 and the bill was signed into law as **Act 130 of 2012**.

\*\*\* **Philadelphia Property Assessments** — By a unanimous vote, the Senate passed two bills aimed at giving the City of Philadelphia the tools it needs to update and improve its system of property assessments.

**Senate Bill 1301**, the Homestead Exemption bill, authorizes the city to provide a property tax exemption for low-income citizens and seniors. Previously, Philadelphia was the only jurisdiction in Pennsylvania without the authority to offer a homestead exemption. The bill passed unanimously in the House and was signed into law as **Act 131 of 2012**.

Philadelphia is in the process of reforming its property assessment system by undertaking a full, citywide reassessment.

**Senate Bill 1302** authorizes the city to create a new independent appellate board, the Philadelphia Board of Property Assessment Appeals.

The bill was signed into law as **Act 17 of 2012**.

\*\*\* **HEMAP Restoration** — By a unanimous vote, the Senate approved legislation that uses part of the \$25 billion nationwide settlement with mortgage companies to restore the Homeowners Emergency Mortgage Assistance Program. The program had been cut from the budget.

**Senate Bill 1433** also provides money to the Attorney General for consumer mortgage protection programs and to the Access to Justice Account for civil legal assistance for housing issues. The bill was signed into law as **Act 70 of 2012**.



## VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS

\*\*\* **Washington Cross National Cemetery** — The Senate unanimously approved **House Bill 345**, which authorizes the Department of Military and Veterans Affairs to arrange for burial details at the Washington Crossing National Cemetery in Bucks County.

The details may receive reimbursement as they are allowed at the state's two other national cemeteries, Fort Indiantown Gap National Cemetery or the National Cemetery of the Alleghenies.

The DMVA contracts with nonprofit veterans' service organizations to provide for the burial details. At the time of Senate passage, there was \$74,000 in the general fund appropriated for these services.

The bill was signed into law as **Act 38 of 2011**.

Similar legislation, **Senate Bill 264**, was unanimously approved in the Senate, but died in the House.

\*\*\* **Honor and Remember Flag** — The Senate voted 49 to 1 to adopt the "Honor and Remember Flag" in Pennsylvania.

The Honor and Remember Flag was created to pay tribute to brave men and women of the U.S. armed forces who have given their lives in the line of duty.

Under **House Bill 385**, the Department of General Services is required to place the flag in Soldiers' Grove at the State Capitol along with the national flag, the state flag and the POW/MIA Flag. The U.S. Congress does not recognize the POW/MIA Flag.

The bill was signed into law as **Act 19 of 2011**.

\*\*\* **Low Cost Prescription Drugs Through the VA** — The Senate unanimously passed a bill that allows nursing home patients to receive lower cost prescription drugs through the U.S. Department of Veterans Affairs.

**House Bill 1500** consolidated the Long-Term Care Patient Access to Pharmaceuticals Act into Title 51 (Military Affairs), allowing pharmacies to repackage, re-label, and dispense prescription drugs that nursing home residents acquire through the VA.

The bill was signed into law as **Act 36 of 2012**.

\* **Ban the Removal of Flag Holders** — The Senate unanimously approved legislation that would have banned the removal of flag holders from veterans' graves.

The County Code provides for the distribution and preservation of flags to veterans' graves and places duties associated with the flags on the authorities responsible for cemeteries.



**Senate Bill 456** would have mandated that flag holders not be removed unless they are immediately replaced with new flag holders. This legislation was designed to address incidents in the past where flag holders were removed and not replaced. Without the flag holders, placement of the flags is difficult.

The bill died in the House.

\*\*\* **Contracting with Veteran-Owned Small Businesses** — The Senate unanimously approved **Senate Bill 623**, which encourages state agencies to contract with veteran-owned and service-disabled veteran-owned small businesses.

Senate Bill 623 requires the state to set annual goals for contracting with small businesses owned by veterans. The bill was modeled after similar veteran work promotion programs established by federal procurement standards.

Under the measure, the state Department of General Services is required to provide training to help veteran-owned businesses learn how to apply for state contracts. The department also makes available lists of veteran-owned businesses to encourage participation with these businesses.

The bill was signed into law as **Act 185 of 2012**.

\*\*\* **Educational Leave of Absence Expansion** — The Senate unanimously approved legislation that allowed for spouses of active duty National Guard and Reserves to receive an educational leave of absence.

Previously, members of the National Guard (and reserve components) were allowed to receive educational leave of absence, no loss of tuition, credits, fees, etc., during times of deployment.

**Senate Bill 707** expands the leave of absence benefit to the spouse of deployed/active duty service members. Because of the hardship placed on families when a service member is deployed, there are circumstances when a spouse has no choice but to leave their educational pursuits. This law allows them to do so without suffering any long term educational or financial loss.

The bill was signed into law as **Act 128 of 2012**.

\* **Use of VFRA Funds** — The Senate unanimously passed **Senate Bill 709**, which would have allowed emergency medical services personnel to use Volunteer Firefighter Relief Association (VFRA) funds to offset expenses incurred while attending training programs.

Pennsylvania's 1,957 VFRA's hold \$361 million in assets that are used to purchase equipment, obtain insurance, pay death benefits or attend training. The organizations receive the funds through a 2 percent tax on fire insurance.

The bill died in the House.

\* **Removing Positions from Civil Service Commission** — The Senate voted 29-20 for legislation that would have removed certain employee positions with the State Veterans Homes under the state Department of Military and Veterans Affairs from being classified under the Civil Service Commission.

Currently, employees providing medical, nursing, therapeutic, recreational or other care or service for residents at state veterans' homes operated under the auspices of the Department of Military and Veterans Affairs fall under the Civil Service Act/Civil Service Commission.



**Senate Bill 819** would have removed these employees that work at state veterans' homes from under the rules and administration of the State's Civil Service Commission. The department claimed the measure would have enabled it to expedite the hiring and administering of medical and related professionals at with the state veteran home system.

The bill died in the House.

\*\*\* **Extending Volunteer Fire Company and Volunteer Ambulance Service Grant Program** — By a unanimous vote, the Senate passed **Senate Bill 866**, which extends the sunset provision of the Volunteer Fire Company and Volunteer Ambulance Service Grant Act until 2016.

The act provides grants for volunteer fire companies and ambulance services for facilities, equipment, debt reduction and training. The \$25 million per year cost comes from casino gaming proceeds. The program is facilitated through the Office of the State Fire Commissioner under PEMA.

The bill was signed into law as **Act 78 of 2012**.

\*\*\* **Emergency Plans for Gas Wells** — The Senate unanimously passed legislation that provides for emergency plans, GPS mapping and signage for oil and gas wells.

**Senate Bill 995** requires gas well operators to adopt emergency regulations for gas and oil wells, including GPS mapping coordinates for each well, an emergency response plan for each site, registering plans with the county emergency organizations and the posting of reflective signs at each well site. Emergency response plans must also be developed and shared with state, county and local officials.

The bill also more accurately defines "unconventional oil or gas well" and the process by which the gas is extracted, hydraulic fracturing, to align these definitions with the Pennsylvania Department of Environmental Protection.

The House amended the bill to add the definition of "unconventional formation" and "unconventional well."

Unconventional formation is a geological shale formation existing below the base of the elk sandstone where natural gas generally cannot be produced at economic flow rates or in economic volumes except by vertical or horizontal well bores.

Unconventional well is a bore hole drilled or being drilled to produce natural gas from an unconventional formation.

The bill was signed into law as **Act 9 of 2012**.

\* **Flood Relief Act for September 2011** — The Senate unanimously approved legislation that would have created the "Flood Relief Act for September 2011."

**Senate Bill 1264** would have established and made an appropriation for the Supplemental Individual Assistance Program for individuals who suffered losses due to Hurricane Irene and Tropical Storm Lee.

Under the bill, a restricted account would have been established in the state treasury and known as the Supplemental Individual Assistance Program Account, and \$5 million would have been transferred from the General Fund to this account.

Individuals and families impacted by storm damage as a result of the severe weather events of September 2011 would have qualified for grants based on the eligibility guidelines under the federal Stafford Act (varies according to income and damage/losses).

The bill died in the House.





\*\*\* **Updating Code of Military Justice** — The Senate unanimously passed **Senate Bill 1442**, updating Pennsylvania’s Code of Military Justice, which had not seen significant change since 1975. Key revisions include maximum penalties and punishments, court-martials, military offenses, review and appeal process and other legal issues.

The measure was based on similar laws passed in 14 states.

The bill was signed into law as **Act 192 of 2012**.

\*\*\* **Pennsylvania Veterans Trust Fund** — The Senate unanimously passed **Senate Bill 1531**, creating the Pennsylvania Veterans Trust Fund (PVTF). The fund was created to strengthen programs and benefits for Pennsylvania’s veterans. Proceeds from PennDOT’s drivers’ license registration and special license plates will help fund the PVTF. The fund will receive \$1.7 million from the sale of the Scotland School for Veterans’ Children as well as through an “Honor our Veterans” license plate to be created by PennDOT.

The bill was signed into law as **Act 194 of 2012**.

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