

Senate of Pennsylvania

SENATE DEMOCRATIC WRAP-UP FOR THE YEAR OF 1999-2000

For Editorial Background

The 1999-2000 legislative session was notable as much for the scandals that enmeshed members of the General Assembly as for legislative activity. Legal troubles forced the resignations of two members of the Senate, including the Majority Leader. Anticipation of the November election prevented the Republican majority from tackling controversial issues, resulting instead in one-time rebates, grants and tax breaks. The Homeowner's Century Tax Rebate, (*see HB 980, Budget and Finance*) for example, was a one-time, \$100 payment to homeowners, based upon the more comprehensive Democratic Home-STAR proposal. Millions of dollars in administrative costs could have been avoided, as could the frustration of homeowners over lost applications, a crashing website and jammed telephone lines, had the Home-STAR plan been adopted.

While Senate Democrats lamented the lack of funding for continuing property tax relief for homeowners and for early childhood education, they overwhelmingly supported the \$20.2 billion budget, which included \$444 million in tax cuts (*see SB557, Budget and Finance*) Most significant among these is a \$108.5 million cut in the Capital Stock and Franchise Tax that lowers the rate from 11.99 to 10.99 percent. The tax will be phased out over 10 years.

Legislation that allowed the state to take over poorly-performing school districts (*see SB 652, Education*) was perhaps the most controversial action the Senate took during the session. Many Senate Democrats objected not only to stripping elected school board members - one member called the act "Educational Disempowerment" - but also to the "stealth" manner in which Republican leaders rushed the bill through the General Assembly, bypassing the committee process. The chairs of all four Education Committees opposed the bill. The legislation resulted in a legal battle in the city of Harrisburg, one of the districts addressed in the bill, and led to subsequent legislation (*see SB 1403, Education*) which allowed the city to take over the school district immediately.

The Senate overwhelmingly approved a landmark environmental protection plan, known as "Growing Greener," (*see HB 868, Environmental Resources and Energy*). Senate Democrats helped expand Governor Tom Ridge's original proposal to reshuffle \$425 million among the state's environmental programs into an unprecedented \$650 million investment in the protection and enhancement of Pennsylvania's natural resources.

The General Assembly also approved legislation that places the Pennsylvania Interscholastic Athletic Association (PIAA) under the oversight of a committee of administrators, coaches and legislators (*see SB1403, Education*). The new law also mandates several reforms and provides for the possible dissolution of the PIAA after two years if its operation is found to be unfair or inefficient.

Other significant legislation passed in the 1999-2000 session included the establishment of the PennCrisis Small Disaster Assistance Fund (*see SB1135, Agriculture and Rural Affairs*) to make loans to disaster victims, and additional financial relief to farmers affected by the previous year's drought (*see SB 1417, Agriculture and Rural Affairs*), sweeping changes in municipal land use planning (*see HB 14 and SB 300, Local Government*) and a \$25 million grant program for volunteer fire and ambulance companies (*see HB 2262, State Government*).

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Legislation is coded as follows:

- * **Senate passage**
- ** **Senate and House passage**
- *** **Became law**

V Vetoed by governor

Budget and Finance

*** **1999-2000 Budget** □ A \$19 billion state budget (HB 980) that increases spending by nearly \$1 billion and cuts taxes by nearly \$400 million was signed into law as Act 1A on May 5, 1999.

Budget negotiations were eased by a growing surplus that reached more than \$772 million by the end of the 1998-99 fiscal year. Still, many Democratic legislators, and some Republicans, criticized the budget for failing to take advantage of the state's strong economy. Education spending came under fire in both the Senate and House of Representatives. The budget includes \$42 million in additional special education funding but school districts say the increase doesn't come close to meeting their costs.

Also included in the budget is \$64 million for the governor's controversial school voucher program, which has not been approved by the General Assembly. Critics said the voucher money could be better used for special education costs or programs to reduce class sizes, or to boost basic education subsidies, which will increase by less than 3 percent in the 1999-2000 fiscal year.

While the budget is similar to the spending plan proposed by Governor Ridge in February, it includes funding for two programs the governor wanted to eliminate. Legislators refused to go along with the governor's plan to cut \$46 million in local sewer subsidies. They also rejected the governor's effort to charge some communities for state police protection.

Other notable additions to the governor's budget proposal include \$43 million in additional funding for farmland preservation, \$22 million for school safety initiatives and \$85 million (up from \$45 million this year) for community development efforts.

Two Democratic senators voted against the budget. One was harshly critical of the budget's failure to adequately address child care needs. The Ridge Administration recently increased co-payments for subsidized child care despite large budget surpluses in the Welfare Department. The other dissenting senator said his vote was prompted not by what the budget did, but by what it failed to do.

House Bill 980 was approved in the House by 141-58 margin.

*** **Tax Cuts** □ Legislation that authorizes nearly \$400 million in tax cuts, mostly directed at businesses, was approved by wide margins in the Senate and House.

Senate Bill 557 -- a conference committee report that was not open to amendment -- was signed into law as Act 4 on May 12, 1999.

Democrats supported the measure but maintained that the state's growing budget surplus should have been used to provide tax relief to homeowners.

For the fifth consecutive year under the Ridge Administration, business is the big winner in the budget process and takes home the lion's share of tax reductions. Many of the tax changes are retroactive to January 1, 1999. Tax reductions contained in Senate Bill 557 include:

X an \$80.3 million reduction in the Corporate Net Income Tax that changes the net operating loss carry forward from \$1 million to \$2 million;

X a \$108.5 million cut in the Capital Stock and Franchise Tax that lowers the rate from 11.99 to 10.99 percent;

X an \$8 million reduction in the Sales and Use Tax that eliminates the tax for fruit processors and on certain equipment and construction materials;

X a \$78.8 million cut in the Utility Gross Receipts Tax that eliminates the tax on home use of natural gas;

X a \$54.6 million change in the Public Utility Realty Tax that will exempt electricity generating plants from the tax beginning in the next fiscal year;
X a \$300,000 Small Brewers Tax Credit; and
X a \$6.8 million Coal Waste Gasification Credit available to developers who build facilities that turn coal slag or culm into sulphur, steam or liquefied diesel fuel.

The bill also includes a \$36 million expansion of the poverty forgiveness exemption under Personal Income Tax and eliminates transferring money from the Lottery Fund to the General Fund to pay the income tax on lottery prizes.

*** **Stadium Financing Approved** □ The first new law of the 1999-2000 legislative session was designed to breathe new life into four of Pennsylvania's professional sports teams. On Feb. 9, 1999, the governor signed Act 1 providing \$320 million in state subsidies to help build new stadiums for the Pirates, Steelers, Phillies and Eagles.

Similar legislation was approved by the Senate during the final days of the 1997-98 session but died in the House, where many members objected to subsidizing wealthy team owners and players

Senate Bill 10 is a compromise produced by extensive negotiations between the Ridge Administration, legislative leaders and team owners. It guarantees that the state will collect at least \$300 million in additional tax revenue over the next 30 years. If the tax revenue falls short, team owners will have to make up the difference.

Another provision of the law provides \$330 million in new spending for development projects throughout the state. That money -- and the choice of projects -- will be controlled by the governor.

Under Act 1, the state will borrow funds and provide one-third of each stadium's cost -- between \$75 and \$85 million for each team. Pittsburgh and Philadelphia will own the stadiums and also provide one-third of the total cost, with the teams making up the final portion. The state will not be responsible for any costs resulting from construction delays or overruns.

The teams will be required to sign 30-year leases for their new facilities and will be required to repay the state subsidy if they leave early.

*** **Cigarette Prohibition** □ Legislation that prohibits the sale of "gray market" cigarettes in Pennsylvania and allows a finder's fee for people who track unclaimed property held by the Commonwealth was signed into law as Act 66 on Dec. 15, 1999.

House Bill 1569 imposes a civil penalty of up to \$2,500 on anyone convicted of selling unstamped, tax-free cigarettes intended for sale only to foreign countries, Puerto Rico and the Virgin Islands.

The bill also permits professional "tracers" to charge a fee of up to 15 percent of the value of property they retrieve for the owner through the state's Abandoned and Unclaimed Property program. Under the bill, the state Treasurer will be required to publish the information of abandoned property in a newspaper in the county of the last known address of the owner.

*** **Capital Stock and Franchise Tax** □ Legislation that temporarily halts a \$700 million tax increase for Pennsylvania businesses was signed into law as Act 63 on Dec. 15, 1999.

Manufacturers whose operations are based solely in Pennsylvania currently enjoy an exemption for property and payroll under the state's capital stock and franchise tax. The state Supreme Court ruled

that the exemption is unconstitutional because only Congress can regulate interstate commerce and sent a suit challenging the exemption to Commonwealth Court for further review. A Commonwealth Court judge ruled that the exemption does not meet Constitutional tests and said a remedy would have to come from the General Assembly.

House Bill 1848 permits all manufacturers to use payroll and headquarter assets in calculating tax exemptions. The bill also extends the Employment Incentive Payment Credit program.

A sunset amendment was added to the bill that will end the tax changes on Jan. 1, 2001.

V Purchasing Credits for Early Retirement □ Pennsylvanians who served in the Cadet Nurse Corps or the United States Peace Corps would have been eligible to purchase state credit for early retirement purposes under legislation approved by the House and Senate.

Senate Bill 309 required at least one year of training or service in either organization to buy back up to three years in the retirement system. The measure also added a provision that would have permitted annuitants to include people employed, under separate contract, by any Commonwealth school district.

The governor rejected the bill (Veto 2) on June 25, 1999.

***** 2000-2001 Tax Cuts** □ The legislature approved Senate Bill 2 which provides \$444 million in tax cuts for the fiscal year beginning June 31, 2000.

The rate on the Capital Stock and Franchise Tax drops this year by 2 mills and the \$200 minimum tax is eliminated completely. The entire tax will be phased out over a ten year period. Businesses will save \$289 million this year.

More low-income people will be exempt from the Personal Income Tax this year due to an expansion of the provisions for poverty forgiveness. Income levels for eligibility will increase by \$1,000 for each dependent, up to \$7,500.

Two separate one-week periods during the next 12 months will be designated as a sales tax-free holiday for consumers who purchase retail computers. The program is designed to stimulate the many computer related industries the Commonwealth by making computers more affordable. Also, mobile homes will be exempt from sales tax and will now be treated in the same manner as modular homes, which are taxed under the state's Realty Transfer Tax at 2 percent instead of 6 percent.

The tax bill also:

X reduces the Inheritance Tax from 6 percent to 4.5 percent on inheritances by direct descendants. The tax on inheritances by siblings is reduced from 15 percent to 12 percent and the tax on inheritances from children to parents is eliminated.

X grants a manufacturing exemption for fertilizer processing from the Capital Stock and Franchise Tax and Sales Tax;

X exempts from Sales Tax the maintenance and repair of air conditioning and cooling equipment;

X exempts clothing patterns from Sales Tax; and

X eliminates a double tax on phone service under the Utility Gross Receipts Tax.

The bill was signed into law on May 24, 2000, as Act 23.

***** PA Municipal Retirement Law** □ House Bill 164 amends the state's municipal retirement

law by allowing certain administrative expenses be paid from the Pennsylvania Municipal Retirement Fund. Administrative expenses not covered by assessments made against each municipality will be covered by interest earnings in the retired members reserve accounts.

The bill was signed into law on May 10, 2000, as Act 15

*** **Keystone Opportunity Zone** □ House Bill 2498 expands the two-year old Keystone Opportunity Zone (KOZ) program by creating 12 new zones in urban areas of the Commonwealth and adding finance and insurance companies to the list of businesses eligible for the program. Further, the measure extends the program through 2013.

The bill was signed into law on Dec. 20, 2000, as Act 119.

*** **Standardized Banking Procedures** □ Act 72 of the state's Fiscal Code will be amended to standardize procedures for pledge of assets to secure deposits of public funds to banks. House Bill 2800 also limits the types of collateral an institution authorized to hold public funds may pledge as collateral to secure the funds.

The governor signed the bill into law as Act 139 on Dec. 20, 2000.

*** **Exempting Sales Tax on Farm Assets** □ Legislation was approved that would exclude certain assets held by Commonwealth farmers from the Local Tax Enabling Act of 1998.

Under Senate Bill 390, the definition of net profits would be changed so that gains made through the sale of farm assets such as machinery and livestock held at least one year, interest on investments or any other capital asset are not subject to provisions of the act. The change would be retroactive to Jan. 1, 1998.

The House amended the bill to include a 4 percent cap on the amount of amusement or admissions tax that may be collected by a local governing authority. The measure stipulates that if the tax collected by an authority exceeds the 4 percent cap, it must be reduced over a four-year period beginning January 1, 2001. School districts that collect such taxes would be required to phase out the tax over a four-year period. Pittsburgh and Philadelphia are excluded from the cap.

The bill would also restrict the tax base for automobile racing facilities to 40 percent of the cost of admission. Local governments would be reimbursed by the facility operator for costs in excess of taxes collected.

The governor signed the bill into law on Dec. 20, 2000, as Act 110.

** **Municipal Police Pension Law** □ House Bill 1639 would amend the state's Municipal Police Pension Law allowing, among other things, a surviving spouse to continue receiving benefits even if the spouse remarries, or a surviving child to continue receiving benefits until the age of 23 if the child attends college.

The Senate approved the measure with amendments and returned it to the House where no further action was taken before the end of session.

* **Removing Fire Company Membership Requirement** □ The Senate approved legislation (SB 127) that would remove the one-year membership requirement for an individual to become a bona fide member of a volunteer fire company, ambulance service or other similar organization so that new

members may participate in bingo fund raising activities.

The bill was referred to the House Finance Committee.

* **Special Raffle Permit** □ The Senate approved legislation that would amend the state's Small Games of Chance Act to increase the total cash value of prizes awarded under the "special permit" section of the law.

Senate Bill 648 would allow any organization with a permit to award prizes in excess of \$500 to increase the total cash value of awards from \$25,000 to \$100,000. Organizations eligible to receive a special raffle permit would be entitled to only two per year.

The bill was sent to the House Finance Committee.

* **Revenue Collection Dates** □ The Senate approved legislation (SB 714) which permits the Secretary of Revenue to change the due date of money collected by counties for the state, from the fifth day of each month, to any date deemed necessary.

The bill awaits action in the House.

* **Retirement Credits** □ Senate Bill 1093 would permit certain employees of the Delaware River Joint Toll Bridge Commission to purchase service credits in the Pennsylvania employee retirement system was approved unanimously by the Senate.

The House took no action on the bill before the end of session.

* **Retirement Caps** -- The Senate approved legislation to remove the cap used in calculating average salaries for the purpose of computing benefits and contributions by employers and employees paying into the retirement system of Allegheny County.

Senate Bill 1101, which amends the Second Class County Code, also clarifies that the Home Rule Charter of Allegheny County will not impact on how the pension fund is structured.

The bill was sent to the House where it was given first consideration then removed from the table June 12.

* **Work Residency** -- The Senate approved legislation that would prohibit any municipality or authority from entering into a contract or project that mandates that a percentage of workers be residents of a specific municipality.

If signed into law, Senate Bill 1169 would be retroactive to February 9, 1999. The legislation and its effective date were designed to offset a ballot referendum approved by voters in the City of Pittsburgh, and supported by City Council members, that requires 35 percent of all jobs on publicly funded construction projects greater than \$200,000 go to city residents.

The bill was given first consideration by the House then tabled on June 13, 2000.

* **Transportation Costs Tax Deduction** □ The Senate approved a bill to allow for the exclusion of qualified transportation fringes (money reimbursed by an employer to employee for work related transportation costs or parking) from the definition of compensation for state personal income tax purposes.

Senate Bill 1188 would be effective retroactive to tax years beginning after December 31, 1998.

The bill was sent to the House for consideration.

* **Manufacturers Exemption** □ Legislation (SB 1200) which would make technical changes to the tax code, addressing concerns about the constitutionality of the manufacturing exemption, was approved by the Senate.

The bill, which was sent to the House for consideration, would make uniform definitions regarding businesses within and outside of Pennsylvania for purposes of tax deductions under the manufacturers exemption code.

* **Tax Code Repeals** □ Legislation was approved by the Senate which would repeal certain acts under the state's tax code.

Senate Bill 1202 eliminates sections of the code that were passed in 1868 through 1872 and are obsolete.

The bill has been sent to the House.

* **Taxpayers Rights Advocate** -- The Senate approved legislation to repeal the Dec. 31, 2000, expiration date of the Taxpayers Bill of Rights.

Senate Bill 1410 would also make permanent a Taxpayers Advocate office.

The bill has been forwarded to the House.

Education

*** **Teacher Continuing Education** □ A continuing professional education program was established for certified teachers and administrators and for non-certified full time teachers and administrators in charter schools under legislation unanimously approved by the Senate and signed into law as Act 48 on Nov. 23, 1999.

House Bill 8 requires 180 hours of continuing professional education every five years. The requirement can be met with six credits of collegiate studies, six credits of professional education courses, 180 hours of continuing professional education activities or learning experiences or through a combination. It applies to all people with Pennsylvania teaching or administrative certification and to all non-certified, full-time teachers and administrators in charter schools.

Those who don't meet continuing education requirements will be placed on inactive certification status and could not teach full-time in public or charter schools. Each school entity will have to establish a professional education committee and prepare a professional development plan.

*** **Removing Cap on Educational Grants** □ Legislation to remove the cap on grants awarded by the Pennsylvania Higher Education Assistance Agency (PHEAA) was signed into law as Act 13 on June 22, 1999.

Senate Bill 442 authorizes PHEAA to make an annual determination of the allowable maximum award based on available funds. Awards had been capped at \$3,000.

*** **Science and Technology Scholarships** □ Legislation that will provide scholarships to Pennsylvania students entering the fields of science and technology was signed into law on June 23,

1999, as Act 22.

Senate Bill 900 establishes two new scholarship programs within the Pennsylvania Higher Education Assistance Agency (PHEAA). Sci-Tech scholarships will provide up to \$3,000 per year to eligible applicants who have completed one full year and continue to be enrolled full-time in a school with approved bachelor degree programs.

The GI Bill for the New Economy scholarships will be awarded to eligible applicants who work full-time for Pennsylvania employers while enrolled part-time in private licensed schools. It will also apply to schools that award associate degrees or students enrolled full-time in those schools. Students working full-time can be approved for as much as 20 percent of their tuition and full-time students may receive up to \$1,000 per year for a three-year maximum.

Both scholarships require the student be a state resident, maintain a 3.0 grade average and enter into a contract with PHEAA to work a specified period for a Pennsylvania employer after graduation.

*** **New Funding Formula for Libraries** □ Legislation was signed into law that will change the state funding formula for Commonwealth libraries and library systems. The measure became Act 37 on June 26, 1999.

House Bill 17 makes significant changes to seven formulas currently used to determine the distribution of funds under the state's Library Code. The changes will ensure all libraries will be funded at the same level as fiscal year 1998-99. Under the measure, libraries will also be eligible to qualify for part of an additional \$17 million in state aid that was added to the 1999-2000 General Fund Budget.

*** **Safe and Secure Schools Program** □ Legislation that will create a Safe and Secure Schools program to enable school districts to purchase equipment, provide special services and develop programs to enhance school safety was signed into law as Act 36 on June 26, 1999.

House Bill 456 also helps schools develop a link with community based mental health services and develop procedures for proper and immediate access to mental health programs for students who are at risk for violent behavior.

*** **Technical Science Scholarships** □ Both the Senate and House approved legislation to amend the New Economy Technology Scholarship Act of 1999, which directs the Pennsylvania Higher Education Assistance Agency (PHEAA) to provide scholarships and low-interest loans to eligible students who major in technical science.

House Bill extends eligibility requirements to students who pursue postgraduate degrees.

The bill was signed into law as Act 51 on June 22, 2000.

*** **Education Empowerment Act** □ Eleven Commonwealth school districts, where fifty percent of the students scored below basic levels in math and reading, will receive additional state aid under legislation approved by both the Senate and House.

The measure (SB 652) creates the Education Empowerment Act, which authorizes the state to takeover the operation of schools with a history of low Pennsylvania System of School Assessment (PSSA) test performance.

Under the act, the Department of Education will annually develop a list of "distressed" school districts, then establish a three- to six-member Academic Advisory Team to assist in the development of

a plan to improve the level of student performance and the management and operation of the district. The school district will then establish an eleven-member School District Empowerment Team to work with the state Education Department's academic advisory team to implement the plan.

The act initially targets school districts in Allegheny, Beaver, Dauphin, Delaware, Lancaster, Philadelphia and York Counties. Only Harrisburg's mayor was permitted by the new law to appoint an empowerment panel for the city school district. That authority, however, has been challenged by the Harrisburg City School Board as unconstitutional and is currently working its way through the state judicial system. All other districts will fall under the authority of the state Secretary of Education.

Up to \$25 million in additional state funding has been appropriated for the eleven school districts, with Philadelphia earmarked for the bulk (\$16.3 million) of the money.

The bill, which amends the Public School Code of 1949, addresses a litany of other education issues, highlights of which include:

- X Intermediate Unit auxiliary services;
- X school lunch and breakfast reimbursement;
- X expenditures for exceptional students;
- X basic education grants;
- X Vo-Tech capital reserve fund;
- X educational equipment grants;
- X basic education funding formula;
- X special education payments to districts; and
- X school performance incentives.

The bill was signed into law as Act 16 on May 10, 2000.

*** **Non-smoking rules for teachers** □ Teachers and support staff must forfeit their smoking lounge under legislation signed into law as Act 128 on Dec. 20, 2000.

House Bill 819 prohibits the possession of tobacco by pupils in school buildings and school vehicles, and the use of tobacco by school as employees or visitors unless in a designated smoking areas no less than fifty feet from school building, stadiums or bleachers.

*** **Professional Standards and Practices Commission** □ House Bill 2189 extends the disciplinary jurisdiction of the Professional Standards and Practices Commission to include teachers and professional staff of charter schools. The bill, signed into law as Act 123 on Dec. 20, 2000, defines complaint procedures regarding sexual abuse and sets the statute of limitations within seven years after the student reaches the age of 18; requires automatic suspension of a teachers certificate if indicted for a crime involving moral turpitude and if the teacher poses a threat to the health, safety or welfare of the school community; provides other certification revocation criteria and makes technical changes to the current law.

*** **PIAA Accountability** □ A major over-haul in its operations is slated for the Pennsylvania Interscholastic Athletic Association (PIAA) under legislation signed into law by the governor as Act 91 on Nov. 22, 2000.

Senate Bill 1403 creates a 17-member oversight committee consisting of administrators, coaches and legislators to bridle what had been PIAA's unrestricted authority. The new law also calls for

several reforms by the PIAA including switching to a competitive process for selecting sites for championship games and eliminating the "restitution rule," which requires school districts that lose court cases against the PIAA to pay the association's legal fees. Further, the law provides that the PIAA will be abolished after two years if it is found to be operating inefficiently or unfairly.

The new law also includes a provision that allows the immediate take-over of city schools by the mayors of Harrisburg and Chester.

**** Read to Succeed Program** □ Legislation was approved by the House and Senate that would provide funding for the Read to Succeed Program.

Senate Bill 652 also addresses transportation on public school buses for charter school students, the accounting and reporting of exceptional students to the Department of Education, temporary certification of substitute teachers and grant programs for public and charter school students.

The bill is awaiting Senate concurrence in House amendments.

* **Exempting Seminars from Fees** □ The Senate approved legislation (SB 18) that would amend the state's Private Licensed Schools Act to exempt seminars from license and fee requirements.

The bill was sent to the House.

* **Good Samaritan Immunity** □ Legislation that would establish "Good Samaritan" immunity for school employees was approved by the Senate.

Senate Bill 332 creates a uniform definition of violence and requires the development of consistent drug and alcohol policies for all school districts. It would also require the state Board of Education to uniformly enforce drug and alcohol policies and train counselors and teachers to identify drugs and students who abuse them.

The bill awaits House consideration.

* **Student Conduct Codes** □ The Senate unanimously approved legislation that would require all Pennsylvania school districts to develop consistent codes of student conduct and to provide them to teachers, administrators, students and parents or guardians of each student in writing.

Under Senate Bill 925, the codes would include a summary of acceptable student behavior, define unacceptable behavior and establish specific penalties for policy infractions. A procedure would be established for reporting serious incidents to local law enforcement agencies and parents of disruptive students; types of violations that must be reported to law enforcement agencies would be defined; three levels of behavior that constitute a code of conduct violation would be established and civil immunity would be provided for school employees in certain situations involving disruptive students.

The bill was referred to the House Education Committee.

* **School Discipline** □ Legislation that would aid school districts in handling student disciplinary situations was approved by the Senate.

Senate Bill 926 would require all school districts in the Commonwealth to develop clear policies to involve parents in school discipline for disruptive students.

The bill was referred to the House Education Committee.

* **Conflict Resolution Course** □ Legislation (SB 927) that would require all teachers to complete a training course every five years in classroom management and conflict resolution and to be trained to identify substance and abuse problems was approved by the Senate.
The bill was sent to the House Education Committee.

* **Reporting Student Violence** □ The Senate approved a bill (SB 928) that would require mandatory reporting of all acts of student violence to law enforcement agencies.
The bill was referred to the House for consideration.

* **Citizens School Safety Committee** □ Legislation that would require Pennsylvania school districts to create citizens school safety committees was approved by the Senate.
Senate Bill 929 also addresses collective bargaining between teachers and officials in the Philadelphia School District.
The measure was sent to the House.

* **Safe Schools Grants** □ The Senate approved legislation (SB 931) that would permit the use of Safe Schools Grants for security planning, student conduct codes and student counseling services.
The bill is currently in the House Education Committee.

* **Increasing Safe Schools Grants** □ Legislation that would increase state funding for the Safe Schools Grants program was approved by the Senate.
Under Senate Bill 932, the state could also provide technical assistance on alternative education programs to school districts for children who have violated school policies on weapons, alcohol and drugs or violence.
The bill is currently awaiting consideration in the House.

* **Partnerships for Alternative Education Program** □ The Senate approved legislation that would create a Partnerships for Alternative Education Program.
Senate Bill 933 would define eligibility for application into the program and establish grant awards.
The bill was sent to the House.

* **Terroristic Threat Policy** □ Pennsylvania's public schools would be required to develop a terroristic threat policy under legislation approved by the Senate.
Senate Bill 934 would also require schools to enforce penalties on students who violate the policy.
The bill was sent to the House.

* **Anti-violence Curriculum** -- Legislation that would create an anti-violence curriculum in public schools and provide instruction to students on non-violent behavior and conflict resolution was approved by the Senate.
Senate Bill 945 would also require anti-violence, in-service training for all teachers in

conjunction with the state Attorney General, state police and Department of Health.

The bill has been sent to the House for consideration.

* **School Lunches** □ The Senate approved a measure to increase the amount of reimbursement to schools that offer breakfast and/or lunch programs to students.

Senate Bill 955 increases from \$.06 to \$.10 the state reimbursement on each lunch or breakfast served. The bill also includes a supplemental reimbursement of \$.04 for schools which offer both meal programs to at least 20 percent of its students.

The measure awaits House action.

* **PIAA Oversight Council** □ The Senate approved legislation to establish the Pennsylvania Interscholastic Athletic Oversight Council.

Senate Bill 1403 was designed to oversee and limit much of the PIAA's authority and is the outcome of an investigation of the PIAA by a special Senate committee earlier this year.

The proposal would establish a 21 member council, set policy for interscholastic athletics, require the state Board of Education to develop eligibility rules for interscholastic athletic programs with recommendations from the council and establish a state athletic eligibility appeal board to hear eligibility cases.

The bill has been sent to the House for consideration.

* **Displaced Homemakers** □ The Senate unanimously approved legislation to create the Displaced Homemaker and Single Parent Self-Sufficiency Act.

Senate Bill 1262 would authorize the maintenance and operation of multipurpose service centers for job counseling; training; educational and job placement services; referrals; financial management services; and out-reach and information services for displaced homemakers and single parents. The bill further provides for the Department of Education to oversee the program and appropriates \$3.7 million from the General Fund.

The bill was sent to the House where no further action was taken before the end of session.

* **Adult Literacy Programs** □ The Senate unanimously approved Senate Bill 1560, which adds family oriented programs to the Pennsylvania Adult Basic and Literacy Education Act.

The bill was sent to the House, which took no action before adjourning.

State Government

*** **Setting a Minimum for Petition Signatures** □ Legislation that requires candidates for district county council seats in Allegheny County to obtain a minimum of 250 petition signatures was approved by the Senate and House and signed into law on Feb. 10, 1999, as Act 2.

Senate Bill 273 amends the state Election Code in Second Class counties to correct an oversight that -- under previous law -- required prospective county council candidates to collect only 10 signatures.

*** **Speaker Matt Ryan Building** □ The Capitol Annex Building was renamed after

Pennsylvania's current Speaker of the House under legislation signed into law as Act 16 on June 22, 1999.

Senate Bill 1000 designates the marble and granite structure as the Speaker Matthew J. Ryan Legislative Office Building, and makes provisions for use of the building.

*** **Prohibiting Abrupt Closings** Approval was given to legislation that will prohibit the abrupt closing of mental health and mental retardation facilities by the state Department of Public Welfare.

House Bill 319 requires the welfare department to hold a public hearing within 30 days of the announcement of a facility closing and to consider specific effects the closing would have on patients and the community. A public hearing will be required in the county where a facility is located before the patient-to-staff ratio can be reduced by more than 10 percent.

The bill halts any closing decisions made by the department after Dec. 31, 1997, so that the proposed closing of Western Center in Washington County can be re-evaluated.

The bill was signed into law as Act 3 on April 28, 1999.

*** **Fire Information Reporting** Fire companies can obtain a one-time state loan to help them participate in the Pennsylvania Fire Information Reporting system under legislation signed into law as Act 32 on June 25, 1999.

House Bill 371 authorizes the state to grant low-interest loans of up to \$2,000 to purchase computer equipment or hardware and software necessary to plug emergency organizations into the system. The bill also provides loans for pre-owned fire equipment which meets national safety standards.

*** **Primary Election Change** Legislation (HB 1981) to move Pennsylvania's primary election to April 4, 2000, was signed into law as Act 51 on Nov. 16, 1999.

The primary date, originally scheduled for April 25, was changed to avoid holding the election near Easter and other religious holidays.

*** **Volunteer Fire Grants** Legislation that provides financial relief to volunteer fire companies and ambulance services throughout the Commonwealth was signed into law as Act 66 on June 22, 2000.

The bill (HB 2262) authorizes the state to grant \$22 million for fire companies and \$3 million for ambulance services to help renovate or build new firehouses, purchase equipment or reduce operating debts for financially troubled volunteer fire or ambulance organizations.

The new law will provide one-time grants through the Pennsylvania Emergency Management Agency (PEMA) in amounts ranging from \$2,500 to \$15,000. Applications have been sent by PEMA to all 2,464 volunteer fire companies, and the deadline for returning applications to PEMA is September 1, 2000. The only requirement necessary to be eligible for a grant is that the company must have responded to one or more emergencies in the last year.

V **Solicitation of Funds** Legislation (HB 1150) which raises the audit and review thresholds

for charitable organizations soliciting contributions in Pennsylvania from \$100,000 to \$125,000 was vetoed by the governor on Dec. 20, 2000, as Veto 1.

*** **Contractors Bond Law** □ House Bill 1164, approved by the House and Senate amends the Public Works Contractors□ Bond Law to increase from \$5,000 to \$10,000 the minimum contract amount whereby municipalities must require bonding from bidders.

The bill was signed into law on Dec. 20, 2000, as Act 131.

*** **Commonwealth Land Office** □ House Bill 1443 which was signed into law as Act 88 on Nov. 22, 2000, permits vacant or unappropriated lands in Pennsylvania to be patented to the Commonwealth for State Forest or State Park purposes, and authorizes the Public Lands Commission to act as the Commonwealth land office.

*** **Hazardous Material Emergency Planning** □ The House and Senate approved legislation to amend the Hazardous Material Emergency Planning and Response Act. House Bill 1728 reduces the time in which an owner or operator of a facility that supplies, manufactures, produces, uses, transfers, stores or distributes hazardous/extremely hazardous materials must report the presence of such materials to state and local officials from 60 days to 5 days. It also requires such facilities to submit Material Safety Data Sheets (MSDS) to the Department of Labor and Industry, Emergency Planning Committee and local fire department within 5 business days after receiving hazardous/extremely hazardous material.

The measure also gives permanent authority for county governments to establish surcharge fees for hazardous materials stored at facilities within the county jurisdiction, a current provision of the law that is due to sunset on Feb. 1, 2001; assigns new responsibilities to the Pennsylvania Emergency Management Agency (PEMA); eliminates the existence of a PEMA-appointed advisory committee for hazardous material planning and response; and volunteer EMS organizations with a certified hazardous material response team up to \$1,000 support funds when responding to a hazardous material emergency.

The governor signed the bill into law as Act 121 on Dec. 20, 2000.

*** **Robert P. Casey Memorial** □ Legislation (HB 2668) which changes the name of the state's Organ Donation Awareness Trust fund to the □Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund,□ was signed into law on Dec. 20, 2000, as Act 120.

** **Public Works Contractors□ Bond Law** □ A bill that permits other financial options for contractors and bidders who must provide a payment bond to secure public building or public improvement projects was approved.

House Bill 1161 was amended in the Senate but did not see final approval by the House before the end of session.

* **Firefighters□ Memorial Sunday** □ The Senate approved legislation to designate the Sunday during Pennsylvania's □Fire Prevention Week□ as □Firefighters□ Memorial Sunday.

Senate Bill 1523 was not acted upon by the House before the end of session.

* **Keeping Election Districts Intact** □ Legislation that would prohibit the establishment, abolition, division or consolidation of election districts from Jan. 1, 2000, through March 31, 2002, was approved by the Senate. Some exceptions would apply.

Senate Bill 1004 was drafted in response to necessary preparations for the Year 2000 census. The bill is currently in the House.

* **Legal Publications** □ The Senate voted to exempt some publications from mandatory notification of public meetings in accordance with the Sunshine Act.

Senate Bill 715 would eliminate the requirement that legal newspapers be used to advertise public meetings.

The bill has been sent to the House.

* **Bill of Rights Day** □ □ Legislation (SB 903) approved by the Senate, would designate December 15 of each year as □Bill of Rights Day.□

The measure has been forwarded to the House for consideration.

* **Notary Public** □ Senate Bill 1265 eliminates a current restriction that officers or directors of a bank or financial institution may not provide Notary Public services to the institution that employs them. The bill also reinstates a prohibition that a notary public not act in transactions in which they have pecuniary interest.

The bill was approved with amendments in the House but was not concurred in by the Senate before the end of session.

* **Board of Claims** □ The Senate approved legislation (SB 1440) which increases the maximum allowable annual per diem for members of the state Board of Claims from \$10,000 to \$25,000 and provides for a yearly cost of living increase.

The bill is now before the House.

Law and Justice

** **Limited Defense for Underage Drinkers** □ Teenagers who are issued a citation for underage drinking would be limited in defending their actions under legislation unanimously approved by the Senate and House.

Senate Bill 255 would prohibit an offender from using a defense that the alcohol was consumed in an area other than the jurisdiction where the citation was issued.

The bill was amended in the House to provide for a □second-degree misdemeanor□ for any state official or employee who provides computer access to mortgage companies or other lending institutions regarding the income or employment records of a state employee.

The Senate declared the House amendments unconstitutional because the amended language was

written under the wrong section of Title 18. The bill was returned to the House where it was corrected and returned to the Senate where it awaits final consideration.

***** Same Sex Partners Benefits** □ The Senate unanimously approved House Bill 115, which originally was a simple expansion of the definitions of police departments and police officers to include railroad police, providing for their training and certification.

However, a Senate amendment to the bill exempts state-owned and state-related colleges and universities from municipal ordinances requiring health insurance coverage for same-sex domestic partners. The amendment was prompted by a lawsuit against the University of Pittsburgh, which has refused to provide benefits for the same-sex partners of its faculty and staff despite a city ordinance requiring such provision.

The amendment, in which the House concurred, does not bar the colleges and universities from providing the benefits if they choose.

The bill was signed into law on Nov. 24, 1999, as Act 49.

***** Liquor Code Changes** □ The Senate approved legislation that makes a number of revisions to the state's Liquor Code. The House concurred in Senate amendments to House Bill 1692, which was signed into law as Act 47 on Nov. 10, 1999.

The measure grew out of efforts by Luzerne County legislators to allow the sale of alcohol in the county's newly completed, all-venue arena, set to open this month. However, an omnibus amendment inserted by the Senate makes numerous changes to current law, mostly expanding the sale of alcohol throughout the Commonwealth.

In addition to Luzerne, the legislation permits the sale of beer and alcohol in eight other counties that have, or anticipate having, a multi-purpose arena or convention center seating 8,000 or more.

The liquor code expansion will also:

X issue a □national event permit□ to the Republican National Committee for events at its convention in Philadelphia next year;

X allow nonprofit zoological institutions to receive a □special occasion permit□ to serve alcohol at fund-raising and other related events;

X allow brewery pubs to sell wines made in the state and purchased from the winery or state stores;

X allow national veterans organizations such as American Legions to sell alcohol to active members of another club, as long as it is chartered by the same organization; and

X permit vineyards to use grapes grown within 150 miles of Pennsylvania, as long as the out-of-state grapes represent only 25 percent of the annual production.

***** Public Venue Liquor License** □ Senate Bill 1531 creates a Public Venue license so that alcohol may be sold at any stadium, arena, convention center, museum, amphitheater or similar structure in Pennsylvania with seating for at least 1,000 that is owned by an authority or is an art museum, or any structure that can seat at least 5,000 regardless of ownership. The measure also defines operating guidelines for the Public Venue license holder, repeals ten different types of licenses and creates a Performing Arts Facility license which requires the facility have seating for at least 500.

The bill was signed into law as Act 141 on Dec. 20, 2000.

* **Liquor Tax Repeal** □ The Senate voted unanimously to repeal a provision of the state's Liquor Code that taxes the sale of wine by Pennsylvania manufacturers to consumers other than the Pennsylvania Liquor Control Board.

Senate Bill 1295 eliminates the tax which was paid by approximately 60 wineries last year. Proponents say paperwork involved in submitting the tax creates a nuisance for businesses, and note that collections in fiscal year 1998-99 amounted to only \$38,105.

The bill was sent to the House for consideration.

* **Limited Defense for Underage Drinkers II** □ The Senate approved legislation that would eliminate a possible defense for underage drinking violations.

Under Senate Bill 824, people cited for underage drinking in one jurisdiction could not use as a defense the fact that their drinking may have occurred in another jurisdiction.

The bill is in the House Judiciary Committee.

Agriculture and Rural Affairs

*** **Drought Aid For Farmers** □ Legislation that will allocate \$65.6 million to help farmers affected by the drought of 1999, was unanimously approved by the Senate and signed into law as Act 57 on Dec. 13, 1999. The bill will also provide \$15 million to help flooding victims.

Senate Bill 1135 creates a Drought Emergency Grant Program and allocates \$60 million to the state Agriculture Department for disbursement to farmers who can prove the 1999 drought caused the loss of 30 percent or more of their crop. Each farmer could receive a 20 percent reimbursement for the cost of seeds and plants and another 20 percent reimbursement for the cost of fertilizer and lime.

The bill also provides \$5.6 million to reimburse farmers who purchase Federal Crop Insurance and creates a \$2 million orchard indemnity to be used by farmers who lost their crop to Plum Pox Virus.

Additionally, the bill creates the PennCrisis Small Disaster Assistance Fund and provides \$10 million in low-interest loans to individuals, businesses and municipalities that suffered losses due to a natural disaster such as floods or hurricanes after July 1, 1999. Loans will be granted for uninsured losses under \$2 million in amounts ranging from \$7,500 to \$25,000. The program will end on June 30, 2000.

The bill also allocates \$5 million for a Supplemental Individual Assistance Program for flood victims. The money would allow the state to qualify for additional federal disaster aid.

*** **Northeast Interstate Dairy Compact** □ Legislation (SB 365) that moves Pennsylvania a step closer to joining six other states which currently comprise the Northeast Interstate Dairy Compact, was approved by the Senate and House and signed into law on June 25, 1999, as Act 26.

Established by Congress to encourage a more efficient milk assembly and distribution system to benefit dairy producers, the compact also encourages greater participation by dairy farmers in cooperative organizations that seek to maintain and improve the viability of dairy farming in the Northeast.

The measure would not eliminate the Pennsylvania Milk Marketing Board since the compact only deals with the production and sale of Class I fluid milk. All other milk and dairy products would remain subject to current standards as set by the Board. Pennsylvania's delegation to the dairy compact would consist of the chair of the Milk Marketing Board and four other members consisting of a consumer who has never been associated with the practice or business of farming or dairy production; an individual nominated by the state's dairy cooperatives; an individual nominated by the state Association of Milk Dealers; and one member nominated by the general farm organizations throughout the Commonwealth. All members would be appointed by the governor.

Milk farmers and legislators who support the measure have expressed concern about the structure of the dairy compact, which gives each participating state, regardless of its size or number of dairy farmers, one equal vote. Many feel that since Pennsylvania would be one of the compact's largest states and has a large number of dairy farms, it should have a greater voice in its operation. Only the state's Congressional delegation, however, could push for any changes to the compact's structure.

Pennsylvania's law was not ratified by the U.S. Congress, and the compact will not be created.

*** **Bureau for Inmate Education** □ A bureau would be established in the state Department of Corrections to oversee inmate education under legislation approved by the Senate and House and signed into law on June 22, 1999, as Act 15.

Senate Bill 970 also ensures counties applying for state funds through the Supplemental Agricultural Easement Purchase Program will no longer have to wait nine or 10 months for their appropriation. The measure requires the state to allocate funds for eligible applicants immediately upon approval of the General Fund Budget each year. The bill amends the Agricultural Area Security Law, which permitted the state to hold the money until March 1, in any fiscal year.

The measure also establishes an Advisory Committee for the Blind within the Department of Labor and Industry and creates an Employment Fund for the Blind.

*** **Aquaculture** □ Legislation to narrow the scope of businesses subject to the state's Aquaculture Act was approved and signed into law on March 28, 2000, as Act 9.

House Bill 2020 defines "pet store" under Title 3 and removes businesses that meet the definition from application of the law.

*** **Additional Drought Relief** □ Additional state funding will be available to farmers who were eligible for state drought relief aid under Act 57 of 1999.

The Emergency Drought Relief Program was approved last year to help farmers offset crop damage and production losses incurred during the drought of 1999. The law provided \$60 million for crop loss assistance grants and \$5.6 million to help defray the cost of crop insurance required by the federal government as a condition of receiving federal crop loss assistance.

The law, however, permitted farmers only to receive a state grant equal to 75 percent of the amount they received under the federal crop loss program. Senate Bill 1417, approved by the Senate and House and signed into law as Act 65 on June 22, 2000, removes the cap and allows farmers to recover their full loss amount.

*** **Food Employee Certification** □ The Senate and House approved legislation to

amend the state's Food Employee Certification Act by exempting certain tax-exempt organizations (volunteer fire companies, athletic, veterans, religious, civic groups, etc.) and food establishments which derive less than \$25,000 or less than 40 percent of gross income per year from the sale of food, or temporary food establishments which operate no more than 14 days at fairs, carnivals, public exhibitions, etc., from certification requirements.

House Bill 2216 also extends the certification deadline to July 2003 and allows recertification be completed through correspondence courses.

The bill was signed into law by the governor on Dec. 20, 2000, as Act 124.

* **Anaerobic Manure** □ The study, investigation, development and use of animal by-product management technology for agricultural operations in Pennsylvania would be done by the Agricultural By-Product Management Technology Board created under Senate Bill 896 and approved unanimously by the Senate.

The bill was sent to the House where it died at the end of session.

* **Livestock Restrictions** □ Goats would be added to a state law that imposes fines and penalties for animals that trespass on improved land under legislation approved by the Senate and sent to the House.

The bill (SB 1198) would add goats to the definition of livestock under the law.

Environmental Resources and Energy

*** **Civil Immunity** □ House Bill 393, which passed the Senate by a margin of 30-17 and was signed by the governor on Dec. 20, 2000, as Act 138, provides civil immunity for citizens participating in matters involving the enforcement or implementation of environmental laws or regulations. The bill also provides for the costs and fees in coal mining proceedings.

*** **Phosphate Detergent Act** □ A bill that re-enacts the Phosphate Detergent Act was signed into law as Act 31 on June 25, 1999.

House Bill 528 re-enacts the law prohibiting the sale, manufacture, distribution or use of certain cleaning agents containing phosphates except under specified circumstances. People selling, distributing or making phosphate cleaning agents will commit a misdemeanor and be liable for a fine of less than \$1,000. The act had expired on Dec. 31, 1998.

*** **Growing Greener** □ A modified version of the administration's "Growing Greener" proposal was approved by the Senate (49-1) and House of Representatives (166-28) and signed into law as Act 68 on Dec. 15, 1999.

Working with the administration, Democratic and Republican leaders crafted a compromise version of the environmental protection plan that calls for spending \$645.9 million over five years on projects such as wildlife and fish protection, restoration of state parks and forests, mine acid removal and other mine reclamation programs and farmland preservation.

House Bill 868 creates an Environmental Stewardship Fund. Landfill fees and a percentage of

money from hazardous waste cleanup and recycling funds will provide less than one-third of the compromise spending plan, with the balance dependent on an appropriation from the General Fund Budget in each of the program's five years.

House Bill 868 also provides "Good Samaritan" immunity to people or landowners who voluntarily provide equipment, materials or services for reclamation or water pollution abatement projects.

*** **Industrial Cleanup** □ On March 17, 2000, the governor signed into law (Act 6) a loan/grant program to help identify and clean up industrial sites. House Bill 2057, approved unanimously in both the House and Senate, amends the Industrial Sites Environmental Assessment Act to include assessment and clean up funds for brownfield sites and waste tire recycling. Loans and grants will be available to municipalities that did not cause or contribute to the contamination of a site.

*** **Underground Storage Tank Cleanup** □ Senate Bill 1088, which passed the Senate unanimously and was signed by the governor as Act 100 on Dec. 20, 2000, extends the life of the state's Underground Storage Tank Environmental Cleanup Program until June 30, 2005. The program, which was scheduled to expire on Jan. 30, 2000, provides up to \$5,000 in cleanup assistance to owners of underground heating-oil storage tanks of 3,000 gallons or less.

* **Submerged Lands** □ Pennsylvania's submerged lands -- the beds of lakes and watercourses that have been declared navigable by acts of the General Assembly or by a court of competent jurisdiction -- would have been required to pay a one-time fee to the Department of Environmental Protection (DEP) under legislation which passed the Senate unanimously, but never moved out of the House committee. Submerged lands are currently subject to annual fees.

Senate Bill 664 would have amended the state's Dam Safety and Encroachment Act, which authorizes DEP to collect an annual minimum \$250 fee for use of submerged lands. The bill would have eliminated the annual fee and replaced it with a one-time payment.

Judiciary

*** **Heroin Possession** □ The mandatory-minimum trigger for heroin possession was lowered from two grams to one with the signing of Act 41 on June 22, 2000. House Bill 28 also provides for partial confinement without parole and codifies the County Intermediate Punishment program.

The legislation was approved unanimously in the Senate and by a vote of 184-5 in the House.

*** **Increased Penalties for Crimes with Underage Victims** □ Penalties will be increased for certain crimes when the victim is under 18 years of age under legislation signed by the governor on Dec. 20, 2000, as Act 98. House Bill 47, passed unanimously in the Senate, mandates counseling and therapy as a condition of parole for sex offense convictions.

*** **Money Laundering** □ The Senate unanimously passed House Bill 58, which changes the

statute of limitations for the crime of money laundering from two years to five.
The governor signed the bill, which became Act 136, on Dec. 20, 2000.

*** **Sex with Animals** □ A bill that would once again make bestiality a crime in Pennsylvania was signed into law as Act 8 on June 18, 1999. House Bill 124 corrects an oversight that was inadvertently deleted during a 1995 rewrite of sexual offense statutes.

The bill also allows people under the influence of a controlled substance to be charged with public drunkenness. The legislation makes an exception for lawful prescriptions.

*** **Names and Corporations Codes** □ Legislation which makes several changes to the Names Code and the Corporations Code was approved unanimously by both the House and Senate, and signed into law as Act 43 on June 22, 2000. In the case of a name change for a minor child, House Bill 368 suspends the requirement of a criminal history check which is generally required for name changes.

*** **False Identification** □ House Bill 599 makes it a third-degree misdemeanor to provide false identification to a law enforcement officer who has identified himself as such or is uniformed and has informed the person that he is the subject of an investigation of a violation of the law. The bill, passed unanimously in the Senate, was signed into law on Dec. 20, 2000, as Act 133.

*** **Sliding Penalty for Prostitution** □ The Senate passed (46-0) House Bill 609, which creates a sliding penalty scale for prostitution and patronizing a prostitute based on the number of prior convictions and permits a third-degree felony charge if the person is HIV positive or showing obvious symptoms of AIDS. The governor signed the bill into law as Act 134 on Dec. 20, 2000.

*** **Police Animal Protection** □ People who maliciously tease or strike a police dog or horse are subject to prosecution under Act 19, signed by the governor on June 22, 1999.

House Bill 779 amends the Crimes Code to add a section prohibiting the taunting or torture of police animals, making it a third-degree felony and making the defendant responsible for restitution to the agency or individual owner.

*** **Juvenile Criminal History Reporting** □ House Bill 877, which applies juvenile criminal history reporting requirements equally to adjudicated and alleged delinquents unanimously passed the Senate. The bill, which was signed by the governor on Dec. 20, 2000, as Act 129, also extends governmental immunity to Councils of Government and allows for inspection of court records by judges, officers and staff of courts of other jurisdictions.

*** **Identity Theft** □ Anyone who knowingly obtains, possesses, records, transfers, uses or attempts to use □personal identifying information□ of another person without his consent and with fraudulent intent will be charged with a first-degree misdemeanor under House Bill 945. The legislation, signed into law as Act 21 on May 22, 2000, creates the offense of Identity Theft and will result in a maximum penalty of five years in prison and \$10,000 in fines. The House and Senate unanimously approved the bill, which includes a person□s name, telephone number, Social Security number, debit

card number, date of birth and maternal maiden name in the definition of □personal identifying information.□

*** **Court Fee Exemption** □ House Bill 963, signed into law as Act 38 on Oct. 12, 1999, exempts fees and costs allocated to the Child Passenger Restraint Fund from being deposited into the Judicial Computer System Augmentation Account.

The bill also includes a provision for death penalty cases requiring the prothonotary of the Supreme Court to transmit the entire court record to the governor within 30 days of whichever occurs first: the expiration of the time period for filing a petition for writ of certiorari or the expiration of an extension, where neither has been filed; the denial of a petition for writ of certiorari; or the disposition of the appeal by the United States Supreme Court if that court grants petition for writ of certiorari.

*** **Burden of Escapee Costs** □ Legislation which establishes whether a county or a state is responsible for the maintenance of escaping convicts under new sentence was signed into law as Act 122 on Dec. 20, 2000. A companion bill to Senate Bill 1280, the law places the burden of any additional police expenses incurred as a result of an escape on the state.

*** **Good Samaritan Civil Immunity** □ On Nov. 22, 2000, the governor signed House Bill 1416 into law as Act 93, which gives Good Samaritan civil immunity protection to school officers and employees who give emergency medical assistance to a student. The Senate passed the bill unanimously.

*** **Resuming a Prior Surname** □ A person involved in a divorce action is allowed to resume use of a prior surname any time prior to or after the entry of the divorce decree under House Bill 1523, signed into law as Act 92 on Nov. 22, 2000. The legislation passed the Senate by a vote of 46-0.

*** **Bail in Drug Cases** □ Legislation which allows courts to reject bail funded by illegal drug activities passed the Senate (46-1). House Bill 1588, which was signed by the governor as Act 126 on Dec. 20, 2000, requires District Judges and Judges to determine the source of bail put up in drug cases.

*** **Protective Orders** □ House Bill 1717, which passed the House and Senate unanimously and was signed into law as Act 10 on May 10, 2000, amends the Domestic Relations Code to extend the allowable length of a Protection From Abuse Order to 18 months. The legislation also requires background checks for school employees who transfer between buildings within a school district.

*** **Imposing GBL Reporting Requirements** □ In an effort to curb use of the so-called □date rape□ drug gamma hydroxy butyrate (GHB), the House and Senate unanimously approved House Bill 1970, adding gamma butyrolactone (GBL) and its compounds to the subjects of the Noncontrolled Substances Reporting and Registration Act. Adding GBL to the list imposes reporting requirements on the chemical, which is used industrially as a cleaning agent, but when ingested transforms into GHB. The governor signed the bill into law as Act 2 on Feb. 11, 2000.

*** **Designer Drugs** □ Act 3, signed into law on Feb. 11, 2000, amends the definition of □designer drugs□ to include drugs not intended for human consumption. House Bill 1971, passed unanimously by the Senate, is one of several bills aimed at battling gamma butyrolactone (GBL) and gamma hydroxy butyrate.

*** **Broadening Retaliation Crimes** □ House Bill 2272, which was signed into law by the governor as Act 117 on Dec. 20, 2000, broadens the statute relating to retaliation against a witness or crime victim and expands protection offered by the statute to include a party to a civil matter. The Senate passed the bill by a vote of 46-1.

*** **Bad Check Restitution** □ House Bill 2287, which enables a payee given a bad check to charge a service fee in excess of \$20, as is currently limited by law, when the payee is charged more than \$20 by their financial institution for the bad check, was signed into law as Act 50 on June 22, 2000. The House and Senate unanimously approved the legislation which states that the service charge could not be more than the actual fee.

*** **Inheriting from a Child's Death** □ A loophole which had allowed a parent to inherit from the premature death of his child even though he abandoned or did not support the child for one year prior to the child's death was closed by House Bill 2328, which unanimously passed the Senate and was signed by the governor on Dec. 20, 2000, as Act 118. Under the bill, a parent convicted of concealing a child's death, endangering or abusing a child has no right to inherit.

*** **Unification of the Courts** □ On June 22, 1999, the governor signed into law Act 12, moving the state toward unification of the courts by transferring county court administrative staff to state employment. The transfer includes court administrators, deputy court administrators, assistant court administrators and associate court administrators.

Under Senate Bill 3, those employees -- and their salaries -- are shifted to the state judicial system. The bill is partly due to a 1997 state Supreme Court ruling that the local court system has been inadequately and unevenly funded.

*** **Expansion of Terroristic Threats** □ Pennsylvania's laws against terroristic threats, harassment and stalking were expanded to include electronic communications under legislation signed into law as Act 59 on Dec. 15, 1999.

The expanded definition of communication includes electronic mail, Internet communications, faxes and other similar transmissions. Senate Bill 167 is a response to concerns about the ability to prosecute threats and harassment using the Internet under current Pennsylvania law.

The bill redefines the course of conduct for harassment and stalking to include the use of lewd, lascivious, threatening or obscene words, drawings or caricatures. A person will also be guilty of a misdemeanor if he or she threatens to terrorize another person or cause evacuation of a building.

The bill also provides for offenses relating to weapons, ammunition or any item which could be used for escape from a prison, detention center or mental institution. Anyone who provides such items and any inmate who procures, makes or unlawfully possesses such items will be guilty of a first-degree

misdemeanor.

Additionally, Senate Bill 167 requires the inclusion of trigger locks with handguns sold in Pennsylvania and bans municipalities and school districts from suing gun manufacturers to recover damages caused by gun violence.

*** **Probate Code Changes** □ Legislation that updates and revises state law governing the general powers of attorneys and makes other miscellaneous changes to the Probate Code was signed into law as Act 39 on Oct. 12, 1999.

Senate Bill 173 changes the title of the person implementing a power of attorney from □attorney-in-fact□ to □agent,□ a more generally understood term. The legislation also provides for the termination of a spouse□s designation as agent when a divorce action is filed.

*** **Fiduciary Investments** □ The Senate and House unanimously approved Senate Bill 174, which provides rules governing fiduciary investments. The legislation, signed into law as Act 28 on June 25, 1999, applies only to investments by trustees and guardians and creates a Prudent Investor Rule modeled after the Uniform Prudent Investor Act.

The bill contains the recommendations of the Joint State Government Commission□s Advisory Committee on Decedent□s Estates Law, a panel of experts in trust and estate law.

*** **Adding a Victim Advocate** □ The composition of the Pennsylvania Commission on Crime and Delinquency was changed to include the state□s Victim Advocate under Act 28, signed by the governor on June 25, 1999. Senate Bill 179 alters the board membership to include someone to represent the interests of crime victims.

*** **Obscene E-mail Warning** □ Advertisers who use the Internet to market pornography are required to identify sexually explicit e-mail messages by using the term ADV-ADULT in the subject line of the message under Act 25, signed into law June 13, 2000.

A person violating Senate Bill 262 or attempting to evade prosecution by including false or misleading information in the return address of the e-mail is subject to a fine between \$100 and \$500 per message and/or imprisonment for up to 90 days. A subsequent offense raises the fine to between \$500 and \$1,000 and increases the length of the possible imprisonment up to one year.

*** **Megan□s Law** □ The Pennsylvania Supreme Court declared most of Megan's Law unconstitutional last year, but sexually violent predators are now subject to all the restrictions of that law once again. The Senate and House voted unanimously to approve a revised and constitutionally correct version of Megan's Law that is designed to protect communities from sexual predators.

Under the revised law, the bill places upon the state the burden of proving that people convicted of sex crimes are "predators," before requiring neighborhood notification. The previous version of the law unconstitutionally required convicts to prove they did not deserve the classification.

Senate Bill 380 also expands the types of court proceeding in which a guardian ad litem may be appointed for a child in a court proceeding.

The bill was signed by the governor on May 10, 2000, as Act 18.

*** **Sexual Exploitation of Children** □ People who procure a child under age 18 for sexual exploitation commit a second-degree felony □ Sexual Exploitation of Children □ under legislation unanimously approved by the Senate and House.

Senate Bill 383 defines sexual exploitation as actual or simulated sexual activity or nudity arranged for sexual stimulation or gratification of any person. The bill, signed into law as Act 14 on May 10, 2000, applies whether the procurement is done for money or not.

*** **Philadelphia Municipal Court Fee** □ Anyone requiring service of initial process will pay a \$25 fee under legislation signed into law as Act 43 on Nov. 10, 1999. Under Senate Bill 392, the Philadelphia Municipal Court Fee Law will increase the fee from \$15 to \$25.

*** **Special K** □ The Senate unanimously passed legislation (SB618) moving the drug Ketamine hydrochloride, an animal tranquilizer also known as □Special K,□ to the Schedule III list of controlled substances. The governor signed the bill into law on Oct. 18, 2000, as Act 78.

*** **Date Rape Drug** □ The Senate unanimously approved legislation that makes a so-called "date-rape" drug, gamma hydroxy butyrate (GHB), a Schedule III controlled substance. GHB is a clear, flavorless and odorless substance that when slipped in a drink has an intoxicating effect that results in unconsciousness and amnesia.

Senate Bill 798 was signed into law as Act 55 on Nov. 24, 1999.

*** **Transfer of Annuity** □ The Senate approved legislation that establishes conditions under which someone can sell or transfer his rights to payment under an annuity or similar contract.

Senate Bill 818 requires that a petition and court approval be obtained before the sale or transfer is permitted. The bill is intended to ensure that payees are informed of the implications of the sale or transfer, that they have received legal advice and are aware of all costs and fees involved.

The bill was signed into law as Act 1 on Feb. 11, 2000.

*** **Mandatory Sentencing** □ On Dec. 20, 2000, the governor signed into law legislation which requires mandatory sentencing for certain high risk dangerous offenders. Act 113 (SB 844) also requires anyone convicted of crimes such as kidnaping a child or sexually abusing a child to register with the Pennsylvania State Police for ten years or face a third-degree felony charge. The legislation, which passed the Senate 47-0, also grants civil immunity to anyone who assists or attempts to assist to a victim of a violent crime.

*** **Preventing Repeat DUIs** □ A convicted repeat DUI offender must install an Ignition Interlock Device in all his cars under Senate Bill 849, signed into law as Act 63 on June 22, 2000. An IID prevents the operation of a vehicle until a breath sample of less than .025% alcohol level is taken. The legislation would also provide for restitution for expenses related to identity theft.

*** **Rape Counselor Interpreters** □ Interpreters are included in the provisions of the Judicial Code providing for confidentiality between a victim and rape counselor under legislation passed

unanimously by the Senate and approved by the governor. Senate Bill 958, which was signed into law as Act 105 on Dec. 20, 2000, extends that confidentiality privilege to anyone who translates such communications by sign language or visual, oral or written means.

The legislation also creates additional court of common pleas judgeships in a number of judicial districts. The bill provides for the means to create a child-care facility in a county judicial center or courthouse for use by children whose parents or guardians are required to be at the judicial center or courthouse.

***** Institutional Sexual Assault** □ The governor signed legislation on May 10, 2000, that makes it a crime for staff of state or county juvenile or mental health facilities to engage in sex with inmates.

Senate Bill 1047, signed into law as Act 12, expands the definition of institutional sexual assault by including youth development centers, youth forestry camps, state or county juvenile detention facilities and mental health institutions. The legislation also makes institutional sexual assault a third-degree felony, rather than a misdemeanor.

***** Cruelty to Animals** □ A person training a guide dog is protected against discrimination under a bill approved unanimously by the House and Senate. A person using a guide dog is already protected, and under Senate Bill 1109 similar protection is extended to persons training a service animal. The legislation also reclassifies the killing, maiming or poisoning of domestic animals from a second- to a first-degree misdemeanor.

The bill was amended in the House, expanding the term guide dog to include guide signal, service dog or other aid animal, and further providing for cruelty to animals.

The governor signed the bill into law on Oct. 18, 2000, as Act 80.

***** Firearm Discharge** □ A person firing a gun into an occupied structure will be charged with attempted homicide under legislation signed by the governor into law on Dec. 20, 2000, as Act 116. Senate Bill 1173 makes it a third-degree felony for a person to knowingly or recklessly shoot into an occupied vehicle, business or a place made for an overnight stay.

The bill, which passed the Senate unanimously, also provides for a defense in the case of lawful hunting activity and for law enforcement actions in the line of duty. Additionally, the bill provides for the sale and illegal use of certain solvents. Finally, the legislation creates the crime of theft of telecommunication services for possessing, manufacturing, selling, distributing or using telecommunication devices and equipment that are used to acquire or transmit an unauthorized service.

***** Crime Victims Act Extended** □ The Senate unanimously approved Senate Bill 1224, which extends the rights provided under the Crime Victims Act to victims of juvenile crime. Previously, these rights only covered victims of adult crime and victims of a crime in which the juvenile is prosecuted as an adult. Some of the rights that are extended include the right to receive information about victim services and notification of proceedings in their case; the right to attend disposition hearings and provide victim impact statements; and the right to restitution.

The legislation also adds homicide by vehicle and accidents involving death or injury to the list of crimes in which the Act applies. Prosecutors are also responsible for returning crime victims□

property to them when it is no longer needed as evidence.

The bill was signed by the governor on Oct. 30, 2000, as Act 86.

*** **Standby Guardians** □ The Senate and House both approved legislation which expands the Standby Guardianship Act to give a legal custodian the power to designate a standby guardian for a minor child. Senate Bill 1275, signed into law as Act 59 on June 22, 2000, also adds retired Third Circuit U.S. Court of Appeals Judges to the list of persons permitted to solemnize marriages.

*** **Burden of Escapee Costs** □ The state pays the costs of transportation, trial and other expenses related to an escapee of a state prison under Senate Bill 1280. The bill, which became Act 107 on Dec. 20, 2000, and was approved by a 47-0 vote in the Senate, requires the expenses of an escapee of a county detention facility, jail or prison to be paid by the county in which the criminal was originally sentenced. A companion bill, House Bill 2014, passed unanimously in the Senate and was also signed into law as Act 122 on Dec. 20, 2000, establishes whether a county or a state is responsible for the maintenance of escaping convicts under new sentence. The bill places the burden of any additional police expenses incurred as a result of an escape on the state.

*** **Admissible Evidence** □ Senate Bill 1299 allows certain out-of-court statements by a child victim or witness to be admissible as evidence during civil cases. The bill passed the Senate (49-0) and was signed into law by the governor on Oct. 18, 2000, as Act 84.

*** **Homicide by Vehicle** □ A person committing homicide by vehicle will receive a more severe penalty under legislation passed unanimously by the Senate. Senate Bill 1312 increases the grading of homicide by vehicle from a first-degree misdemeanor to a third-degree felony. The culpability standard for homicide by vehicle is narrowed from negligent conduct to reckless conduct or gross negligence. The bill was signed by the governor on Dec. 20, 2000, as Act 108.

*** **Firearms Background Check** □ Senate Bill 1444, which creates a Firearms Background Check Advisory Committee, was signed into law by the governor as Act 101 on Dec. 20, 2000. The bill, passed the Senate by a 47-0 margin, permits probable cause arrests in cases of domestic violence against a family or household member. The bill also adds terroristic threats and stalking to the list of crimes for which probable cause arrests are permitted.

** **Constitutional Amendments** □ This joint resolution would propose a constitutional amendment relating to the retirement of judges and Senate vacancies. Senate Bill 231 would permit judges to serve out the remainder of the calendar year during which they turn 70 years of age. The legislation would also provide for special elections for Senate seat vacancies created by reapportionment when a member's residence is not in the district in which he was elected.

The bill, which passed the Senate 29-17 and the House 104-88, was filed in the Office of the Secretary of the Commonwealth on Nov. 22, 2000, as Pamphlet Laws Resolution No. 1.

** **Governmental Immunity** □ Municipalities that undertake projects jointly as participants in

a □council of governments□ (COG) would have been included in the definition of □local agency□ for purposes of governmental immunity under legislation (SB 264) unanimously approved by the Senate.

The bill was amended by the House and never moved beyond the Senate Rules Committee.

**** Preventing Profit from Crime** □ A crime victim or other eligible person would have been allowed to seek damages from the offender for any profits received as a result of the crime (i.e., a movie or book deal) under Senate Bill 360. The legislation would have allowed the victim to seek damages up to the value of the profits and expanded the amount of damages to include attorney fees and other litigation costs.

After Senate approval, the House amended the bill to add a section to the Judicial Code providing instructions for closing arguments relating to damages. The bill died in the Senate Rules and Executive Nominations Committee.

**** Presumption of Paternity** □ DNA testing could have been used to rebut the presumption of paternity under legislation passed by the Senate (48-1). Under current law, a husband is presumed to be the father of any child born in wedlock. Under Senate Bill 516, certain circumstances would have allowed expert testing to determine the paternity if a petition for such an action would have been filed within one year of the child□s birth.

The Senate failed to approve House amendments.

*** Child Testimony Via Videotape** □ Children who are the victims of or witnesses to a crime would have been able to testify in criminal cases via videotape or closed circuit television under legislation approved by the Senate on a 48-1 vote.

Senate Bill 381 was a Joint Resolution proposing two amendments to the state Constitution. One amendment would have allowed the General Assembly to provide for testimony by child victims/witnesses in criminal cases. The amendment would have permitted the use of videotaped depositions or closed-circuit television.

The second amendment would have changed existing constitutional language that allows criminal defendants to meet witnesses face to face. The new language was modeled on the U.S. Constitution, and would have given defendants the right to confront the witnesses against them.

The bill moved in and out of House committees but was never approved.

*** Distinguishing Names** □ The Senate passed legislation which would have created a new test to determine if two business names are distinguishable from each other. Senate Bill 393 would have amended the Names Code and made changes to the Associations Code, reflecting recent court cases and current business practices.

The bill, which passed the Senate 45-1, saw no further action from the House Judiciary Committee.

*** Judgeships** □ Under legislation passed unanimously by the Senate, one new judgeship would have been added to each of the following judicial districts (counties): 6th (Erie), 21st (Schuylkill), 30th (Crawford), 37th (Warren), 45th (Lackawanna) and 53rd (Lawrence). Two new judges would have been added to the court of common pleas in the 38th (Montgomery) and 15th (Chester) judicial districts. In all

but Chester County, Senate Bill 643 designated the additional judicial positions would have been elected in the municipal election of 2001 and taken office in January 2002. In Chester County, the judges would have been elected during the 2003 municipal election and taken office in January 2004.

The legislation was sent to the House for its consideration, but it never received a vote.

* **DNA Sampling** □ People who commit burglary would have had to undergo DNA sampling under legislation approved unanimously by the Senate. Senate Bill 717 would have amended the DNA Detection of Sexual and Violent Offenders Act to add burglary to the crimes for which an offender must undergo DNA sampling. Under current law, DNA samples are collected if an individual is convicted of felony sex offenses and other specified offenses, including murder and indecent assault. The bill died in the House Judiciary Committee.

* **Fraudulent Legal Processes** □ The Senate passed by a vote of 48-0 an amendment to the Crimes Code that would have made fraudulent simulation of a legal process a second-degree misdemeanor.

Senate Bill 842 was based on model legislation developed by the Anti-Defamation League and was directed at pseudo-government groups who represent themselves as sovereign political bodies not subject to the laws of the constitutional and statutorily-defined government.

The House Judiciary Committee took no further action on the bill.

* **Murder for Life Insurance** □ People who commit murder in an attempt to collect life insurance benefits would have been subject to the death penalty under legislation approved by the Senate, 40-9. Senate Bill 846 would have amended the Judicial Code to make murder committed to collect life insurance benefits an aggravating circumstance and would have allowed prosecutors to seek the death penalty in such cases. The bill died in the House Judiciary Committee.

* **HIV Infection** □ Senate Bill 847, which passed the Senate 49-1, would have made it a crime for a person infected with the AIDS virus to engage in sexual intercourse or share a hypodermic needle without the partner's informed consent. Introduced in response to a 1997 case in which a New York man knowingly infected several women and girls with HIV, the bill would have made intentionally infecting an uninformed partner a third-degree felony.

The bill saw no further action in the House Judiciary Committee.

* **Laser Pointers** □ Senate Bill 850, which passed the Senate 48-0, would have made it a summary offense to shine a laser pointer at another person knowingly, with the intent to harass, annoy or alarm. The bill was never reported out of the House Judiciary Committee.

* **Asbestos Statute of Limitations** □ A two-year statute of limitations for asbestos exposure cases would have been created through Senate Bill 935, which unanimously passed the Senate but was never voted on in the House.

* **Adult Name Changes** □ The House failed to act on legislation (SB 967) that would have said

an order of court would not be required to provide a copy of the name change application to Pennsylvania State Police when an adult changes his name upon adoption.

* **Protecting Newborn Babies** □ In an effort to curb the growing trend of newborn babies found dead in bathrooms and trash bins, the Senate passed legislation which would have made it legal for a woman to drop off a baby who is less than 30 days old at a safe haven. In such a case, Senate Bill 1346 would have exempted the woman from standard charges of endangering the welfare of a child. The House failed to act on the bill, which passed the Senate 45-1.

Transportation

*** **Teen Driving** □ After a standoff over an amendment that would have ended vehicle emissions testing in the state, the Senate and House of Representatives approved a long-stalled teen driving bill. House Bill 10 was signed into law as Act 23 of 1999.

The bill further restricts teen-age drivers and toughens requirements for licensure. Learner's permit holders will have to wait six months to be tested, instead of the current 30 days, and the permits will remain valid for a year, rather than the current 120 days. It also:

X requires 50 hours of supervised behind-the-wheel training;

increases the minimum age for a supervising adult to 21;

X prohibits junior license holders from driving between 11 p.m. and 5 a.m., instead of midnight and 5 a.m.;

X subjects junior license holders to a mandatory 90-day suspension if convicted of multiple traffic violations or one high-speed violation;

X requires junior license holders to remain crash- and conviction-free for one year before receiving regular licenses; and,

X prohibits drivers under age 18 from operating a vehicle unless there are enough seat belts for every passenger.

The bill also establishes a mandatory drivers license suspension for people under age 18 who make terroristic threats.

The measure includes a number of unrelated changes to the Vehicle Code. It requires motorists to use the left-hand lane only for passing and modifies permit requirements for the movement of glass, wooden structures, self-propelled cranes and wooden structures.

*** **Senate Printing Services** □ Senate Bill 777 amends the Capitol Budget for 2000-2001 to allow for the Commonwealth to enter into a contract for the design and building of a facility in the Capitol building for Senate Printing Services.

V **Trucker's Logbooks** □ An omnibus transportation measure, which started as a bill to increase fines for truckers who falsify their logbooks, would have made dozens of changes to Pennsylvania's transportation Laws. The bill would have upgraded homicide by vehicle from a misdemeanor to a felony, increasing the maximum penalty. The bill would have toughened penalties for driving with a suspended license and passing a school bus, and added a waiting period for new drivers and made technical changes to a controversial law regulating left-lane driving on state

highways. The bill included new specialty license plates and would have prohibited municipalities from enacting weight or size restrictions on bridges and highways under their jurisdictions.

*** **Aviation Advisory Committee** □ Senate Bill 19, which passed unanimously in the Senate and was signed into law as Act 58 of 1999, creates an Aviation Advisory Committee consisting of 19 public members, four elected representatives and two members of the administration. The committee will advise the Governor, the General Assembly, the Secretary of Transportation and the State Transportation Commission on aviation matters.

*** **Highway and Bridge Capital Budget** □ Legislation that itemizes local and state bridge projects for 1999-2000 (Senate Bill 504) was unanimously approved by the Senate and signed into law as Act 53 of 1999.

*** **Port Authority Board Members** □ Senate Bill 646, a clarification of the Second Class County Port Authorities Act that would allow eating and drinking in transit stations, was initially approved unanimously by the Senate but was amended in the House to prevent the Allegheny County executive from removing Port Authority board members. The Senate concurred in the amended bill on a 30-20 party line vote and it was signed into law as Act 11 of 1999. Senate Democrats opposed the amended bill, which they viewed as a violation of the spirit of the newly-adopted home rule charter.

*** **Casey Highway** □ An act redesignating a portion of the Lackawanna Valley Industrial Highway as the Governor Robert P. Casey Highway, and designating Exit 2, the Olyphant on-and-off-ramp of the same highway as the Representative Joseph G. Wargo Exit, was approved unanimously by the Senate.

Senate Bill 832 was signed into law as Act 7 of 1999.

*** **Automobile Theft Prevention Authority** □ Senate Bill 1011, which passed the Senate 48-0 and was signed into law as Act 61 of 1999, repealed the Sunset provisions of the Automobile Theft Prevention Authority.

* **Suspended License Violation** □ Senate Bill 1414 would increase the penalty for driving on a suspended license for second and subsequent offenses from a summary offense to a third-degree misdemeanor.

*** **E-Z Pass** □ Senate Bill 1477 provides for the implementation of the E-Z Pass toll collection system on the Pennsylvania Turnpike. The bill allows the mounting of the E-Z Pass transmitter device on vehicle windshields, establishes guidelines for collecting account holder information, and allows video monitoring to prevent fare evasion.

** **Glass Transport** □ Senate Bill 1478 would amend the Vehicle Code to change the weight distribution on a permit for the movement of float and flat glass. The bill was returned

from the House with amendments to repeal the motorcycle helmet law, to establish a Recreational Trails Trust Fund, to allow for the restoration of suspended driving privileges, to allow municipalities to erect stop signs without an official engineering or traffic study, to toughen penalties for driving while operating privilege is suspended or revoked, to allow vehicles that exceed the weight and size requirements for certain local highways or bridges them when there is no reasonable alternate route. The bill remained in the Rules Committee.

* **Alisha's Justice** □ Senate Bill 1486, nicknamed for a teenager who died in a car accident, would amend the Vehicle Code to change a driver's license suspension for vehicular homicide from one year to the greater of three years or until the driver reaches 21 years of age when there is a vehicular homicide conviction. The provision was added as an amendment to an omnibus transportation bill, which the Governor vetoed.

Consumer Protection & Professional Licensure

*** **Crib Safety** □ The Infant Crib Safety Act, House Bill 122, prohibits commercial users from remanufacturing, retrofitting, selling, leasing or otherwise placing in the stream of commerce, a full-size or non-size crib that is unsafe for infant use. Unsafe cribs are those which do not conform to federal regulations pertaining to lead-containing paint and requirements for full-size and non-full-size baby cribs; which do not conform to the American Society for Testing Materials Voluntary Standards; or with dangerous features or characteristics specified in the act. The bill was signed into law as Act 39 of 2000.

*** **Speech Language Professionals** □ House Bill 398, signed into law as Act 71 of 2000, amends Speech-Language and Hearing Act to require 20 hours of continuing education as a condition of licensure renewal, and establishing an impaired professionals program.

*** **Motor Vehicle Damage** □ The New Motor Vehicle Damage Disclosure Act, House Bill 950, was signed into law as Act 8 of 2000. It requires dealers of new automobiles to disclose any post-manufacturing damages to the consumer.

*** **Funeral Director Licensing** □ Under legislation approved 47-0 by the Senate, the State Board of Funeral Directors may enter into reciprocal agreements with similar licensing organizations in other states. Under House Bill 1601, individuals holding limited licenses may remove, transport and/or bury dead persons. The bill also establishes requirements of continuing education.

*** **Flea Market Sales** -- The Unused Property Market Act, House Bill 1856, prohibits the sale of unused baby food, cosmetics, personal care products, non-prescription drugs or medical devices at flea markets, indoor swap meet or similar events without a written authorization identifying that person as an authorized representative of a manufacturer or distributor of the product. The bill further requires all unused property merchants to maintain receipts for the new or unused property they are offering for sale. The bill was signed into law as Act 46 of 2000.

*** **Vehicle Dealerships** □ House Bill 2200, signed into law as Act 75 of 2000, prohibits motor vehicle manufacturers or distributors, except under limited circumstances, from owning, operating or controlling automobile, motorcycle and truck dealerships in Pennsylvania.

*** **Volunteer Physicians** □ House Bill 2209, which amends the Volunteer Health Services Act to allow doctors with volunteer licenses to prescribe medication to family members, was signed into law as Act 76 of 2000.

*** **Real Estate Licensing** □ House Bill 2220, signed into law as Act 47 of 2000, amends the Real Estate Licensing and Registration Act, to provide an alternate, less comprehensive method of agency disclosure for real estate licensees who are engaged in leasing properties than that outlined in Act 112 of 1989. It establishes guidelines for relationships between brokers and consumers of real estate services, for disclosure at initial interviews, for duties of licensee generally and for application for recovery from the Real Estate Recovery Fund.

*** **Licensure Applications** -- House Bill 2481, which amends the Real Estate Appraisers Certification Act to require applications for licensure, and any and all documentation submitted with licensure applications to be notarized, was signed into law as Act 77 of 2000.

* **Vehicle Parts** □ Senate Bill 537 would that, when motor vehicles are serviced or repaired, any parts replaced must be returned upon request.

*** **Real Estate Appraisers Education** □ Senate Bill 552, signed into law as Act 103 of 2000, would amend the Real Estate Appraisers Certification Act to require continuing education for broker/appraisers to the same extent as currently required for certified residential appraisers and certified general appraisers.

* **Athletic Trainers Education** □ Senate Bill 599 would place the certification and regulation of athletic trainers under the jurisdiction of the State Board of Medicine and the State Board of Osteopathic Medicine where both Boards shall promulgate regulations which define the circumstances and protocol under which a certified athletic trainer may perform athletic training services.

*** **Natural Gas Competition** □ Customers are able to choose the company that supplies their natural gas under legislation signed into law as Act 21 of 1999. The bill also repealed the 5 percent gross receipts tax on natural gas utilities.

House Bill 1331 deregulates and restructures natural gas industries in Pennsylvania. It was approved by the Senate, 43-7.

The measure provides for consumer choice of natural gas suppliers, products and pricing options. It also transfers jurisdiction of the Philadelphia Gas Works to the Public Utility Commission. PGW was previously overseen by the Philadelphia Gas Commission.

House Bill 1331 sets standards governing the PUC's actions in reviewing and approving natural gas distribution companies' restructuring plans, establishes implementation regulations and policies, requires the publicizing of unbundled charges and provides for consumer protection and education. It requires the PUC to consider whether mergers, consolidations, acquisitions or dispositions will result in anti-competitive conduct and to consider their impact on employees.

The bill requires distribution companies that lay off or terminate employees to demonstrate to the PUC that the reduction of employees will not impair safety and reliability of service.

*** **Institutional Cosmetology** □ Senate Bill 1219, which passed the Senate unanimously, would allow a licensed cosmetologist to operate a shop within a hospital, nursing home, adult day-care center or similar facility, provided the facility serves only the residents of the facility. Current law allows the operation of such a facility only by the owner of the facility, a hired manager or a cosmetology teacher. The bill would permit any licensed cosmetologist to operate the facility.

* **Lemon Law** □ Senate Bill 1305, which the Senate passed 45-0, would amend the Automobile Lemon Law providing for definitions, for repair obligations, for manufacturer's duty for refund or replacement and for resale of returned motor vehicle.

* **Athletic Trainer Certification** □ An act amending the Osteopathic Medical Practice Act, providing for certification of athletic trainers by the State Board of Osteopathic Medicine.

Banking and Insurance

*** **Death Benefits** □ House Bill 550 requires death benefits not paid within 30 days to bear interest at the rate of interest payable on proceeds left on deposit with the insurer from the date of death. The bill adds the term "copayments" to the list of cost-sharing arrangements subject to the diabetes mandate, thus requiring similar coverages to be treated in the same manner and requires HMOs to provide notification of conversion privileges to enrollees terminated under group coverage. The bill also expands the definition of "long-term care insurance" to include "pre-paid home health or personal care service policies," and brings risk-assuming preferred provider organizations (PPOs) within the scope of the Holding Company Act.

*** **State-Chartered Financial Institutions** □ House Bill 2533 allows state-chartered financial institutions to engage in non-traditional activities allowed to federally-chartered institutions, such as selling insurance and underwriting revenue bonds. The bill also extends the maximum allowable term of a real estate loan from 30 to 40 years in the case of loan on improved property involving substantially equal payments over the term of the loan. It extends the time period for which the initial payment on a commercial or industrial real estate loan may be deferred from 3 years to 5 years and increases the

permissible amount of a real estate loan-to-value to 90 percent or 100 percent in the case of insured or guaranteed loans.

* **Property Insurance** □ Senate Bill 198 would prohibit lenders from requiring borrowers to obtain excessive amounts of property insurance, exceeding the replacement value of the buildings, as a condition to secure a mortgage or loan on the property. Neither would a borrower be required to insure the value of the land.

** **Letters of Credit** □ The Senate unanimously approved Senate Bill 805, which would modernize the Letters of Credit provisions of the Uniform Construction Code (UCC). The revisions would help the code conform to emerging domestic and international practices, alleviate litigation and strengthen fraud provisions. The bill was returned to the Senate for concurrence in House amendments and remained in the Rules Committee.

*** **Insurance Requirements** □ Under Senate Bill 1003, which passed the Senate unanimously, the Insurance Department would include a "risk-based capital" formula in calculating a health insurance company's financial requirements. The formula is based on a variety of factors in addition to a fixed-dollar amount, including the company's size, assets, reserves, liabilities and overall risks. If a company's RBC falls below a certain level, corrective and regulatory actions are triggered.

*** **Debt Collection** □ The Fair Credit Extension Uniformity Act brings Pennsylvania law into conformity with the federal Fair Debt Collection Practices Act. Senate Bill 1038 establishes rules for debt collection and communication between creditors, consumers and third parties. While the federal law applies only to third-party debt collection agencies, Senate Bill 1038 applies to creditors as well.

* **Mortgage Satisfaction Act** □ Senate Bill 1281 would create a uniform procedure for satisfying mortgages, modernize present procedures and create an alternative for satisfying mortgage records existing at the county level.

* **HMOs and PPOs** □ Senate Bill 1447 adds health maintenance organization and preferred provider organization to the definition of insurer.

* **Insurance Portability** □ Senate Bill 1532 extends the sunset provisions of the Pennsylvania Health Care Insurance Portability Act. House amendments would provide for the coverage of insulin and other blood sugar controlling agents and for the inclusion of HMOs in conversion notifications.

Communications and High Technology

*** **Electronic Commerce** □ The Uniform Electronic Transactions Act (SB 555) was signed into law as Act 69 on Dec. 16, 1999. The measure creates a legal structure to facilitate the use of electronic documents and signatures in the burgeoning world of Internet commerce. Among the bill's

provisions, electronic signatures can be used to make business transactions legally binding.

The measure also promotes uniformity of laws among the states as it relates to the use of electronic and similar technological means of effecting commercial and governmental transactions.

Pennsylvania became the second state, after California, to pass such legislation, which is being encouraged by the National Conference of Commissioners on Uniform State Laws, a 108-year-old representative organization which drafts proposals for uniform and model laws and works toward their enactment in legislatures.

*** **Computer Hacking, Distribution of Computer Virus** □ Amidst the specter of the worldwide □ILOVEYOU□ computer virus, Senate Bill 1077 -- making computer hacking a crime with a penalty of up to five years in prison and a \$10,000 fine -- was signed into law as Act 24 on May 26, 2000. Intentionally spreading a computer virus can bring a seven-year prison term.

Under the new law, a virus is defined as □a computer program copied to or installed on a computer, computer network, computer program, computer software or computer system without the informed consent of the owner. . .that may replicate itself and that causes unauthorized activities within or by the computer.□

Upon conviction for intentionally distributing a computer virus, the defendant also can be required to reimburse the victim for the cost of repairing or replacing the affected computer, system, network, software, program or data base. The defendant also can be required to compensate for profit lost during downtime caused by the virus and for the cost of replacing or restoring the data lost or damaged.

Labor and Industry

*** **Child Labor Law** □ House Bill 1675, clarifying the state's Child Labor Law, was signed into law as Act 67 on Dec. 15, 1999. The measure permits minors 14 and 15 years of age to work at golf courses, ski resorts and amusement parks which serve alcoholic beverages, so long as they do not serve or handle such beverages nor work in a room where alcohol is being served or stored.

*** **Workers' Compensation Benefits** □ Senate Bill 1244 was signed into law as Act 53 on June 22, 2000. the measure amends the Workers' Compensation Act of 1915 to provide for payment of benefits to claimants not covered by the Self-Insurance Guaranty Fund.

*** **Workers' Compensation Security Fund** -- House Bill 1370, which affects contributions, regulations and custody and management of the Workers' Compensation Security Fund was signed into law as Act 49 on June 22, 2000. The Insurance Commissioner is given the power to adopt regulations for establishing contributions to the fund, with the fund balance not to fall below \$500 million.

*** **PA Conservation Corps** -- House Bill 2092, which extends the life of the Pennsylvania Conservation Corps by 10 years to June 30, 2010, was signed into law as Act 42 on June 22, 2000.

***** Unemployment Compensation and Military Pay** □ Legislation (HB 2037) providing that unemployment compensation not be reduced by any military pay and allowances paid to a member of the Guard for weekend drills, or for periods of active duty for emergencies declared by the Governor, was signed into law Oct, 18, 2000, as Act 72.

***** Self-service Gasoline Pump Requirements** □ The Governor signed House Bill 1473 into law as Act 74 on Oct. 18, 2000. The new law amends the Combustible and Flammable Liquids Act to require that the maximum distance between the emergency control shut-off switch and the furthest gasoline pump at self-service gasoline stations be 125 feet; and that operators of attended self-service gasoline service stations familiarize attendants with the location and operation of the station's emergency fuel shut-off switch.

The law also calls for portable liquid fuel containers to be color-coded, with blue for kerosene and red for gasoline, and requires that gasoline distributors disclose the anti-knock characteristics of their gasoline consistent with anti-knock requirements established by the National Conference of Weights and Measures.

*** Ownership of Dies, Molds and Forms** □ The Senate unanimously passed Senate Bill 359, which would establish ownership rights in dies, molds and forms used in fabricating plastic parts. If a customer does not claim possession of a die, mold or form within three years of last use, all rights and title would be transferred to the molder for the purpose of destroying the die, mold or form. The bill sets up a procedure for determining rights to possession and would allow molders to place a lien on all dies, molds or forms in their possession and to retain possession until any monetary balance is paid. The bill was sent to the House, where it was laid on the table and died at the end of the session.

Local Government

***** Hotel Tax in Certain Counties** □ A bill allowing Lancaster, Dauphin, Lycoming, Chester and Mercer counties to impose a hotel tax was signed into law by the Governor as Act 25 on June 25, 1999.

Senate Bill 366 allows the counties to impose a 2 percent hotel tax with 70 percent of the collected funds used for debt service on bonds issued for the construction of county regional sports facilities that seat between 10,000 and 14,000 persons. Twenty percent of the collected funds will be used to promote tourism while 10 percent will be used by the county commissioners at their discretion, should they accept the funds.

The bill also lets counties establish a commission on the status of women and allows Philadelphia to impose an excise tax on rental vehicles up to 2 percent. Proceeds from the rental tax will be used to pay for capital projects such as new sports stadiums.

***** Restricting Methadone Treatment Facilities** □ A bill that would restrict the location of methadone treatment facilities was signed into law as Act 10 on June 18, 1999. Under House Bill 1335, a methadone treatment facility may not be located within 500 feet of an existing school, public

playground, public park, residential housing area, child-care facility or church.

Only a municipality's governing board can make an exception to provide a certificate of occupancy. The legislation was in response to a proposed methadone treatment center in York.

*** **Auxiliary Appeals Boards** -- A bill that extends the term of an auxiliary appeals board in Third Class counties was signed into law as Act 20 on June 22, 1999. House Bill 979 allows auxiliary appeals boards to continue past the current 18-month cap.

*** **Increasing Predetermined Ratios** -- Legislation increasing the maximum established predetermined ratios from 75 percent to 100 percent in Fourth through Eighth Class counties was signed into law as Act 34 on June 25, 1999. House Bill 197 equalizes the tax base compared to First through Third Class counties in Pennsylvania.

*** **Increasing Township Auditors' Compensation** -- A bill that increases the compensation for township auditors was signed into law as Act 17 on June 22, 1999. House Bill 157 increases the pay from \$7 per hour to \$10 per hour. Total compensation will rise from \$700 to \$1,000 in townships with a population of 10,000 or less and from \$1,400 to \$2,000 in townships with more than 10,000 residents.

The new law provides that in the event of two or more township supervisor vacancies, a person may seek nomination or election for only one opening.

*** **Convention Center Development** -- A bill promoting the development of convention centers within Third Class counties was signed into law as Act 42 on Nov. 3, 1999. House Bill 148 provides for the establishment of convention center authorities and authorizes the imposition of a hotel room rental tax of up to 5 percent in counties with a convention center.

The new law also authorizes Third through Eighth Class counties to appropriate funds to veterans' organizations to recognize Flag Day -- in addition to Memorial Day, Veterans' Day and Independence Day, which already are authorized.

The law eliminates a \$10,000 annual cap on county funds that can be provided to historical societies and eliminates the stipulation that such funds go only to the oldest historical society in a county with more than one such agency.

*** **Statewide Building Code** -- A statewide building code was established through Senate Bill 647, which was signed into law as Act 45 on Nov. 10, 1999. By enacting the measure, Pennsylvania avoided possible cuts in disaster relief funding from the federal government for not having minimum building standards in place by Jan. 1, 2000.

The minimum standards established by the bill are based primarily on codes developed by Building Administrators and Code Administrators, Inc. (BOCA). Following years of bi-partisan effort, Pennsylvania is now removed from the short list of states without such legislation.

Municipalities with building standards in effect on July 1, 1999, which exceed the BOCA codes will be permitted to keep those standards. Tougher codes enacted after that date can be appealed by residents to a review board in the state Department of Labor and Industry.

The department has 180 days to promulgate regulations for implementation of the BOCA Code.

Most aspects of the new measure will become effective 90 days following final adoption of the regulations. Provisions relating to the development of regulations and the training of inspectors were effective immediately.

*** **Residency of Township Secretary** □ House Bill 394, providing that the Secretary of a First Class township does not need to be a qualified voter of the township, was signed into law as Act 61 on Nov. 10, 1999.

V **Price Quotes by Fax** -- A bill that would have allowed contractors to provide official quotes via fax was vetoed by the Governor on June 25, 1999 as Veto 1. Senate Bill 852 would have expanded the definition of written quotes and those offered over the phone.

*** **Anti-Sprawl Legislation** □ With the intention to curb urban □sprawl□ and protect Pennsylvania's rural landscape, the Legislature approved two measures that change the way municipalities can plan for growth. In what is generally regarded as landmark legislation -- the first significant measures in 32 years -- the Senate unanimously passed, and on June 22, 2000 the Governor signed, House Bill 14 (Act 67) and Senate Bill 300 (Act 68).

The new laws represent a compromise among local government officials, builders, environmentalists and preservationists who for years have been at odds over the issue of growth and development. Taken together, they allow municipalities to plan together in deciding how much development their region should have, including landfills, shopping centers and other non-residential construction, while offering strong protections and incentives for their decisions.

*** **Financial Reports for Third Class Cities** -- House Bill 1153, signed into law as Act 33 on June 22, 2000, changes the deadline for Third Class Cities to file reports on their financial condition to the state Department of Community and Economic Development from 60 days to 90 days following the close of the fiscal year.

*** **School Crossing Guards in Boroughs** -- House Bill 1155, signed into law as Act 34 on June 22, 2000, permits boroughs to rename school police as school crossing guards and provides that owners/operators of vehicles are not required to use a borough-designated towing company to remove their vehicle if the towing is being done at their own request. The law also allows boroughs to give paid leave to any borough employee who is an elected representative of the state or national Lodge of Police Officers to attend annual national or state conventions.

*** **School Crossing Guards in Second Class Townships** -- House Bill 1157, signed into law as Act 35 on June 22, 2000, permits Second Class Townships to rename school police as school crossing guards. The law also requires that if two or more openings for township supervisor are to appear on the same ballot, residents are limited to filing for only one opening.

*** **Fee Increases by Most County Governments** □ House Bill 1635, signed into law as Act 36 on June 22, 2000, allows Second Class A and Third through Eighth Class Counties to increase any existing fee or charge if approved by the president judge every three years, providing that the increase

does not exceed the increase in CPI for Urban Workers for three years prior to the last increase. An automation fee also may be imposed.

*** **Voluntary Severance in Local Governments** -- House Bill 1962, signed into law as Act 37 on June 22, 2000, authorizes counties, municipalities, school districts and municipal authorities to contract with any employee for voluntary early severance.

*** **School Crossing Guards in First Class Townships** □ House Bill 1158, signed into law as Act 38 on June 22, 2000, permits First Class Townships to rename school police as school crossing guards for management of traffic and pedestrians. School district boards may take responsibility for hiring and oversight of crossing guards with approval by township commissioners and with training from township police.

*** **Third Class County Assessments** -- House Bill 1423, signed into law as Act 44 on June 22, 2000, amends the Third Class County Assessment Board Law to provide for changes to assessed valuation when a property is improved above a \$2,500 threshold.

*** **Conservation Districts in Second Class Townships** □ Senate Bill 369, signed into law as Act 55 on June 22, 2000, permits Second Class Townships to establish conservation districts and prohibits residents from filing for more than one township supervisor opening at a time. The new law also provides procedures for aggrieved taxpayers following the levying of assessments to pay the cost of water lines or water systems.

*** **Changes in Assessments by Counties** -- House Bill 1424, amending the Fourth to Eighth Class County Assessment Law, became Act 69 on Oct. 11, 2000. It provides for changes to assessed valuation when a property is improved above a \$2,500 threshold. It also increases the maximum fee which can be charged for a permit from \$1.00 to \$10.00 and increases the maximum penalty for willful violation of the law from \$50.00 to \$250.00

*** **Letting of Contracts Without Advertising** □ Second Class Townships may contract for electricity, natural gas or telecommunications service without advertising, bidding or obtaining price quotations either directly or through an association in which the township is a member under House Bill 1863, which was signed into law as Act 70 on Oct. 11, 2000.

*** **Hotel Room Tax in Third Through Eighth Class Counties** □ Counties of the third through eighth class can impose a 3% tax on hotel rooms to help promote tourism through local or regional tourist promotion agencies under Senate Bill 1154, signed by the Governor as Act 142 on Dec. 22, 2000.

The new law also permits county commissioners, other county officials and their dependents to participate in group insurance and other benefit programs for county employees, and spells out certain aspects of the bidding process by which counties can sell or purchase items or real estate. It also sets requirements for contract performance security and payment bonds for county construction projects and

eliminates the requirement that courthouses be open on the two Saturdays preceding general and municipal elections.

* **Hotel Room Tax in Third Through Sixth Class Counties** □ The Senate unanimously passed Senate Bill 1583, amending The County Code to allow for imposition of excise taxes on hotel rooms by counties of the third through sixth class. The bill was in the House Local Government Committee when the session ended, but its provisions were included by amendment in Senate Bill 1154.

** **Reimbursement for Lost Wages of Local Elected Officials** -- The Senate unanimously passed Senate Bills 707, 710 and 711, which would allow Commissioners of First and Second Class Townships and Council Members of Boroughs who are not employees to be reimbursed for lost wages while attending annual meetings of their respective state associations.

The House amended Senate Bill 707, and returned it to the Senate for concurrence. The measure died in the Senate Committee on Rules and Executive Nominations.

Senate Bills 710 and 711 died on the floor of the House.

*** **Residency Requirements in Municipal Contracts** □ Among the multifaceted provisions of Senate Bill 706, which became Act 85 on Oct. 30, 2000, is prohibition of residency requirements in municipal contracts involving a redevelopment capital assistance project. The legislation was a response to a Pittsburgh referendum requiring that 35 percent of all construction jobs on certain major projects go to city residents.

The Senate unanimously concurred in House amendments waiving the application process for Second Class counties which want to offer a homestead property tax exemption for property owners' primary residences.

The new law also authorizes operating reserve funds for Second Class counties, removes the cap on monthly retirement contributions by employees to the county pension fund, allows the waiver of advertising and bidding requirements in contracts or purchases involving more than \$10,000 with other government agencies.

House amendments provided for sports and exhibition authorities in Second Class cities and in Second Class counties which include a Second Class city, repeal of the Second Class County Prison Board Act and creation of the County Jail Oversight Board.

*** **Convention Centers in Third Class Counties** □ House Bill 1140 was signed into law as Act 73 on Oct. 18, 2000, and amends the County Code by authorizing Third Class counties to establish convention center authorities to promote tourism and assist in the removal and redevelopment of blighted areas, and to impose a hotel tax to support these efforts.

The new law also permits counties to waive the fair market value requirements in selling county real estate to nonprofit corporations engaged in commercial development or affordable housing construction.

*** **Recording of Plats and Deeds** □ House Bill 1604, amending the Municipalities Planning Code regarding the recording of plats and deeds became Act 127 on Dec. 20, 2000. Under the measure, a developer may submit the record of approval of a plat to the county recorder of deeds within

90 days of the date of delivery of a plat approved by a governing body.

*** **Repeal of Obsolete Fire Training Schools Law** □ House Bill 165, which repeals Act 60 of 1951 authorizing second through eighth-class counties to establish fire training schools, was signed into law as Act 87 on Nov. 22, 2000. Subsequent legislation over the years had made the act redundant and confusing for local governments and fire companies.

*** **Authorities Not To Be Formed To Acquire Real Estate** □ Act 112, signed by the Governor on Dec. 20, 2000 amends the Municipal Authorities Act by prohibiting authorities from being formed for -- or undertaking as a project *solely for revenue-producing purposes* -- the acquisition of real estate outside the authority's municipalities, unless the municipality where the purchase is to be made approves or the authority agrees to make payments in lieu of property taxes and special assessments.

The new law, formerly Senate Bill 712, also limits the amount a municipality or authority can charge for selling excess sewage capacity to another municipality or authority.

* **Changing Date of Interim Assessment** □ Senate Bill 194 would change the effective date of an interim assessment as a result of new construction or improvements. The bill died in the House Local Government Committee.

*** **Chester County Hotel Tax** -- Senate Bill 497, permitting Chester County to impose a hotel tax was signed by the Governor as Act 28 on June 22, 2000.

*** **Continuing Education for Tax Collectors** □ Senate Bill 769, signed by the Governor as Act 104 on Dec. 20, 2000, amends the Local Tax Collection Law regarding continuing education of qualified tax collectors. The new law also establishes criteria for discounts, grace periods and penalties on taxes owed and allows taxing bodies to set parameters for payment of taxes in installments. The tax collector is to be appointed delinquent tax collector to pursue overdue taxes.

* **Compensation of Auditors** □ The Senate unanimously approved Senate Bill 708, which would allow auditors in Second Class townships to be compensated \$10 per hour during their attendance at conferences, institutes, schools and conventions. Payment would be limited to five hours per day. The bill died on the House floor.

* **Second Class Township Assessors** □ The Senate unanimously passed Senate Bill 1409, specifying that the Second Class Township Code does not authorize election of assessors for taxation purposes in any township where a county assesses property on behalf of the township. The bill died on the House floor.

* **Borough Police Officers at Conventions** □ Senate Bill 783, passed unanimously by the Senate, authorizes boroughs to provide police officers who are elected representatives of local, state or national Lodge of Police Officers with paid leave to attend annual national or state conventions. The bill died in the House Local Government Committee.

* **Residency Requirement for Local Government Officials** --The Senate unanimously passed Senate Bills 1288 and 1298, providing that no person shall be appointed to fill a vacancy in an elected office of a town, borough or ward unless he or she has been a resident continuously for at least one year immediately prior to appointment. Both bills died on the House floor.

* **Disqualification from Voting by Local Officials** □ The Senate unanimously passed Senate Bills 784, 785 and 786, which amend the Second Class Township, First Class Township and Borough codes to specify that an elected official is not disqualified from voting on an issue solely because he or she has previously expressed an opinion on the issue -- either in an official or unofficial capacity. All three bills died on the House floor.

* **Insurance Benefits for Elected Local Officials** □ The Senate unanimously passed Senate Bills 705 and 709, which would exclude any insurance benefits authorized for First Class Township commissioners and Borough Mayors and Council members from being considered as compensation. Both bills died on the House floor.

* **Rounding Taxes to the Nearest Dollar** □ Senate Bill 768, amending the Local Tax Collection Law by allowing for rounding of taxes to the nearest dollar, passed the Senate unanimously but died on the floor of the House.

* **Child Care Facilities at County Courthouses** □ Senate Bill 386, permitting counties to provide a child care facility at the courthouse for use by parents or guardians making a court appearance, passed the Senate unanimously but died in the House Judiciary Committee.

V **Training, Examination and Qualification of Certain Property Tax Collectors** □ House Bill 181, which the Senate approved by vote of 25-22, provided for the voluntary training, examination and qualification of real property tax collectors in political subdivisions other than counties. The bill also enabled the Pa. Housing Finance Agency board to insure or guarantee a mortgage if two private insurers have previously declined coverage. The Governor vetoed the measure on Dec. 20, 2000, as Veto 2.

Military and Veterans Affairs

*** **Addition to State Veterans Commission** □ House Bill 314, adding the Keystone Paralyzed Veterans Association to the list of veterans organizations comprising the State Veterans Commission was signed into law as Act 33 of 1999.

*** **Extending Veterans Pensions** -- A bill that increases pensions for blind and paralyzed veterans was signed into law as Act 14 on June 22, 1999. Senate Bill 813 increases the amount from \$100 to \$150 per month, marking the first increase since 1980.

*** **National WWII Memorial** □ Legislation (SB 1050) appropriating \$2 million in state funds for a national World War II Memorial in the District of Columbia was signed into law as act 44A on Veterans □ Day, Nov. 11, 1999. The funds are to go to the State Department of Military and Veterans affairs, which will issue a grant for the memorial to the American Battle Monuments Commission.

More than 1.3 million Pennsylvanians served in the armed Forces of the United States during World War II.

*** **Educational Assistance Eligibility** □ Senate Bill 1184, modifying eligibility and tuition allowances for educational assistance benefits of Pennsylvania National Guard members, was signed by the Governor as Act 11 on May 10, 2000. Eliminated were the 12-month Pennsylvania residency requirement and the limitation of two-thirds □ tuition reimbursement for members attending a State System school.

Under the new law, eligibility for assistance is no longer restricted by the member □s grade, nor is a member disqualified for National Guard educational assistance because he or she has received a Guaranteed Reserve Forces Duty Scholarship.

*** **Veterans □ Homes Halls of Fame** □ State veterans □ homes are authorized to establish □halls of fame □ in their facilities to honor outstanding veterans from their respective region under House Bill 30, which was signed into law as Act 40 on June 22, 2000.

*** **Employers □ Pay to Guard/Reserve Members on Active Duty** □ House Bill 2139, permitting employers to pay Guard or Reserve members for periods during which they have been called to active duty, was signed into law as Act 90 on Nov. 22, 2000. The new law also makes the Executive Director of AMVETS a non-voting member of the State Veterans □ Commission.

** **Continuing Health Insurance Benefits for Active Military** □ A bill that would extend the termination date of the Pennsylvania Veterans Memorial Commission from June 30, 1999 to June 30, 2003, was unanimously approved in the Senate.

Senate Bill 999 was amended in the House to mandate the continuation of health insurance for those called into active military duty. The bill was unanimously approved in the House and sent back to the Senate for concurrence. The bill was referred to the Senate Committee on Rules and Executive Nominations, where it died at the end of the session.

* **Paralyzed Veterans □ Pensions** □ Senate Bill 1453, amending the state pension program for paralyzed veterans by specifying that a qualifying injury need not have been combat-related, just service-connected, passed the Senate unanimously but died in the House Veterans Affairs and Emergency Preparedness Committee. The bill also would have eliminated the requirement that the veteran be a state resident when applying for a pension, so long as he or she was a resident at the time of enlistment.

* **State Veterans □ Commission** □ Senate Bill 1221, adding the Executive Director of AMVETS as a non-voting member of the State Veterans □ Commission, was approved unanimously by

the Senate, but died in the House Veterans Affairs and Emergency Preparedness Committee. Its provisions, however, were included in House Bill 2139, now Act 90 of 2000.

Community and Economic Development

***** Neighborhood Improvement Districts** □ Legislation which establishes the □ Neighborhood Improvement District Act, □ providing for the creation and operation of Neighborhood Improvement Districts in all Pennsylvania municipalities except Philadelphia (which already has such authorization) was signed into law by the governor as Act 130 on Dec. 20, 2000.

House Bill 1142 defines Neighborhood Improvement Districts as areas in which a special assessment is levied on all taxable properties for the purpose of promoting the economic and general welfare of the district through such things as physical improvements and/or services. By a vote of 47-0, the Senate passed the bill which allows a district to be created by a municipality or a group of residents. The plan requires approval from 60 percent of the affected property owners.

***** Family Savings Plan** □ Families enrolled in the Family Savings Program are permitted to transfer contributions to the Tuition Account Program (TAP) under House Bill 2083 (Act 29), signed by the governor on June 22, 2000. Senate Bill 8, which also awaits the governor's signature, would let private educational or technical-training institutions participate in the TAP program.

***** Port of Pittsburgh Commission** □ Legislation which amends the act creating the Port of Pittsburgh Commission, allowing for off-balance-sheet financing through economic development projects, was signed by the governor on Dec. 20, 2000, as Act 140. House Bill 2149, passed in the Senate by a 47-0 vote, makes the port commission exempt from certain requirements put on taxpayer-funded projects, such as public bidding and advertising, because the projects are funded solely through third parties. While the port commission floats the bond, the bond is paid through private money for private development.

***** Economic Development Eminent Domain Law** □ Legislation (SB 496) that confers the power of eminent domain upon the Federal Lands Reuse Authority of Bucks County was signed into law on June 25, 1999, as Act 24. The legislation creates the Economic Development Eminent Domain Law conferring limited eminent domain power upon certain economic financing authorities.

The authority is currently in the process of purchasing the former Naval Air Warfare Center in Warminster.

**** Contractor Certification** □ Contractors seeking government funding would have had to provide certification that they do not have delinquent municipal taxes or outstanding utility bills under a measure (SB 976) unanimously approved by the Senate.

The certification would have applied in cases where a municipality, county, authority or quasi-governmental agency accepts an award from the state Department of Community and Economic Development and passes the award on to a private developer. It would have affirmed that the developer owes no delinquent taxes to any of the taxing districts where the development project is proposed to be

located nor any municipal utility bills that are outstanding for more than one year. The House failed to concur in Senate amendments.

* **Small Business Compliance** □ The Senate unanimously passed Senate Bill 1212, which would have been known as the Small Business Environmental Compliance Assistance Act. The House failed to pass the legislation, which would have aided small businesses by utilizing Pennsylvania Small Business Development Centers to establish a cost-efficient way to help potential and existing small businesses improve compliance with federal, state and local regulations.

Aging and Youth

*** **Senior Citizens Rebates** -- More senior citizens will be eligible for property tax and rent rebates under a bill signed into law as Act 30 on June 25, 1999. The new law does not expand the PACE prescription program as Senate and House Democrats had advocated. House Bill 773 allows older and disabled Pennsylvanians to count only half of their Social Security or Railroad Pension income when applying for the rebate program. Approximately 181,000 more Pennsylvanians are expected to qualify for rebates as a result of the change.

As approved by the House, the measure would have also increased PACE eligibility guidelines by \$2,000 while eliminating the Ridge Administration's unsuccessful PACENET program. Individual participants with incomes of up to \$16,000 and couples with incomes of up to \$19,200 would have qualified for full PACE benefits. That language was removed by Senate Republicans.

When the Ridge Administration created PACENET in November 1996, it said 75,000 more seniors would receive limited prescription benefits through the new program, which has higher co-pays than the PACE program and requires a \$500 deductible. To date the program has enrolled only 20,375 older Pennsylvanians.

*** **Non-resident Nurse's Aide Fingerprints** □ Non-resident applicants enrolling in nurse aide training programs in Pennsylvania must submit a full set of fingerprints with their application under legislation (HB 102) signed into law as Act 5 on May 12, 1999.

The bill requires the Department of Education to forward fingerprints to the FBI for a criminal background investigation and a report of the applicant's federal criminal history record information.

*** **Face-to-Face Meetings Required** □ County agencies must conduct weekly face-to-face meetings with children who are considered at high-risk for abuse or neglect and who remain in or return to the home in which the abuse or neglect occurred under legislation (HB 518) signed into law as Act 50, Nov. 24, 1999. The visits will continue until the child is no longer considered to be at high risk for abuse or neglect.

*** **More Protection for the Elderly** □ A measure (HB 227) which the General Assembly unanimously passed was signed into law as Act 137 on Dec. 20, 2000. The new law will further protect the elderly who have principal caretakers or attorneys handling their financial matters. The bill tightens

the procedure for the discovery of information and records and allows the Department of Aging to requests information prior to the filing of any civil action involving the attorney-in-fact or principal caretaker.

*** **Meals on Wheels Waiting Lists** □ A measure (HB 1099) that would direct the Pennsylvania Department of Aging and Public Welfare to conduct a study on the Area Agencies on Aging (AAA) waiting lists for long-term care and community-based services like Meals on Wheels was signed into law as Act 20 on May 22, 2000. Currently, there are 10,500 seniors on waiting lists for these services across the Commonwealth.

The Senate amended the bill to include the Meals on Wheels program in the study; of the state's 52 Agencies, 40 have waiting lists for Meals on Wheels.

The new law also calls for a proposed course of action from the departments one year upon completion of the study.

* **Missing Children Clearing House** □ A missing children information clearing house would be established within the State Police under a measure passed by the Senate.

The clearing house would cooperate with federal, state and local agencies in the investigation of missing children. Senate Bill 384 also mandates investigations of all missing children reports by law enforcement officials, including those abducted by a parent.

The bill expired in the House Aging and Youth Committee.

* **Protection for Elderly** □ Care dependent elderly persons would receive greater protection against abuse under legislation unanimously approved by the Senate.

Senate Bill 317 would expand the definition of abuse in the state's Domestic Relations statutes to include abusive acts by caretakers of elderly care dependent persons. Caretaker is defined in the bill as the owner, operator, manager or employee of a nursing home, personal care home, domiciliary home, community residential facility, adult daily living center, home health agency or home health service provider. The new definition would also apply to any care or service that takes place in a care-dependent person's home or when there is a monetary consideration for the care provided.

The bill expired in the House Aging and Youth Committee.

Public Health and Welfare

*** **Temporary Consent** □ Parents who are temporarily unable to care for the medical and mental health needs of their children will be able to give their consent for care to another adult under a measure (SB 405) signed into law as Act 52 on Nov. 24, 1999.

The Medical Consent Act will allow a parent, legal guardian or legal custodian of a minor to give an adult person the power to consent to medical, surgical, dental, developmental, mental health or other treatment for the minor.

*** **Kidney Patients Supplies** □ People suffering from severe forms of kidney disease will be able to receive their prepackaged dialysis supplies and solutions at home □ directly from a manufacturer

-- under legislation signed into law as Act 44 on Nov. 10, 1999.

The new law (SB 602) will allow patients who self-administer their dialysis to receive supplies at home. Prior law called for those suffering from kidney disease to go through a pharmacist to receive dialysis supplies.

***** Licensure of Pediatric Care Centers** -- Legislation was signed into law that will allow the licensing of Prescribed Pediatric Extended Care Centers (PPEC). The new law is Act 54 of 1999.

Licensure under the provisions of Senate Bill 670 will make it easier for the centers to be reimbursed for the services they provide. The centers will be required to provide programs and basic services promoting and maintaining the health of the children served.

PPEC centers provide basic nonresidential services to medically or technologically dependent children age 5 or younger. The children require continuous therapeutic interventions or skilled nursing supervision which must be prescribed by a licensed physician.

***** Tobacco Manufacturers Escrow Account** -- Legislation signed into law June 22 as Act 54 requires tobacco manufacturers not included in the 1998 national tobacco settlement to deposit money into an escrow account. The new law (SB 1243) protects Pennsylvania from costs that otherwise would have been imposed by a statute in the tobacco settlement agreement.

Pennsylvania lost \$28 million this year alone because participating manufacturers lost market share to non-participating manufacturers. Estimated losses for next year were \$25 to \$35 million.

The law requires the non-participating manufacturers to deposit into an escrow account an amount based on the number of cigarettes sold. Funds could be released to pay the Commonwealth or any Pennsylvania resident in a settlement won from the manufacturer. The manufacturer is entitled to any funds beyond what it would have owed the Commonwealth had it participated in the settlement.

Pennsylvania's share of the tobacco settlement is expected to average about \$430 million a year for the next 25 years. Senate Democrats have proposed using the tobacco settlement funds to improve access to health care, fund cancer research, establish tobacco cessation and enforcement programs and help hospitals cope with the rising cost of uncompensated medical care.

A similar measure (HB 445) has been passed by the House that requires the creation of an Endowment Fund using 10 percent of the reserve.

*** Standards for Bloodborne Pathogens** □ Senate Bill 1125, which passed the Senate unanimously, would direct the Department of Health to develop standards and controls of bloodborne pathogens that cause diseases like Hepatitis C and human immunodeficiency virus (HIV).

The bill expired in the House Health and Human Services Committee.

*** Powers of Attorney Granted for Care Dependent Persons** □ Individuals could designate another person as their health care representative either in writing or by telling their attending physician under Senate Bill 172, which unanimously passed the Senate. The bill would amend Titles 18 and 20 to provide for comprehensive health care powers of attorney. It would limit who may be a health care representative and provides rules for settling disputes when more than one person is involved in caring for an ailing individual.

The bill expired in the House Judiciary Committee.

Game and Fisheries

*** **More Training for Waterways Officers** □ Deputy Waterways Conservation Officers will be required to complete no less than 250 hours of law enforcement classroom and on-the-job training under a measure signed into law as Act 41 on Nov. 3, 1999. The new law will also require deputy officers to attend annual in-service training with compensation and reimbursement for expenses and specific duties to be approved by the Executive Director. The qualifications are required under the Lethal Weapons Training Act.

The law increases the authority of the officers to include confiscating fish, operating watercraft or vehicles when necessary, requesting appropriate identification and operating Commonwealth vehicles as required.

Several penalties will be increased. Fines for first-degree summary offenses will increase from \$100 to \$200. Fines for second-degree summary offenses will increase from \$50 to \$100. Fourth-degree summary offenses will increase from \$10 to \$25. The fine for each fish taken illegally will increase from \$10 to \$20.

Senate Bill 456 will increase revenue received by the Fish and Boat Commission by approximately \$308,686 annually.

*** **Goose Hunter Licenses** -- Goose hunters will no longer be required to purchase a migratory game bird hunting license prior to entering a lottery under legislation approved by the Senate and signed into law as Act 111 on Dec. 20, 2000.

Senate Bill 612 was specifically designed for limited blind reservations at Middle Creek and Pymatuning wildlife management areas. Under current law, goose hunters must purchase a bird hunting license even if they were not successful in winning the lottery that allowed them to hunt in the limited areas. Applicants successful in the lottery must purchase the license prior to hunting in either management area.

*** **Capital Projects Financed By Game Fund** □ Funds from the state's Game Commission would be used to purchase land for gaming purposes under a bill unanimously passed by the Senate and signed into law as Act 95 on Dec. 20, 2000.

*** **Fishing License Exemptions** □ Active duty military personnel who are residents of Pennsylvania would not need a fishing license if they meet criteria under legislation passed unanimously by the Senate and signed into law as Act 115 on Dec. 20, 2000. The new law also increases fines and penalties for repeat offenders of Title 30.

* **Boater Education Program** -- Motorboat operators would be required to take a boater education program under legislation passed by the Senate.

Under Senate Bill 242, the Fish and Boat Commission would administer the boater education program and would issue certificates that would be held by motorboat operators when

on the water. The cost of the certificate would be \$10. Money from the certificates would help pay for the program.

Boaters born before 1980 and visitors to Pennsylvania would be exempt from the education requirement, as well as people who have already obtained safety certificates or who operate a motorboat powered by an electric motor or by an internal combustion motor of 25 horsepower or less.

Senate Bill 242 expired in the House Game and Fisheries Committee.

Urban Affairs and Housing

*** **Fighting Urban Flight and Suburban Sprawl** □ A measure designed to fight urban flight and suburban sprawl was signed into law June 22, 2000, as Act 32. Known as the □Downtown Location Law, □ House Bill 728 directs the Department of General Services of the Commonwealth to outline specific guidelines -- convenience for clientele, public transportation and competitiveness in the marketplace -- for state agencies to consider before moving outside of a city.

*** **Building Codes** □ New owners of buildings with substantial housing code violations will be required to bring the buildings into compliance with municipal codes within 18 months of purchase under a bill passed by the Senate and signed into law as Act 99 on Dec. 20, 2000.

Under the new law (SB 997), purchasers who fail to repair code violations would be held personally responsible for the cost of repairs or demolition and could be fined up to \$1,000. People who purchase a lot or parcel of land which has been known to have substantial violations of municipal nuisance ordinances would have one year from the date of purchase to bring the property in compliance.

*** **Slumlords Prevented From Purchasing Property at Tax Sale** □ Landlords whose licenses have been revoked would be unable to purchase property at a tax sale under Senate Bill 1223, approved unanimously by the Senate and signed into law as Act 82 on Oct. 18, 2000.

*** **Unsightly Properties** □ In an effort to help communities clean up unsightly properties, the Senate unanimously passed legislation (SB 1271) which the governor signed into law (Act 83) that would give local taxing authorities options for providing tax exemptions to owners of newly-constructed properties.

*** **Seller Disclosure** □ Legislation (SB 1032) unanimously passed that Senate and has been signed into law as Act 114 on Dec. 20, 2000, that requires the seller of a property to disclose his expertise in contracting, engineering, architecture or other area related to construction and tell the buyer when the property was last occupied. The new law also requires a home inspector to abide by the standards and code of ethics of a national home inspectors association.

* **Residency Requirements for Appointed Vacancies** □ People appointed to vacancies in

elected Third Class City offices would have to be city residents for at least a year prior to their appointment under legislation unanimously approved by the Senate.

Senate Bill 1316 expired in the Senate Rules and Executive Nominations Committee.

* **Membership Change** □ A measure (SB 1290) which unanimously passed the Senate, amends the Housing Authorities Law by increasing county housing authority membership from five to seven members.

The bill expired in the House Urban Affairs Committee.