

Volume 13 Number 344
September 23, 2008

A QUICK LOOK

At 5:31 p.m. on Tuesday, September 23, 2008 the Senate stands in recess until 11:00 a.m. on Wednesday, September 24, 2008.

At 3:43 p.m. on Tuesday, September 23, 2008 the House is adjourned until 11:00 a.m. on Wednesday, September 24, 2008.

RESOLUTION WOULD DECLARE MITOCHONDRIAL DISEASE AWARENESS WEEK

By Matthew Hess

Rep. Daylin Leach (D-Montgomery), held a news conference today to announce the introduction of a [HR 892](#). The resolution would declare the week of September 21st as Mitochondrial Disease Awareness Week in Pennsylvania. Rep. Leach, the prime sponsor of the resolution, stated that his goal is to educate more Pennsylvanians about Mitochondrial Disease, and hopefully find a cure for the very serious condition through increased public awareness, fundraising and research. Rep Leach said that mitochondrial diseases result from failures of the mitochondria, which create 90% of the energy needed by the body to sustain life and support growth.

Ari Goldberg spoke about his daughter's battle with Mitochondrial Disease. He described how difficult it is just to diagnose the disease. He stated that research is woefully under funded and appropriate funding could open a new world of medical knowledge. He stated that his daughter would have loved to be there today but the trip from their home would have worn her out too much. He said that his daughter's goal is to spread awareness about the illness. He stated that together with the General Assembly, hospitals, researchers and the good people of Pennsylvania, a cure can be found.

Chuck Mohan, Executive Director of the United Mitochondrial Disease Foundation (UMDF), stated that research has found that 1 in 2,000 people are affected by a mitochondrial disease, and every 30 minutes a child is born who will develop a mitochondrial disease by age 10. He indicated research suggests that genetic defects in the mitochondria may be linked to many chronic diseases such as cancer, Alzheimer's, Parkinson's and heart disease. He stated that depending on which cells are affected, symptoms may include loss of motor control, muscle weakness, gastro-intestinal disorders, swallowing difficulties, and liver disease among many others. He said the UMDF mission is to promote research and education for the diagnosis, treatment and cure of mitochondrial disorders and to provide support to affected individuals and families.

Dr. Amy Goldstein, Pediatric Neurologist at the Children's Hospital in Pittsburgh, stated that doctors do not know about Mitochondrial Disease. She said that there is no treatment for the disease and it is difficult to diagnose because of the variety of symptoms the patient exhibits. She hopes that one day she will be able to treat it and not just watch her patients die.

Rep. Leach stated that this is a disease that can seriously damage every part of the human body and his guess was that people have never heard of it. He commended groups like the United Mitochondrial Disease Foundation, and victims and families, like Mr. Goldberg, who work hard to change that.



LEGISLATORS AND OTHERS MARK NATIONAL HUNTING AND FISHING DAY

By Eric A. Failing

Carl Roe, Executive Director for the PA Game Commission, began stating the phrase "Sportsmen: American's First Conservationists" is not just a bumper sticker type slogan but a reality. He related how hunters, trappers and anglers in PA almost solely fund fish and wildlife conservation in the state. Additionally, he stated these very same people through their outdoor pursuits play a vital role in supporting the state's economy especially in rural

areas. According to Roe, hunting is a \$3 billion industry in Pennsylvania.

Doug Austin, Executive Director of the PA Fish and Boat Commission, also spoke saying that Pennsylvania has worked hard and come a long way in delivering clean streams and fishable waters. He related how while angling in Pennsylvania is a great economic driver, ensuring that all species are properly managed for the benefit of all continues to be a challenge that will require funding.

Senator Charles McIlhinney (R-Bucks), Chairman of the Senate Game and Fisheries Committee, stressed the need to support sustainable hunting and fishing as both activities provide an opportunity for parents and their children to connect. Saying that hunting and fishing are a part of the fabric of many Pennsylvania households, the Senator told how the National Hunting and Fishing Day originated in PA. He then stated he will be introducing a resolution recognizing National Hunting and Fishing Day.

Senator Wayne Fontana (D-Allegheny), Minority Chairman of the Senate Game and Fisheries Committee, reiterated how hunting and fishing has become part of the lives of millions of Pennsylvanians. He told those assembled that he would be introducing legislation creating an adult mentored hunting program as a way to encourage more adults to experience hunting.

Senator Wozniak (D-Cambria) encouraged everyone to get off the couch and go outside. He said that the sportsmen community is a very vocal group of voters and championed the idea of an adult mentored hunting program as a way for adults to experience being outdoors in the woods for a hunt for the very first time.

Rep. Sam Rohrer (R-Berks), Minority Chairman of the House Game and Fisheries Committee, spoke on how once people get started hunting and fishing it gets in their blood. He stressed the appropriateness of this day not only because of PA's long standing heritage but also because hunters and anglers were the first conservationists and stewards of the environment.



TEAMSTERS RALLY AGAINST TURNPIKE PRIVATIZATION

By Matthew Hess

Lawmakers joined members of the PA Conference of Teamsters in the Capitol Rotunda to rally against a deal that would lease the turnpike. The Teamsters brought over 100,000 signatures of opposition to the proposal.

Roy Marshall, President of Teamsters Joint Council 40, stated that the petitions have signatures from all 67 counties. He said the turnpike is one of Pennsylvania's greatest assets and expressed concerns about selling it to a foreign entity. He stated that Pennsylvania has lost enough jobs to foreign competition. Marshall stressed that the privatization of the turnpike should be a dead issue.

Rep. Keith McCall (D-Carbon) called the proposal a fire sale. He stated the privatization plan would have the turnpike under foreign control until 2084. He reiterated that the amount of money that was offered is only about half of what the turnpike is worth. He stressed that the company is beholden to its shareholders, not the citizens of Pennsylvania. Rep. McCall asserted that the turnpike is a Pennsylvania asset and

COMING ATTRACTIONS

WEDNESDAY - 09/24/08

House Aging and Older Adult Services

9:00 a.m., Room 60, East Wing
Follow-up public hearing on the December 2007 acquisition HCR Manor Care by the Carlyle Group, a private equity firm.

House Tourism and Recreational Development

9:00 a.m., Room 326, Irvis Office Building

To consider: [HB 1471](#) Keller, M Act re Historic Barn Grant Program The committee will also be voting out a report on establishing lodging on state park land pursuant to: [HR 164](#) Haluska Resolution re study of overnight facilities

Local Government Commission

9:00 a.m., Room 14, East Wing
Monthly business meeting

Senate Environmental Resources and Energy

9:15 a.m., Room 8E-A East Wing

Informational briefing on carbon management and sequestration

House Education

9:30 a.m., Room G-50, Irvis Office Building

To consider: [SB 219](#) Vance Amends Public School Code re certifications [HB 153](#) Gibbons Act re tuition rate charged to veterans

Senate Game and Fisheries

9:30 a.m., Hearing Room 1, North Office Building

Hearing to receive testimony from PA Game Commission on powers and duties of deputy wildlife conservation officers.

Senate Urban Affairs and Housing

9:30 a.m., Room 156 Main Capitol

should be maintained and owned by Pennsylvania. He stated that the turnpike is the best road in the nation and PA should keep jobs in the state. He emphasized that he would say no to any deal to privatize.

Rep. Joseph Markosek (D-Alleghany), Chairman of the House Transportation Committee, stated that the privatization plan is an insufficient financial deal. He said that the state has many infrastructure obligations that have to be met and this plan will not get the job done. He stated that the plan was dead in the Senate and would not be supported by the House Transportation Committee. He urged lawmakers to get into more important issues.



LAWMAKERS UNVEIL FIRST-ANNIVERSARY EDITION OF INVASION PA REPORT

By Matthew Hess

Rep. Daryl Metcalfe (R-Butler) revealed the First-Anniversary Edition of the Invasion PA Report in the Capitol Rotunda today. The report documents crimes committed by illegal aliens throughout Pennsylvania. Rep. Metcalfe said that the report was created to put a human face to the illegal alien invasion. He stated that each and every illegal alien's very first step across our borders is an automatic violation of federal immigration laws which makes them foreign invaders.

Rep. Metcalfe was joined by Rep. Mark Mustio (R-Alleghany), Rep. Scott Perry (R-York), and Rep. Harry Readshaw (D-Alleghany).

Rep. Metcalfe cited vehicular manslaughter, assault, rape, and fraud as examples of the crimes illegal aliens commit. Rep. Metcalfe urged passage of the National Security Begins At Home bill package in order to stop the influx of illegal aliens in Pennsylvania.

Rep. Metcalfe cited Jack Martin of the Federation for American Immigration Reform (FAIR) when he stated that Pennsylvania spends \$230 million annually on providing education to illegal alien children. He expressed that if left unchecked, estimated state taxpayer costs as the result of the growing illegal alien population could easily reach \$812 million per year by 2020. Rep. Metcalfe reiterated that if illegal immigration doesn't affect you in your backyard it will affect you in your back pocket.

Rep. Readshaw, prime sponsor of [HB 2169](#), said his bill was introduced but has not yet left the House State Government Committee. He expressed doubts about the bill getting addressed this session but it will be one of the first bills he introduces next year. He stated that he will not give up on the issue and will continue to battle illegal immigration.

Kathleen Appell, Media Coordinator for Citizens for Immigration Control and Enforcement in PA, stated that Pennsylvania has reached a tipping point in illegal immigration. She thanked Rep. Metcalfe and his staff for putting the report together. She expressed how difficult it was to identify crimes committed by illegal aliens because they are "classified" and not available under the Freedom of Information Act. She stated that Pennsylvania is a de facto harbor state for illegal aliens because the state government has refused to act. She called on Pennsylvania taxpayers to ask

Building

To consider: [SB 1291](#) Rhoades Amends Title 53 re blight reclamation

***House Professional Licensure (Agenda updated)

10:00 a.m., Room 39, East Wing

To consider: [SB 147](#) Tomlinson Amends act re subpoenas for licensing board [SB 908](#) Wonderling Amends Auctioneer & Auction Licensing Act [SB 1019](#) Gordner Amends Board of Vehicles Act re vehicle shows

Senate Law and Justice

10:00 a.m., Room 8E-B East Wing
Public hearing on: [SB 1306](#) Greenleaf Amends Liquor Code re general powers of board

***House Labor Relations (New)

10:30 a.m., Room 39, East Wing

To consider: [SB 263](#) Gordner Amends PA Occupational Disease Act re benefits

***House Local Government (Rescheduled from 9/23/08)

10:30 a.m., Room G-50, Irvis Office Building

To consider: [SB 884](#) Greenleaf Amends Title 53 re amateur radio communication

Senate Agriculture and Rural Affairs 10:30 a.m., Room 156 Main Capitol Building

To consider: [HB 2525](#) Casorio Amends Dog Law re licensing, kennels

***Senate Public Health and Welfare (New)

10:30 a.m., Room 461 Main Capitol

To consider: [SB 1455](#) McIlhinney Act re Keystone Care Prescription Assistance [SB 1564](#) Brubaker Act re Keystone Care Program; health care grnt [HB 2625](#) Pallone Act re County Access Program in DOH [HB 2034](#)

their legislators to support the National Security Begins at Home package and to put an end to illegal immigration in Pennsylvania.

Rep. Mustio stated that illegal immigration is the Trojan horse that is crippling the economy. He stated that illegal aliens were arrested for selling heroin and others were working on construction sites. He said illegal aliens are diverting funds from those that need it most in the state, and into the hands of people that shouldn't be here in the first place.

Rep. Perry said that the representatives are supporters of legal immigration. He stated that it is unconscionable that during these rough economic times, Pennsylvania taxpayers are asked to support illegal immigration through education and healthcare programs. He stated that government makes the law and now needs to enforce it. He urged passage of the National Security Begins at Home package because the federal government has not been up to the job of protecting the borders. He called on his fellow lawmakers to make it a priority during the last remaining days of the session.

Rep. Metcalfe warned that Pennsylvania will reap the consequences of inaction by allowing illegal aliens to live and work in the state. He stated that citizens across the state have been negatively impacted by illegal immigration and it is now time for action.

The complete First-Anniversary Edition of the Invasion PA Report can be viewed online at RepMetcalfe.com.

INTRODUCTIONS

HB 2765 Frankel (D)

(PN 4401) Amends the Clean Indoor Air Act repealing section 11 providing for preemption of local ordinances.

Sep 23, 2008 - H-Introduced and referred to committee on House Health and Human Services

HB 2778 Gibbons (D)

(PN 4403) Amends Title 42 (Judiciary) adding a section providing the department and the private service provider that intend to enter into a contract for a group home shall jointly conduct four public hearings within a five-mile radius of the proposed site of the group home not less than one year prior to the date on which the group home is scheduled to commence operations. Further provides, at the public hearing, department shall explain the operations of the home and shall permit public comments relating to the operation of the home. Also provides that after the effective date of this section, the department may not enter into a contract for a group home unless the home is located more than one-half mile from any occupied residence, playground or school. In addition, the department shall affix an electronic monitoring device to any inmate who resides in a group home.

Sep 23, 2008 - H-Introduced and referred to committee on House Judiciary

HB 2780 Gibbons (D)

(PN 4405) Amends Title 42 (Judiciary) in juvenile matters, further providing for limitation on and change in place of confinement and, in State intermediate punishment, further providing for definitions and for drug offender treatment program by eliminating privately operated group homes for paroled and convicted individuals.

Bear Act re pharmaceuticals; long term care patient

*****Senate Judiciary (New)**

10:30 a.m., Rules Committee Conference Room

To consider: [HB 1147](#) Longietti Amends Motor Vehicle Chop Shop et al Act

House Appropriations Off the Floor, Room 140 Main Capitol

Agenda to be announced

*****House Finance (Rescheduled from 10:00 a.m.)**

Off the Floor, Room 205, Ryan Office Building

Agenda to be announced

House Health and Human Services Off the Floor, Room 60, East Wing

To consider: [HB 2733](#) Maher Act re Office for People with Disabilities

*****Senate Appropriations (New) Off the Floor, Rules Committee Conference Room**

To consider: [SB 1422](#) White, D Amends Insurance Co. Law re health policies [SB 1453](#) Corman Amends Insurance Co. Law re child health ins. [HB 2629](#) Curry Amends Health Care Facilities Act re licensure

*****Senate Banking and Insurance (New)**

Off the Floor, Rules Committee Conference Room

To consider: [HB 1556](#) Longietti Amends Insurance Company Law re conditions

THURSDAY - 9/25/08

House Democratic Policy Committee

10:00 a.m., Ambler Borough Hall, 122 East Butler Pike, Ambler

Hearing on PA Access to Basic



Sep 23, 2008 - H-Introduced and referred to committee on House Judiciary

HB 2782 Dermody (D)

(PN 4415) Amends Title 62 (Procurement) adding a section pertaining to information technology procurement providing the policies and procedures covering an agency's acquisition of information technology shall rely on marketplace competition among different technologies and shall be neutral with respect to potential contractors and their different business models. The legislation outlines the steps to be taken by each Commonwealth agency to assure technology-based competition and procurement neutrality.

Sep 23, 2008 - H-Introduced and referred to committee on House State Government

HB 2788 Petri (R)

(PN 4412) Amends The Fiscal Code further providing for licensing of retailers, by requiring that an applicant may not offer clinical health care services - defined as operating a health clinic, providing health care, prescribing medications or any combination thereof - to the public.

Sep 23, 2008 - H-Introduced and referred to committee on House Finance

HB 2789 Solobay (D)

(PN 4413) Amends Title 23 (Domestic Relations) further providing for information relating to other persons having contact with children, stipulating the Pennsylvania Interscholastic Athletic Association, Inc., must require persons seeking to register as sports officials to submit the information set forth in 6344(b) (relating to information relating to prospective child-care personnel).

Sep 23, 2008 - H-Introduced and referred to committee on House Judiciary

HB 2790 Hutchinson (R)

(PN 4414) The Manufacturer Responsibility and Consumer Convenience Computer Equipment Collection and Recovery Act provides for the collection, recycling and reuse of computer equipment that has reached the end of its useful life. It requires a manufacturer to adopt and implement a recovery plan, and affix a permanent, readily visible label to the computer equipment which specifies the manufacturer's brand before it may be sold in Pennsylvania. The bill specifies the contents of any recovery plan, provides criteria and methods governing collection. The bill provides for environmental management, responsibility of retailers, and liability.

Sep 23, 2008 - H-Introduced and referred to committee on House Environmental Resources and Energy

COMMITTEE ACTIONS

House Appropriations Committee

Off the floor, 09/23/08, Room 140, Main Capitol Building

By Angie Gohn, PLS Intern

The committee met to consider three bills.

[HB 2035 Seip](#) - (PN 3513) The Commonwealth Heritage Development Act would establish the Heritage Area Program to identify, protect, enhance and promote PA's historic, recreational, natural, cultural and scenic resources and to stimulate community sustainability and economic development through heritage, outdoor recreation and ecotourism. The department would adopt guidelines and policies for

Care (PA ABC)

Public Employee Retirement Commission

10:00 a.m., Room 461 Main Capitol Building

Regular Commission Meeting

House Republican Policy Committee

10:30 a.m., Kevin's Place Restaurant & Banquet Facility, 105 Main St., Lykens

Hearing on a proposed Emergency Medical Facility to be located in Northern Dauphin County

Local Government Commission 11:00 a.m., Room 156 Main Capitol

Meeting with Local Government Associations

House State Government 2:30 p.m., Ethical Humanist Society, 1906 S. Rittenhouse Square, Philadelphia

Public hearing on General Election Preparedness

FRIDAY - 9/26/08

House Transportation

1:00 p.m., 4-H Building, Greene County Fairgrounds, 107 Fairgrounds Road, Waynesburg

Public hearing on: [HB 2133 Longiotti](#) Amends Title 75 re restrictions on highways

MONDAY - 9/29/08

House Agriculture and Rural Affairs & House Gaming Oversight

10:00 a.m., Room 140 Main Capitol Building

Joint public hearing to discuss race horse development, improvement of stables, living conditions on the backside, purses & track conditions.

House Republican Policy Committee

the implementation and administration of the program. The bill outlines the program goals. The Board of Commonwealth Partners is established in the department and the bill outlines its powers and duties. Lastly, \$5,300,000 is appropriated to DCNR for the purpose of providing funding to heritage areas. (Prior Printer Number: 2854) - The bill was unanimously **reported as amended**

[A08976](#) by Evans, was described as a technical amendment. The amendment was **adopted** unanimously.

[HB 2275 Belfanti](#) - (PN 3289) Amends The PA Occupational Disease Act by stating that every person qualified for additional compensation would be paid additional compensation of \$50 per month during the period of disability, which would be paid by the Commonwealth. - The bill was unanimously **reported as committed**

[HB 1114 Parker](#) - (PN 1343) Amends the Tax Reform Code by stating that a company may claim a tax credit of an additional \$500 per new job created over the \$1,000 currently offered if the job is filled by an ex-offender. The bill defines "ex-offender." - The bill was unanimously **reported as committed**.



House Agriculture & Rural Affairs

Consideration of SB 768

By Jeff Cox

The committee met to consider [SB 768 Orie](#) - (PN 2263) Amends Title 64 (Public Authorities and Quasi-Public Corporations) further providing for the definitions of "commercial lending activities" and "commercial lending institutions" and for the First Industries Program. The bill decreases the amount of private funds that must be invested in a qualifying project to \$250,000 from \$1 million. The bill states that the guarantee may not exceed 90% of the outstanding principal amount of the loan to assist with the financing of a project related to agriculture and the amount of a guarantee would be set at the discretion of the board based upon its determination of the potential financial risk to the commonwealth. A Farm Credit Institution under the Farm Credit Act would only be permitted to participate in the First Industries Program and may not participate in any other program established under this title. The Farm Credit Institution would sunset June 30, 2011. The Department of Community and Economic Development would annually report to the legislature. (Prior Printer Number: 961, 2105, 2187) - The bill was unanimously **reported as amended**.

[A09181](#) by Hanna, lowers the minimum to \$500,000; provides the guarantee would be subject to a one-time fee of 2% of the amount of the loan multiplied by the percentage of the guarantee; and amends the sunset provision. The amendment was unanimously **adopted**.



House Children and Youth

Consideration of SB 684

By Meagan LeMelle

The committee met to consider [SB 684 Baker, L](#) - (PN 2009) The Public Health Child Death Review Act states the department would establish the Public Health Child Death

1:00 p.m., Northern Allegheny County Chamber of Commerce, 5000 Brooktree Road, Wexford
Hearing on Allegheny County Drink and Car Rental Taxes

House Judiciary Subcommittee on Courts

2:00 p.m., Allegheny Co. Courthouse, Room 5040, 440 Ross Street, Pittsburgh
Informational meeting on Video Testimony for Children

TUESDAY - 9/30/08

House Commerce
9:00 a.m., Room G-50, Irvis Office Building
Agenda to be announced

House Judiciary Subcommittee on Courts
10:00 a.m., City-County Building, 5th Floor, Council Chambers, 414 Grant Street, Pittsburgh

Public hearing on: [HB 797](#)
Walko Amends Title 18 re communications

House Environmental Resources and Energy
1:30 p.m., Room G-50, Irvis Office Building

Public hearing on the Marcellus Shale

WEDNESDAY - 10/01/08

House Judiciary
10:00 a.m., Green Co. Fairgrounds, 4-H Center, 107 Fairground Road, Waynesburg
Public hearing on: [HB 1469](#)
Goodman Amends Private Prison Moratorium and Study Act

THURSDAY - 10/02/08

House Education Subcommittee on Special Education
9:00 a.m., West Chester University, Sykes Hall, West

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Review Program to facilitate State and local multiagency, multidisciplinary teams to examine the circumstances surrounding deaths in PA for the purpose of promoting safety and reducing child fatalities. The program would be advised by a state Public Health Child Death Review Team, and the bill provides for its composition and duties. The bill also states that each county would establish a local public health child death review team. The bill provides for their powers and duties, including reviewing all deaths of children. The local Public Health Child Death Review Team would utilize the child death review data collection system to report its findings in accordance with protocols established by the state Public Health Child Death Review Team. The bill specifies that the name and home address of the deceased child would not be reported to the child death review data collection system. Lastly, a local Public Health Child Death Review Team would submit biennial reports on deaths reviewed to the state public health child death review team. (Prior Printer Number: 732, 1648, 1970)
- The bill was unanimously **reported as committed**.

Rep. Frank Shimkus (D-Lackawanna) stated that he has been working with the County Commissioner's office and plans to introduce an amendment for this bill when it reaches the floor. He expressed concern about the current confidentiality terms and conditions. He also said that he is interested in further investigating how child abuse and its related effects fit into the language of the bill.

Rep. Bev Mackereth (R-York) said that implementing stricter confidentiality mandates would significantly affect prevention strategies.

Chairman Louise Bishop (D-Philadelphia) said that this statute has been in effect for over ten years and has been very successful. She urged the committee for their support. Rep. Steve Samuelson (D-Northampton) asked if the policy listed in this legislation is the same as the policy currently in place. Chairman Bishop responded that it is.

Rep. Phyllis Mundy (D-Luzerne) noted that the proposed legislation changes the policy because it does not include contracting with the Department of Health.



House Commerce Committee

Info meeting on economy

By Mike Howells

The committee held an informational meeting on economic turmoil on Wall Street and the broader financial industry.

Members in attendance included Chairman Pete Daley (D-Washington), Minority Chairman Dick Hess (R-R-Bedford), and Representatives Mike Fleck (R-Huntingdon), Michele Brooks (R-Mercer), Jim Marshall (R-Beaver), Richard Geist (R-Blair), Nick Kotik (D-Allegheny), Dave Reed (R-Indiana), Matt Baker (R-Tioga), Julie Harhart (R-Northampton), Jim Wansacz (D-Lackawanna), and Mark Longiotti (D-Mercer).

A panel from the Pennsylvania Securities Commission (PSC) consisting of Acting Chairman Robert Lam, Chief Counsel Michael Byrne, and John Quinn, Director of Corporation Finance, provided a "snapshot" of PSC's position given the current financial conditions in the US. Lam stated that for at least the last 15 years, PSC and the North American Securities Administrators Association have been fighting

Chester

Public hearing on: [HB 2536](#)
O'Brien, D Amends Public School Code re exceptional child [HB 2438](#)
O'Brien, D Amends Public School Code re exceptional child

Independent Regulatory Review Commission

10:30 a.m., 333 Market Street, 14th Floor Conference Room, Harrisburg

Public meeting to consider the following Regulations: Reg. No. 2691 PA Gaming Control Board #125-84: Releases Reg. No. 2634 State Conservation Commission #7-418: Facility Odor Management Reg. No. 2681 Environmental Quality Board #7-423: Radiological Health and Radon Certification Fees Reg. No. 2585 Environmental Quality Board #7-403: Water Resources Planning and Reg. No. 2556 Dept. of Labor and Industry #12-71: Registration of Sign Language Interpreters and Transliterations

TUESDAY - 10/7/08

House Democratic Policy Committee

9:00 a.m., Room G-50, Irvis Office Building

Hearing on PA Access to Basic Care (PA ABC)

Pennsylvania Athletic Oversight Committee

10:00 a.m., Room 100, Ryan Office Building

Meeting to approve the 2008 Annual Report

Senate Banking and Insurance

10:00 a.m., Hearing Room 1, North Office Building

Public hearing to accept proposed recommendations for consideration on the proposed merger of Highmark, Inc. and Independence Blue Cross, IBC

WEDNESDAY - 10/15/08

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preemption and deregulation in Washington. While winning some minor victories, Lam admitted there have been also a lot of defeats, resulting in a “peeling away” of the regulatory process. Reading a statement from PSC’s annual report, Lam detailed a brief history of the finance industry in the US, providing a timeline of various booms and busts in the 20th and 21st centuries. Lam stated the current economic crisis has resulted in a “critical loss of confidence” at home and abroad. Speaking to the “regulatory pendulum” that swings back and forth, Lam noted it is currently swinging back towards re-regulation, and while confident the economy will recover, Lam noted it may take months or longer. He advised a restoration of confidence in the economy will require a public perception that effective regulatory framework exists at both federal and state levels.

Lam noted not all facets of the economy have suffered, and reported that real estate trusts and public limited trust are doing “okay.” He commented Pennsylvania, one of the strictest overseers of financial activity in the US, has coped well compared to other states. While acknowledging that there is certainly a need for a new regulatory system, Lam pointed out that Wall Street does not like working with state governments and much prefers dealing with the federal government. Lam stated one of the reasons for the meltdown has been the fact that financial products have become so complex that the people selling them don’t understand them. He added it is a “scary situation” when people don’t know their own assets, but pointed out “Pennsylvania lenders do not seem to work in the same foolhardy way,” and thus Pennsylvania has suffered less than some others.

Providing a reflection of where Pennsylvania stands with regards to Wall Street and Washington DC, Quinn noted Treasury Secretary Hank Paulson recently submitted a bill to Congress that would give the Treasury the ability to purchase \$700 billion in assets. He added that yesterday Senator Chris Dodd submitted a counterproposal which would among other things establish a purchase oversight board, provide for annual Government Accountability Office (GAO) audits, and require warrants in value of proposed assets. Senator Dodd’s bill would also include assistance for homeowners in the form of loan modifications.

Rep. Wansacz asked how the proposals will affect Pennsylvania. Lambert admitted he cannot speculate on what Pennsylvania “is in for” at this point because the bill is still fluid. He noted that once the final language is agreed upon, he will know “quite quickly.” He offered to come back before the committee at that time and discuss the state’s options. Rep. Wansacz reported presidential candidate Senator John McCain said last week that no one should be able to write a check for \$1 trillion, and asked for the PSC’s thoughts on that statement. Quinn observed Senator Dodd’s proposal includes “significant oversight” that Secretary Paulson’s does not. Rep. Wansacz inquired about the possible culpability of corporate CEOs and issues of compensation. Quinn noted the SEC has done a number of things to make disclosure more transparent regarding compensation, including taking steps to make compensation consultants more independent from the corporations for whom they work. Rep. Wansacz asked if there is anything the government can do regarding takeovers to curb the availability of stock options and other perks. Quinn remarked he would not be surprised to see something to that effect in the bill. He noted that companies in the UK have to go to before shareholders to approve such measures.

Rep. Baker asked if PSC has any input or oversight of SERS and PSERS. Lam stated it does not, and would only have jurisdiction if either system were sold fraudulent securities. Noting his concern over the two retirement funds, Rep. Baker noted he

House Judiciary
10:00 a.m., Room G-50, Irvis Office Building
Public hearing on: [HB 2547](#)
Siproth Amends Title 42 re Humane Society Police Offcr

THURSDAY - 10/16/08
Joint Legislative Conservation Committee
10:00 a.m., Penn Stater Hotel, 215 Innovation Blvd., State College
Sewage Management and Treatment Task Force meeting

THURSDAY - 10/23/08
Joint Legislative Conservation Committee
10:00 a.m., Penn Stater Hotel, 215 Innovation Blvd, State College
Meeting on the Legislative Forestry Task Force

House Professional Licensure
2:00 p.m., Drexel University, Paul Peck Alumni Center, Board Room, 3142 Market Street, Philadelphia
Public hearing on: [HB 2727](#) Killion Act re ID badge for licensed health care prac.

FRIDAY - 10/24/08
House Professional Licensure
10:00 a.m., Drexel University, Paul Peck Alumni Center, Board Room, 3142 Market Street, Philadelphia
Public hearing on: [HB 2352](#) Mundy Amends Social Workers, Marriage, Therapist Act

has heard that one of them lost \$1 billion from its fund last month. He asked if the commission has any recommendations for either of them. Chairman Daley remarked he is planning to set up a meeting with representatives of the two systems to work on a plan.

Dan Reisteter, Vice President of State Government Relations for the Pennsylvania Bankers Association (PBA), communicated a number of questions he has been hearing from his members. The most common question, he noted, has been “where is the safest place for my money?” Reisteter asserted the safest place for money at the moment is “in the bank.” Another question he reported being asked frequently has been “how is the health of my bank?” Reisteter remarked the possibility of a bank failing is remote, and added that even in such a case, all FDIC insured deposits are protected, up to \$100,000 for individual accounts, and \$250,000 for retirement accounts. He emphasized “not one penny of federally insured savings has ever been lost.” A third question he has heard recently, Reisteter noted, has been “can I still get a mortgage?” Reisteter stated that anyone who represents a reasonable risk will still be able to get a mortgage or loan. He also noted there has been some confusion over the difference between an investment bank and a commercial bank. He explained the primary purpose of an investment bank is the transaction of stocks, while commercial banks take deposits from individuals and businesses.

The conservatorship of Fannie Mae and Freddie Mac, who Reisteter explained buy mortgages to generate cash for banks to make more loans, is intended to bring security to the industry and protect taxpayers, he explained. He commented that if the government had not stepped in, the damage to the housing market would have been “large.” Reisteter pointed out that with regard to the federal legislation on the table, the banking industry has concerns regarding allowing bankruptcy judges to allow write-downs on the amount owed on a mortgage. He stated the industry believes this will increase the cost of credit, and instead recommends providing foreclosure relief measures for consumers.

Rep. Fleck asked how long the FDIC guarantee has been capped \$100,000. Reisteter stated it has been at \$100,000 since 1980, with retirement accounts capped at \$250,000. He noted banks do pay insurance premiums for this coverage.

Rep. Harhart inquired what kind of accountability Freddie Mac and Fannie Mae will be held to having been taken over by the government. Reisteter commented they will be held to “very strict accountability.” He added conservatorship subjects must abide by very high standards, though the exact details are still being discussed in this case.

Steven Kaplan, Secretary of the Pennsylvania Department of Banking, commented the financial crisis is happening in “real time,” so no one has been able to digest what is going on at this point, and rather are merely trying to keep up. He detailed the two-tiered banking system employed in the United States, and the differences between state banks and federal banks. He also noted commercial banks are not the same as investment banks, and pointed out that most independent investment banks have been “extinguished” over the last couple of weeks. He characterized the current situation as one where the option of doing something is bad, but the alternative of not doing anything is worse. Noting he believes a “genuine sea change” is taking place in the financial services industry, Kaplan commented the objective now is to decide on the best way to keep the economy moving apace.

Remarking on the Paulson proposal, Kaplan commented it appears “amazingly bare

bones.” He noted that three things people generally would like to see in a completed piece of legislation are a guarantee of homeowner relief, increased oversight, and eliminating the ability of the executives to receive big compensation packages in cases where it isn’t deserved. He stated the talk of deregulation is clearly meaningful and commented a new era of re-regulation is beginning, in which the concept of interconnectedness is key. Kaplan remarked significant strides have been made in Pennsylvania, with the General Assembly passing a mortgage reform package that will “have significant impact on the housing market,” and the implementation of a Department of Banking regulation that would eliminate no doc loans and require a one-page disclosure for lenders. He remarked the department is reaching out to people who are having difficulty making mortgage payments.

Rep. Longietti asked Kaplan for his view on Goldman Sachs and Morgan Stanley moving to become depositories. Kaplan remarked the difference between now and the Great Depression is that in 1929 banking was largely unregulated. He added bringing these institutions under the authority of the Fed is a good thing, since they will be required to comply with capital requirements and other standards.

Jim McCormack, of the Pennsylvania Credit Union Association, stated that deposits with a particular union stay in that area, and each one is insured up to \$100,000 per account and \$250,000 for retirement accounts. He characterized credit unions in Pennsylvania as “being in good shape,” and not directly affected by the crisis. He acknowledged however, that while they will be affected indirectly at some point, they remain not only healthy options but good for communities as well. McCormack added that the capital ratios for Pennsylvania credit unions stand at around 120%, which is very good.

Pennsylvania Treasurer Robin Wiessmann detailed the Treasury’s exposure to the crisis. She opined the current situation has helped to emphasize the department’s focus on good governance. She noted she sent an open letter to Pennsylvanians last week discussing what the treasury is doing to minimize the state’s exposure, and remarked that last year the treasury reduced its core balance in order to provide liquidity. The priorities of the treasury are to keep funds secure, to retain liquidity, and thirdly to get reasonable returns, she stated. Treasurer Wiessmann reported the treasury liquidated \$3.5 billion in funds, leaving its exposure to Lehman Brothers, Bear Stearns and the other financial failures “de minimis.” She characterized the state’s short-term test management as “quite good,” and remarked that when Lehman Brothers went bankrupt on September 12, the treasury’s exposure was limited to 0.05% of its more than \$18 billion in investments.

Rep Longietti noted that when as working as a lawyer in Sharon, he received questions about the possibility of a finance implosion, and questioned whether people closer to the situation weren’t aware also. He commented it was “painfully obvious that this was going to happen.” Treasurer Wiessmann remarked all the signs were there and made public. She attributed the crisis to “a massive failure of corporate governance... and regulatory vigilance.” Treasurer Wiessmann remarked something legislators can do today is make sure a comprehensive plan is put into place, and added the state has to be prepared to weather a sustained downturn in the economy. She noted the collateral damage in such a situation would be felt by the retirement funds and elsewhere.

Chairman Daley asked how the losses can be recouped. Treasurer Wiessmann observed losses are a regular part of the financial cycle. She commented the

difference is made up through appropriate asset allocation and good management over the long term.

Paul Adams, of the Shumaker Williams law firm, commented the current situation will result in a new state and federal regulatory scheme. While the bailout is being negotiated at the moment, Adams noted there are some changes at the state level that are already taking place, including the mortgage banking bills, and the banking department's new regulation. He spoke to the implications of the current crisis, including the restructuring of Freddie Mac and Fannie Mae. He noted 16 or 17 Pennsylvania banks with preferred Freddie Mac and Fannie Mae stocks on their balance sheets will be impacted immediately by the takeover. Focusing on the broader impact, Adams remarked that the FDIC will increase its premiums for banks, resulting in costs being passed down to consumers, and a renewed focus on the liquidity will mean community banks that did not cause the crisis will nevertheless be asked to help be a part of the solution.

Chairman Daley inquired if there is any idea of what the final impact might be on consumers. Adams remarked it will depend entirely on how much the FDIC decides to raise its premiums.



House Consumer Affairs

consideration of SB 100

By Kimberly Collins

The committee met to consider [SB 100 Tomlinson](#) - (PN 1037) The Home Improvement Consumer Protection Act states that no person would hold himself out as a contractor nor would a person perform any home improvement without first registering with the Bureau of Consumer Protection in the Office of Attorney General. The bill states that the bureau would maintain a toll-free telephone number from which a caller can obtain information as to whether a contractor is registered with the bureau. The bill outlines the procedures for registration as a contractor, and requires that each application for a certificate for a home improvement contractor or renewal of that certificate would be accompanied by a \$50 fee, and would be renewed on a biennial basis. After completion of the application and payment of the fee, the bureau would issue the home improvement contractor a registration certificate identifying the name of the individual contractor, name and address of the business and a registration number. The legislation also outlines the requirements in home improvement contracts. The bill also provides for the offense of home improvement fraud and provides for penalties. Lastly, registration under this act would preclude any requirement of payment of a fee or registration of any home improvement contractor by any political subdivision. Political subdivisions would be permitted to require building permits and local enforcement of the building code for that political subdivision, for which a reasonable fee may be charged. (Prior Printer Number: 135) - The bill was unanimously **reported as amended**.

[A09159](#), by Preston, is an omnibus amendment that specifies that the exemption for contractors who have earned less than \$5,000 over 12 consecutive months be changed to the "previous taxable year"; adds private residences that are owned and used for personal recreational purposes; provides that the bureau cannot disclose a contractor's driver's license number, Social Security number or other confidential information; as a part of the application process, businesses would be required

to provide their FEIN number, Social Security number, and all prior names and addresses of home improvement businesses; clarifies that contractors must disclose to the bureau if they have been barred from participating in any federal, state or local program if the funding was public funding and also includes non-profits; requires the home improvement registration number be on all advertisements, cards, etc; requires the toll-free Consumer Bureau hotline to be on the contract along with information on the owner's right of rescission; requires AOPC to report any suspension or revocation of certificate ordered by the court; includes that a business cannot change its name, address, liability insurance or other identifying information in a fraudulent manner without notifying the owner in writing within ten days; and provides that local regulations adopted regarding liability insurance are not preempted by these registration requirements. The amendment was unanimously **adopted**.

Chairman Joe Preston (D-Allegheny) remarked he worked with Senator Robert Tomlinson (R-Bucks), Rep. Keith McCall (D-Carbon), the Builders Association and other groups on the amendment.

Minority Chairman Robert Godshall (R-Montgomery) asked about the inclusion of recreational residences. Executive Director Gail Davis explained the amendment would extend the bill to recreational residents, like a hunting camp.

Rep. Bill Kortz (D-Allegheny) questioned if the bill is retroactive, noting he is aware of many instances that have already occurred. Chairman Preston replied it is not, but said the bill is a major start for consumer confidence.

Chairman Preston noted a group came to him with amendments, but it was too late for the amendments to be considered under committee rules. He said they have the option of offering the amendments on the floor.



House Environmental Resources and Energy

Consideration of 6 bills

By Meagan LeMelle

[HB 2480 DeWeese](#) - (PN 3671) The Mid-Atlantic Area National Corridor Compact Act provides for the Mid-Atlantic Area National Corridor Compact for the purpose of asserting jurisdiction over the location and construction of cross-borders electric energy transmission facilities and transmission corridors; and providing for the form of the compact and for its implementation and expiration. - The bill was **reported as committed** with a vote of 27-1 with Minority Chairman Scott Hutchinson (R-Venango) voting in the negative.

[HR 107 Cohen](#) - (PN 730) Resolution calling for the holding of a conference on the use of alternate energy sources in honor of Benjamin Franklin. - The bill was unanimously **reported as committed**.

[SB 1330 White, D](#) - (PN 2227) The Coal Bed Methane Well Dispute Resolution Act would establish the Coal Methane Review Board to resolve disputes between property owners over the location of coal bed methane wells and access roads. The bill would require that a well operator who intends to drill a coal bed methane well or construct an access road associated with a coal bed methane well must provide written notification to the surface owner in the time and manner prescribed in the Oil

and Gas Act. A surface owner who intends to invoke alternative dispute resolution would file written objections to the well operator's proposed location for coal bed methane well or access road with the department within 15 days of the date of receipt of the written notification. If objections are filed by a surface owner, the department would notify the operator and the board of the objections, and the board would set a time and place for holding the dispute resolution conference. At the conference the well operator and surface owner would attempt to agree upon a location for the coal bed methane well or access road. The bill outlines the responsibilities and authority of DEP with regard to the act. Lastly, anyone aggrieved by a determination of the board would have the right, within 15 days of receipt of the written determination, to appeal the determination to the court of common pleas in the judicial district in which the affected property is located. (Prior Printer Number: 1908, 1984) - The bill was unanimously **committed as amended**.

[A09182](#) by George, broadens the form of definition for coal bed methane. The amendment was **adopted** with a vote of 18-10 with Minority Chairman Hutchinson and Representatives Martin Causer (R-McKean), Garth Everett (R-Lycoming), Ron Miller (R-York), Jeff Pyle (R-Armstrong), Kathy Rapp (R-Warren), Dave Reed (R-Indiana), Chris Ross (R-Chester), Richard Stevenson (R-Mercer) and Randy Vulakovich (R-Allegheny) voting in the negative.

Rep. Stevenson said that the amendment is quite lengthy and asked for an overview by the committee staff. He also asked whether or not this amendment serves as a major rewrite of the law itself. The spokesperson for the committee staff responded that it does.

Rep. Pyle asked about coal bed methane on gaming grounds. He then said that this amendment has the merit to stand on its own as a bill and for that reason he opposes it.

[SB 1062 Wonderling](#) - (PN 2195) The Brownfields Redevelopment Act provides for reimbursement of up to 75% of the cost to remediate to developers of brownfield sites and authorizes the Secretary of Environmental Protection to enter into redevelopment agreements. The bill outlines the terms and conditions of the agreements. The Brownfield Site Reimbursement Fund is established, which would be used for the reimbursements. Money in the fund would be appropriated by DEP with the governor's approval. (Prior Printer Number: 1364, 1983) - The bill was unanimously **reported as committed**.

Rep. Kate Harper (R-Montgomery) asked if the legislation addresses residential grounds only. The committee staff was unable to give a definite answer. Rep. Harper suggested that redeveloping brownfields may be more appropriate for something other than residential purposes. Rep. Gene DePasquale (D-York) noted that depending on the redevelopment plan, standards are different and this bill would not be changing that. Rep. Harper pointed the committee to the bottom of page 9 and said that the analysis may be too narrow.

Rep. Pyle asked what happens when KOZ and brownfields coincide and asked to what extent the Department of Environmental Protection would get involved. The committee staff was unable to provide a response to this inquiry.

[SB 1050 Baker, L](#) - (PN 2138) Amending the recycling and reuse of waste tires further providing for the Used Tire Pile Remediation Restricted Account which would receive \$3,000,000 transferred on an annual basis for a period of five consecutive

years beginning fiscal year 2008-2009 through 2012-2013 from the Recycling Fund for remediation of waste tire piles. The bill also requires DEP to provide an annual report on cleanup of stockpiled tires. (Prior Printer Number: 1351) - The bill was **reported as committed** with a vote of 26-2 with Representatives Ross and Greg Vitali (D-Delaware) voting in the negative.

[A09070](#) by Carroll, reduces the transfer of funds to \$1.25 million. The amendment was **adopted** with a vote of 27-1 with Rep. Ross voting in the negative.

Rep. Stevenson asked Rep. Carroll to explain the rationale for this drastic reduction. Rep. Carroll responded that the amount is being reduced to match the decrease in the amount of tires. The reduction also minimizes the impact on the Recycling Fund he explained.

Rep. Baker explained that the \$1 fee on tire purchases was initially created for tire clean up however most of the money is now being used for mass transit or various other general funds. She added that Pennsylvania is one of seven states that accounts for approximately 85% of tire waste in the U.S.

Rep. Vitali said that he does not support this bill and thinks that other funding sources need to be identified. He also said that opposing restricted revenue accounts takes away discretion to determine when money is needed and where it is needed most. Finally, he insisted that tire clean up should not be done at the expense of other recycling going on in the state.

Minority Chairman Hutchinson expressed his support for the bill.

Rep. Harper asked if someone who has tire piles can get a grant under the current recycling fund. A committee staff spokesperson responded that grants are currently not available in these situations and interested parties must seek outside funding noting that there is no line tem for tire clean up.

Rep. Carroll said the \$1.25 million is not an arbitrary figure detailing that it coincides with the amount of tire piles present within the Commonwealth. Chairman Bud George (D-Clearfield) urged the committee to pass the bill.

Rep. Levdansky (D-Allegheny) explained that tire piles are a public health issue and briefly discussed recycling mandates throughout the state.

[HR 883 Harper](#) - (PN 4356) Resolution directing the Legislative Budget and Finance Committee to review the Commonwealth's program of providing grants for environmental protection and improvement projects under the Growing Greener program. - The bill was unanimously **reported as committed**.



House Intergovernmental Affairs Committee

discussion of fall activities

By Matthew Hess

The committee held an informal meeting to discuss the fall activities.

Members in attendance included Chairman W. Curtis Thomas (D-Philadelphia), Minority Chairman David Steil (R-Bucks), Rep. Anthony Melio (D-Bucks), Rep. Carl

Mantz (R-Berks), Rep. Mark Cohen (D-Philadelphia), Rep. Todd Rock (R-Franklin), and Rep. Scott Perry (R-York).

Chairman Thomas began the meeting by asking committee members if they all received a midyear report. The members said that they have received electronic copies of it. Chairman Thomas stated that the committee has received resolutions over the past weeks and there are plans to move them to the State Government Committee.

Chairman Thomas said there is a list of bills that are still in the committee and he wanted to make sure something gets done about them. He reiterated that the committee does not want to send anything to the floor of the House that will then be challenged by members of the committee.

Chairman Thomas expressed his concerns that a lot of resolutions and [HB 1304](#) have been stalled in the Appropriations Committee. He stated that the Appropriations Committee wanted to check with the Governor's office on some of the language in the bill and also had concerns regarding the Department of Conservation and Natural Resources' budgetary role. Minority Chairman Steil said that he spoke with Rep. Russ Fairchild (R-Union), prime sponsor of HB 1304, who expressed doubts about the bill in its amended form. He stated that Rep. Fairchild had major concerns with the heavy legislative presence on the oversight body. Minority Chairman Steil said that Rep. Fairchild wants more professional representation and will offer amendments on the House floor. Chairman Thomas said that the legislative presence on the oversight board was a compromise made with the Governor's office. Chairman Thomas stated that he will withdraw his concerns with HB 1304 and see where the process takes the bill.

Chairman Thomas asked for a status update on [HR 494](#). Minority Chairman Steil stated that Rep. Stanley Saylor (R-York) has asked the committee to table the resolution permanently.

Chairman Thomas asked the members for their input on how to move resolutions from the calendar and to a vote. Chairman Thomas and Minority Chairman Steil agreed to draft a letter to the House Majority Leader's office that will express their desire to vote on the House Resolutions on the calendar.



House Judiciary Committee

Consideration of 3 bills

By Kimberly Collins

[HB 51 Frankel](#) - (PN 76) The Prevention of Hate Activity Act establishes the Prevention of Hate Activity Fund to be used by the Pennsylvania Human Relations Commission to enhance its efforts to combat intergroup tension, ethnic intimidation crimes and hate group activities. The legislation appropriates \$1 million to be used for direct assistances to communities and community-based groups, training initiative for law enforcement personnel, technical assistance to school districts and higher education institutions, and outreach and informational activities directed to local governments, civic organizations, trade associations and other groups. - The bill was **reported as committed** with Representatives Katie True (R-Lancaster) and Tom Creighton (R-Lancaster) voting in the negative.

Rep. Craig Dally (R-Northampton) questioned why this bill was referred to this committee instead of Appropriations. Chief Counsel Bill Andring speculated it is because the bill is creating a new fund.

Rep. Kate Harper (R-Montgomery) asked where the money will come from. Andring replied the General Fund, noting it is a small amount. Rep. Harper responded it may be a small amount, but it is about the size of the revenue from the tax on women and children receiving child support.

Rep. Bev Mackereth (R-York) asked about the purpose of the fund. Andring read from the bill: "Sums appropriated under this act may be used for the following: (1) Direct assistance to communities and community-based groups. (2) Training initiatives for law enforcement personnel. (3) Technical assistance to school districts and higher education institutions. (4) Outreach and informational activities directed to local governments, civic organizations, trade associations and other groups. (5) Other activities related to the purpose of the fund." Rep. Mackereth suggested the commission is already fulfilling these functions. Rep. Dan Frankel (D-Allegheny), the prime sponsor, explained the role of the commission currently is to intervene after the fact. This fund would provide for prevention. Chairman Tom Caltagirone (D-Berks) said the committee received "compelling testimony" at a [hearing](#) on the bill.

Rep. Craig Dally (R-Northampton) asked if this is based on a model. Rep. Frankel indicated there may be successful models in other parts of the country.

[SB 306 Rafferty](#) - (PN 342) Amends Title 18 (Crimes and Offenses) further providing for offenses relating to the purchase, consumption, possession or transportation of liquor or malt or brewed beverages by stating that a person would be immune from prosecution for consumption if he can establish the following: (1) the sole means for law enforcement officers to become aware of the person's violation is because the person placed a 911 call in good faith, based on a reasonable belief and reported that another person was in need of immediate medical attention to prevent death or serious injury, (2) the person was the first person to make a 911 call and report that a person needed immediate medical attention to prevent death or serious injury, (3) the person provided his own name to the 911 operator, and (4) the person remained with the person needing medical assistance until emergency health care providers arrived and the need for his presence had ended. - The bill was unanimously **reported as committed**.

[SB 1203 Greenleaf](#) - (PN 2293) Amends Title 20 (Decedents, Estates and Fiduciaries) further providing for forfeiture, for modification of wills, for advertisement of grant of letters, for duty of personal representative, for enforcement of contribution or exoneration of Federal estate tax, for implementation of power of attorney, for applicability of rule against perpetuities, for modification of conveyance by divorce, for effect of divorce on designation of beneficiaries, for notice of representation, for creditor's claim against settlor, for actions contesting validity of revocable trusts, for claims and distribution after settlor's death, for trustee's duty to inform and report, for illustrative powers of trustee, for limitation of action against trustee, for power to convert to unitrust and for retirement benefits, individual retirement accounts, deferred compensation, annuities and similar payments; and making conforming amendments to Title 15. (Prior Printer Number: 1633, 2048) - The bill was **reported as committed** by a vote of 26-1 with Rep. Pallone voting in the negative.

Andring explained this legislation is based on the recommendations of an advisory

committee of the Joint State Government Committee. Edward Waters, chair of that advisory committee, explained the law relating to perpetuities was eliminated in the past, but it has since been recognized that eventually the transfers would be subject to federal tax unnecessarily so the rule needs to be reinvoked at 300 years.

Rep. Pallone asked several questions about the bill relating to grounds for divorce. Waters explained grounds for divorce would be determined by judicial decree, which occurs quite far along in the process. He indicated this provision is needed because the division of property timelines are not aligned.

Rep. Manderino asked what is being changed in section 7785, Limitation of action against trustee. Waters explained section 7785 currently says a beneficiary must make a claim within five years of receiving a report and that is changed to make the wording about the report more common and the time frame is reduced to 2.5 years. He suggested this time frame is more in line with other states. Rep. Manderino asked if this is going to affect costs and fees. Waters suggested it is neutral, explaining the emphasis is on disclosure for making a claim.

Rep. Manderino asked about the composition of the advisory committee. Waters responded he has always been please with how nonpartisan it has been. He said it has a good mix of types of practice and mentioned a few of the members.



House Labor Relations Committee

consideration of HB 2445

By Eric A. Failing

The committee met to consider [HB 2445 Eachus](#) - (PN 3609) Amends Title 53 (Municipalities Generally) providing for neighborhood blight reclamation and revitalization. The legislation adds the Neighborhood Blight Reclamation and Revitalization Act, which includes chapters providing for actions against owners of blighted property, responsibilities of mortgage lenders, conservatorship, state and local government permit denials, state blight data collection system, grants, and sale of blighted and abandoned properties. - The bill was **reported as amended** with Representatives Bastian, Cox, Killion, Mantz, Metcalfe and Mustio voting in the negative.

Member in attendance included Minority Chairman Gene DiGirolamo (R-Bucks) and Representatives James Casorio (D-Westmoreland), Thomas Blackwell (D-Philadelphia), Ron Buxton (D-Dauphin), Eugene DePasquale (D-York), John Galloway (D-Bucks), Marc Gergely (D-Allegheny), Jaret Gibbons (D-Lawrence), Neal Goodman (D-Schuylkill), Patrick Harkins (D-Erie), Michael McGeehan (D-Philadelphia), Sean Ramaley (D-Beaver), John Sabatina (D-Philadelphia), Tim Seip (D-Schuylkill), Ronald Waters (D-Philadelphia), Scott Boyd (R-Lancaster), Bob Bastian (R-Somerset), John Bear (R-Lancaster), Steven Cappelli (R-Lycoming), Chris Cox (R-Berks), William Gabig (R-Cumberland), Glenn Grell (R-Cumberland), Thomas Killion (R-Delaware), Carl Mantz (R-Berks), Daryl Metcalfe (R-Butler), Mark Mustio (R-Allegheny) and Jeff Pyle (R-Armstrong).

[A09302](#) by Rep. Goodman was described as taking out sections dealing with conservatorships as well as language relating to sales and resale. The amendment was **adopted** with Representatives Boyd, Cox, Metcalfe and Mustio voting in the

negative.

Rep. Eachus began by thanking the committee for considering his legislation, saying the bill takes a comprehensive approach to dealing with community blight.

Rep. Pyle asked for more information on how the bill treats conservatorship issues. Rep. Eachus stated the amendment takes care of the issues surrounding conservatorships by removing all associated language.

Rep. Goodman explained that his amendment takes out language on conservatorship because this issue is taken care of through conservatorship because this issue is taken care of through [House Bill 2188](#).

Rep. Pyle still expressed concern about conservatorship issues in Keystone Opportunity Zones (KOZ). According to the Representative, [House Bill 2772](#) would remove the tax breaks some receive when putting up blighted structures for sale in these areas but he wondered about what could be done to change conservatorship from the Department of Community and Economic Development to the courts. Staff replied that all language dealing with conservatorships would be completely amended out of the bill.

Rep. Boyd wondered why this bill was not referred to the House Urban Affairs Committee to begin with. Staff explained that it was referred to House Labor Relations by the Speaker's office and that joint hearings were held with the House Urban Affairs Committee.

Rep. Boyd then made a motion to recommend re-referring the bill to House Urban Affairs.

Rep. Eachus asked the committee to advance the bill, saying that committees have worked on this bill together.

Rep. Gabig asked if there was any major opposition to the bill that was brought out during the joint hearing. Rep. Eachus acknowledged that there are always concerns over a bill this size but assured the Representative that most would be addressed through the amendment before the committee today.

The motion was defeated by party line vote with all Republicans voting in the affirmative.

On the amendment, Rep. Boyd raised a question over the denial provision on pages two and three. He worried that under the amendment municipalities could hold up a sale until things like the water bill had been satisfied. Rep. Goodman explained that this is not the case and that his amendment takes care of these issues. Rep. Boyd disagreed saying that he reads the amendment a different way. He related how there is a member of the State System of Higher Education in his district that has three potentially blighted properties and worried this legislation could prevent them from future building. Rep. Boyd closed saying he is concerned this amendment would give too much power to municipalities and state government.

Rep. McGeehan argued the opposite saying that he knows of several property owners in the Philadelphia area that will not obey the current regulations. He stressed this amendment is crucial to go after property owners who don't care.

On the bill as amended, Minority Chairman DiGirolamo said he would be voting yes in order to get it out of committee and expressed hope that concerns that have been raised about the bill from groups like the Realtors and Bankers would still be worked on. Rep. Eachus pledged to work on addressing outstanding issues on the bill.

Rep. Cox argued if there are problems with the bill they should be fixed in committee rather than on the floor of the House.

Rep. Gabig said he would be voting for the bill because he knows of people that continually abuse these laws.

Rep. Boyd also said he would be voting in favor of the bill but said he is interested in working to fix problems that still exist with the language.



House Transportation Committee

Consideration of SB 295

By Mike Howells

[SB 295 Browne](#) - (PN 1739) The Diesel-Powered Commercial Motor Vehicle Idling Act states that no operator of a commercial motor vehicle subject to this act would cause or allow the engine of a diesel-powered commercial motor vehicle to idle for more than five minutes in any 60-minute period. The bill provides for exemptions. The bill also states that for a diesel-powered commercial motor vehicle with a model year of 2007 or newer engine, an auxiliary power system powered by a diesel-powered internal combustion engine may only be used in PA if its exhaust is routed through the exhaust system of the main propulsion engine. The bill adds that the DEP Secretary may designate employees of the department to enforce the provisions of this act. The bill includes penalties for violations. This Act would preempt and supersede a local ordinance or rule concerning this subject. (Prior Printer Number: 332, 1707) - The bill was **reported as amended** by a vote of 24-2, with Representatives Jeff Pyle (R-Armstrong) and Mario Scavello (R-Monroe) voting in the negative.

[A09290](#) by Markosek, is an omnibus amendment incorporating suggestions from stakeholders, DEP, and Minority Chairman Richard Geist (R-Blair). Among other things, the amendment provides for sign posting, exempts school vehicles carrying special needs students, exempts vehicles while loading or unloading, motor homes, and farm vehicles. The amendment was unanimously **adopted**.

Rep. Pyle inquired if the amendment addresses passenger buses and trains, as well as school buses. Executive Director Stacia Ritter stated the amendment includes all buses, but does not provide for any rail.

Rep. John Siptroth (D-Monroe) asked how the Pennsylvania Motor Trucking Association feels about the bill. Ritter replied they are in support of the legislation.

Rep. Scavello asked what other states have enacted similar legislation. Ritter noted there are over 300 similar regulations and laws across the country, including in New Jersey. Rep. Scavello, noting there is a regulation being drafted by the DEP, inquired if the department could promulgate the rules even if the committee does not report out the bill. Ritter noted they could go through the regulatory steps, but would not be able to produce exactly the same law.

Minority Chairman Geist inquired as to the uniformity of the legislation with regard to Philadelphia and Pittsburgh. Staff noted that both places already have stricter idling laws on the books, and therefore are exempted from the statewide law. Minority Chairman Geist questioned why Philadelphia is allowed primacy but not a place like Carlisle. Staff noted it is because Philadelphia's ordinance is already in existence. Minority Chairman asserted he believes there is a need for total statewide uniformity.

Rep. Ron Marsico (R-Dauphin) asked for a clarification of the language regarding farm vehicles. Staff reported the bill draws its definition of farm vehicles from the Vehicle Code, and does not include construction vehicles, because they are not operated on the highway as a matter of course.

Rep. Mike Carroll (D-Luzerne) questioned the language of the bill relating to idling in certain temperatures, asking how a trucker is supposed to know whether the ambient temperature is above or below 40 degrees Fahrenheit when he pulls into a truck stop.

Rep. Chelsea Wagner (D-Allegheny) inquired about the bill's Allegheny County exception. Ritter remarked Allegheny County has an alternate compliance plan for bus depots already on the books.



Senate Appropriations Committee

consideration of 9 bills

By Kimberly Collins

The committee met to consider eleven bills.

[SB 5 Erickson](#) - (PN 2240) The Community-Based Health Care (CHC) Act would establish the Community-Based Health Care (CHC) Program to provide grants to community-based health care clinics. The grants would be used to increase access and improve health care services which will enhance the delivery and quality of health care by developing and expanding necessary community-based health care resources. For fiscal year 2008-2009 and each year thereafter, upon Federal approval of an amendment to the Medicaid State plan, DPW would distribute from funds appropriated for this purpose disproportionate share payments to hospitals in PA to provide financial assistance. The bill also creates the Community-Based Health Care (CHC) Fund, from which the department carry out the program. The bill also creates a community-based health care clinic tax credit program to fund the (CHC) Program. Lastly, the bill appropriates \$45,000,000 to the Department of Health for deposit into the Community-Based Health Care (CHC) Fund for the fiscal year July 1, 2008, to June 30, 2009. - The bill was unanimously **reported as amended**.

[A09270](#), by Pileggi, was described as a cleanup amendment that addresses concerns raised in the Public Health and Welfare Committee. The amendment was unanimously **adopted**.

[SB 147 Tomlinson](#) - (PN 192) Amends the act entitled "An act empowering the General Counsel or his designee to issue subpoenas for certain licensing board activities; providing for hearing examiners in the Bureau of Professional and Occupational Affairs; providing additional powers to the Commissioner of Professional and Occupational

Affairs; and further providing for civil penalties and license suspension,” by stating that the Commissioner, after consultation with the licensing boards and commissions, would hire or contract with inspectors as necessary to conduct inspections of licensed facilities as required. The bill adds responsibilities for licensees, and states that civil penalties under the act would not exceed \$10,000 (increased from \$1,000). - The bill was unanimously **reported as committed**.

[SB 908 Wonderling](#) - (PN 1080) Amends the Auctioneer and Auction Licensing Act by exempting a person conducting a sale through a trading platform based on the Internet from the auctioneer and apprentice auctioneer license requirements. - The bill was unanimously **reported as committed**.

[SB 1231 Madigan](#) - (PN 1670) Amends the Tax Reform Code by excluding from the sales and use tax the sale or lease at retail of aircraft, and the sale at retail of repair or replacement parts, including the installation of those parts, exclusively for use in aircraft or in overhauling or rebuilding of aircraft or aircraft components. - The bill was unanimously **reported as committed**.

Senator Roger Madigan (R-Bradford) indicated this legislation is needed because PA is losing businesses to neighboring states that do not have the sales tax.

Senator Barry Stout (D-Washington) questioned how much revenue PA is losing. He was told \$9 million total, of which \$2 million would be lost this year. Senator Stout suggested this legislation may not be a good idea due to the economic situation. He also expressed concern that other industries will push for similar exemptions. Chairman Gib Armstrong (R-Lancaster) said he would agree in most cases, but PA is losing the industry due to this tax.

Senator John Rafferty (R-Chester) expressed his support, stating it will result in job growth.

Senator Jake Corman (R-Centre) asked how much revenue has decreased. He was told it is down 75% over the last five years.

[SB 1258 Rhoades](#) - (PN 1800) Amends the Third Class County Assessment Board Law further providing for appeals by corporate authorities by adding that other than during a countywide reassessment, an appeal by such corporate authorities may be taken from an assessment only when a parcel of land is divided and conveyed away in smaller parcels, when improvements are made to real property or when existing improvements are removed from real property or are destroyed. - The bill was unanimously **reported as committed**.

Senator Jim Rhoades (R-Schuylkill) noted the governor vetoed similar legislation, but an agreement has been reached.

[SB 1400 Pippy](#) - (PN 2040) Amends the Housing Finance Agency Law providing for the PA Housing Affordability and Rehabilitation Enhancement Program. The bill states that \$10,000,000 would be annually appropriated to fund the program. The bill outlines the types of projects the money may be used for. The bill would also establish the Community Advisory Committee and provides for its powers and duties. The bill states that within 90 days of the effective date of this section and by March 15 of each year thereafter, the agency would adopt a plan which establishes the agency's priorities for that year and sets forth the method in which the funds will be distributed that year. - The bill was unanimously **reported as amended**.

[A09292](#), by Pippy, deletes the appropriation and provides for low income set-aside. The amendment was unanimously **adopted**.

[SB 1584 Armstrong](#) - (PN 2407) The Protecting Pennsylvania's Investments Act provides for divestiture by the State Treasurer, the State Employees' Retirement System and the Public School Employees' Retirement System of investments in companies doing business in Iran and Sudan. - The bill was **reported as amended** with Senators Pat Vance (R-Cumberland), Mary Jo White (R-Venango), and John Gordner (R-Columbia) voting in the negative.

[A09380](#), by Armstrong, was described as a technical amendment. It was noted SERS and PSERS have agreed to the amendment. The amendment was unanimously **adopted**.

Senator Vance said she would support the bill if it only applied to Darfur, adding that in these economic times she does not feel now is the time to be divesting.

[HB 780 Staback](#) - (PN 3532) Amends the PA Municipalities Planning Code further providing for appointment, term and vacancy of planning commission members and for conduct of business of planning commission; providing for interpretation of subdivision and land development ordinances; and further providing for approval of plats and for jurisdiction. The bill states a governing body may appoint by resolution at least one but no more than three residents of the municipality to serve as alternate members of the planning commission. The bill provides for the term and duties of the alternate member. Additionally, in interpreting the language of subdivision and land development ordinances, where doubt exists the language would be interpreted in favor of the property owner and against any implied extension or application of the provisions of the ordinance. (Prior Printer Number: 899, 2533) - The bill was **passed over**.

[A07155](#), by Waugh, is a technical amendment. The amendment was **not discussed**.

[A09371](#), by Browne, relates to relocation of outdoor advertising. The amendment was **not discussed**.

[HB 2188 Walko](#) - (PN 4061) The Abandoned and Blighted Property Conservatorship Act provides for court-appointed conservators to bring residential, commercial and industrial buildings into municipal code compliance when owners fail to comply. The bill states a petition for the appointment of a conservator to take possession and to undertake the rehabilitation of a building may be filed by a party in interest in a court in the county in which the building is located. The bill provides for the contents of the petition and appointment of a conservator. The conservator would have all powers and duties necessary for the efficient operation, management and improvement of the building in order to bring it into compliance with all municipal building and housing code requirements and to fulfill the conservator's responsibilities. A conservator would be deemed to have an ownership interest in and legal control of the property for the purposes of filing plans with public agencies and boards, seeking and obtaining construction permits and other approvals and submitting applications for financing or other assistance to public or private entities; however this would not relieve the owner of any civil or criminal liability or of any obligation to pay taxes, municipal liens and charges, mortgages, private liens or other fees or charges, whether incurred before or after the appointment of the conservator. The bill also provides for hearing on conservator's final plan for abatement, incurring indebtedness, sale of property, and

termination of conservatorship. This act would not apply to commercial and residential buildings, structures or land owned by or held in trust for the federal government and regulated under the United States Housing Act or if the property owner has vacated the property in order to perform military service in the time of war or armed conflict as a member of the US Armed Forces or its reserve component. (Prior Printer Number: 3126, 3698) - The bill was unanimously **reported as amended**.

[A09310](#), by Pippy, further provides for bids for contracts by conservators. The amendment was unanimously **adopted**.



Senate Aging and Youth Committee

Public hearing re child abuse

By Angie Gohn, PLS intern

The committee held a public hearing on the Philadelphia Grand Jury recommendations in the Danieal Kelly abuse investigation.

Members in attendance included Chairman Patricia Vance (R-Cumberland), Minority Chairman LeAnna Washington (D-Philadelphia) and Senators Robert Wonderling (R-Montgomery), John Eichelberger (R-Blair), Michael Stack (D-Philadelphia), Michael O'Pake (D-Berks), and Constance Williams (D-Montgomery).

Chairman Vance explained the recommendations from the Philadelphia Grand Jury come as a result of a 14 year old female with cerebral palsy who was found dead of starvation amongst other things. She stated she had never before seen conditions like this one in Philadelphia and continued to pass around a picture of the scene to the other members of the committee. She stressed this is not just a Philadelphia issue, but larger flaws in the system as a whole that allowed this to happen.

Minority Chairman Washington said in the past two years she has looked closely at this issue due to questions raised of the Department of Human Services (DHS). She stated serious problems are in need of serious reform. However, she uttered it is two years after the questions have been raised and there are still issues with DHS.

[Estelle B. Richman](#), Secretary, testified on behalf of the Pennsylvania Department of Public Welfare (DPW). She began her testimony with a reflection on Danieal Kelly's life. She stated in 1969, DPW began producing annual reports on child abuse and neglect within Pennsylvania. The reports have shown too many children are victims of abuse, and have shown the children are suffering at the hands of caregivers entrusted to nurture and protect them.

Secretary Richman stressed child abuse and neglect happen in all communities and across cultures, races and religious affiliations. She stated for the first time this year in the annual report, a summary of findings of most fatalities and near fatalities is reported. This is due to legislation permitting the release of this information to the public, she said. Secretary Richman stated, recognizing the valuable lessons learned from more information available, the General Assembly passed legislation that prescribes a child death review process that will eventually lead to greater accountability and transparency within the systems. She said it is not enough just to fill out a form or to complete a process according to a recent review completed by the Department.

Also, Secretary Richman stated, through more assessments, we can better identify family strengths and needs and provide services that match those needs. Two recommendations from the grand jury investigation are the need for a children's ombudsperson, and to further open up information which is currently confidential. She stressed her support for establishing an ombudsperson and recognized there are a number of details that need to be worked out. Secondly she has urged her staff to discuss HB 1709 with legislative staff from each caucus. Secretary Richman stated she will remain open to discussing how to provide more information to the public.

Chairman Vance questioned the development of local citizen review panels Secretary Richman mentioned in her testimony for promoting system accountability, transparency, and change, wondering if the panel would be appointed by DPW. Secretary Richman answered yes, with other recommendations. Chairman Vance asked how a review would have prevented what happened in the situation in Philadelphia. Secretary Richman responded mere paperwork is not enough and liked the idea of an independent citizen group. She stated every county would also have their own private contractors. Chairman Vance questioned if every county has its own and private contractors, even small counties. Richard Gold, Deputy Secretary for the Office of Children Youth and Families, answered yes every county would have their own private contractor. Chairman Vance questioned Gold if the county is involved in firing the private contractor if they are not doing their job. To which Gold answered it would be possible to make sure they are doing their job, however, the ombudsman needs to get what they are looking for without having to go through an organization.

Minority Chairman Washington wondered if the ombudsman is independent from everything else. Secretary Richman answered she wants the ombudsman to be as independent as possible. She stated it could be constructed through any agency paralleled on a state level focusing on child welfare and abuse. She urged the ombudsman needs to be independent from any government agency but have subpoena power.

Minority Chairman Washington questioned if the incident in Philadelphia could have been prevented if the ombudsman was in place. Secretary Richman answered more investigation lowers probability of occurrences. Minority Chairman Washington wanted to know what providers would work with the ombudsman. Secretary Richman corrected not work with but not opposing. The ombudsman would be there to listen to the children who would only have the provider to talk to.

Senator Eichelberger questioned the statistics in Secretary Richman's testimony wanting to know if they are reported cases. Gold answered they are both indicated as well as reported. Senator Eichelberger wanted to know how many of them were reported. Gold responded the reporting rate is rising faster than the indicated. Senator Eichelberger stated a raise in reported incidents is not necessarily good. He stated people have many vindictive reasons to file against someone and if you spend half a day tracking false reports there is a big problem.

Gold responded the system is still used in some cases during domestic disputes. However he noted they are trying to work with counties for structured decision making about the cases where children are in danger and teach to ask appropriate questions over the phone in call situations. He stated right now they go by a first come first serve basis. He plans on in the next year or so to create a state of the art decision making process.

Senator Eichelberger stated he is fearful people will not want to take the risk of saying whether a call is valid. He issued a thought that there should be some penalty for false reporting. Secretary Richman said it is not going to be easy. She understood Senator Eichelberger and his issues with the implementation of these recommendations. However she questioned if we are being secretive or confidential, also she questioned what exactly needs to be reported. She stressed not wanting people to be afraid to report abuse if they are unsure if it is. She said people who are reporting falsely to hurt another will do it regardless if there is a fine.

Senator Wonderling pondered if under state law, would the employees involved in a case such as Philadelphia go to jail. Secretary Richman responded the ones from the Philadelphia case are all at some point in the judicial process, and it is too early to tell if jail time will be given. Senator Wonderling commented he was staring at a paper about how to treat dogs and it seemed to him that we have it our priorities backwards. Secretary Richman stated the reports go through to police as is. The Philadelphia case is the first one of this type, she stated. Senator Wonderling asked Secretary Richman's opinion on whether or not these cases should remain a county court function, and if the county courts are properly equipped. Secretary Richman stated there is a need for uniformity to the state and a level of consistency. She stated they are on the path towards negotiations with the Federal Government.

Senator O'Pake stated he authored the protection act in 1979 and is shocked at this disgusting case. He said before the law was enacted, animals had more protection than children in Pennsylvania. He explained the law was created to protect against false information and there are penalties for false reporting. He stated the law was designed to prevent the ultimate tragedy and explained there has to be a hearing within 72 hours of the initial report to take the child out of the home. He continued this is a law to encourage and mandate reporting, adding that now doctors and teachers are required to report possible abuse. He stressed that reporting is mandated and explained the bill also protects the innocent's reputation if they are falsely reported against.

[Jenna Mehnert, MSW](#) testified on behalf of the National Association of Social Workers, Pennsylvania Chapter. She stated by having the county mandate such occurrences, local control and system tailoring is limited. There are many policy recommendations to prevent tragedy she stated. However, she continued, strong practice standards are recommended not mandated. Mehnert stated people who are to protect children are not properly held accountable. She stressed a need to reevaluate the certification process and standards to work in child welfare. She informed that no where does it say someone needs a degree in the social sciences in order to be a case worker. She discussed the need to create standards for state funded child service workers and the need for certification for workers as well as licensing. She stated support for HB 2352 and certified, licensed social workers. She offered that a loan forgiveness program for college credits would make up for the lack of monetary benefits they receive.

Chairman Vance stated she was unaware private agencies did not require licensing. Mehnert responded she knows they have funding issues, which could be to blame. Chairman Vance asked how Mehnert accounts for such a large turnover of people in the social work field. Mehnert responded a personal commitment to the job is needed, another reason why if people are willing to go to school for social work, they most likely have a calling for the job and tend to last longer.

Minority Chairman Washington questioned some ethical issues Mehnert believes

should be addressed. In reality there is no code of ethics, she responded. Mehnert stated some agencies are not always supportive. Minority Chairman Washington stated DHS has had many complaints about paperwork that needs to be done per case. She recommended caseworkers should have hand held computer systems to enter information at the visit to the home so nothing is missed. Mehnert fully agreed with this recommendation. Minority Chairman Washington said it would also allow supervisors to go and evaluate if the appropriate paperwork has been done.

Senator Williams questioned if there is support within the profession for emotional distress or depression, due to the high stress of the job. Mehnert reiterated some things can be disturbing and there are different ways to self care. She stated the agencies sometimes do not look for that. She suggested perception needs to be changed to make people realize it is ok to ask for help if something gets to you.

[Gary Shuey, MSW, LSW](#) testified on behalf of the Children's Advocacy Clinic at the PSU Dickinson School of Law. He stated today the beginning caseworker is enrolled in the Child Welfare Training Program and receives over 200 hours of training leading to certification as a child welfare caseworker. He continued every year after that the worker receives a minimum of 20 additional training hours to maintain the certification.

Shuey discussed the recommendations from the grand jury case and gave his opinion on them. He said the ombudsman recommendation is not new, explaining that it came into context in 1999 and did not find itself in the end report recommendations. The feeling at the time was that child welfare had many "overseers" already, he stated. Another concern was the cost, he explained. He stressed the concept of an ombudsman may be a step in the right direction and offered the thought that the person should have degrees in both social work as well as a law degree. He stated this person should be able to "tell it like it is" after evaluating situations. He stated if the ombudsmen recommendation is not implemented it would be difficult to release more information to allow the agency more transparency.

Chairman Vance questioned how many law students at Dickinson are also obtaining a higher degree in social work. Shuey explained there are very few but there are some that are playing with the idea.

Minority Chairman Washington questioned how Shuey believed the performance evaluation could be utilized. He answered making them objective. He stated personalities should not get in the way. Senator O'Pake asked what the ombudsman would do and how active they would be and questioned if this was just creating another bureaucracy. Shuey replied with issues he came across while researching what other states have in place. He stated some states send the ombudsman for complaints, while other use them in "red flag" situations. He agreed these are points that would need addressed before creating the position.

[Charles Songer](#) testified on behalf of the Pennsylvania Children and Youth Administrators Association (PCYA). He stated it is not that the policy and procedures are lacking, it is workers are not following them. He expressed PCYA's opposition to an ombudsman. He stated the Department of Public Welfare (DPW) completes licensing evaluations and completes complaint reviews. He stated it is them who need to be held accountable. He found it difficult to understand the need for an ombudsman and saw that having one could lead to subjective prioritization of complaints.

As for the confidentiality recommendations, he stated, there are going to be conflicting

laws and society. He urged that confidentiality exists for the safety and privacy of the client. Songer suggested we should approach changes in how personal and private information is disclosed with the utmost care as though we were talking about our own families.

He expressed support for the idea of a public/private state/local task force to look at requirements and to make recommendations for change at both the state and federal levels. He suggested everyone ask themselves what they would do in that situation.

Chairman Vance stated the answer is not more training when the policies and procedures are obviously being ignored. She expressed feeling the need for more transparency in the agencies.

Minority Chairman Washington questioned if Songer felt the licensing requirements were good enough at the current stage. He responded right now they are not focused on quality they are focused on regulations and that needs changed.

Minority Chairman Washington stated they would be in touch.



Senate Agriculture & Rural Affairs Committee

Consideration of HB 2525

By Kimberly Collins

The committee met to consider [HB 2525 Casorio](#) - (PN 4068) Amends the Dog Law further providing for definitions, for issuance of dog licenses, for applications for dog licenses, for license certificates, for kennels, for requirements for kennels, for out-of-State dealer license, for bills of sale, for revocation, suspension or refusal of kennel licenses, for transportation of dogs, for health certificates for importation, for inspections of premises and dogs and for additional duties of department; providing for refusal of entry; further providing for seizure and detention of dogs, for confinement of dogs, for dog bites, for registration, for certain requirements, for control of dangerous dogs, for public safety, for selling, bartering or trading dogs, for damages caused by coyotes, for burdens of proof, for enforcement, for rules and regulations and for violations; providing for exemption; further defining "releasing agency"; and making editorial changes. (Prior Printer Number: 3766) - The bill was **reported as committed** with Senator John Eichelberger (R-Blair) voting in the negative.

Chairman Mike Brubaker (R-Lancaster) distributed members of kennels to the members and remarked on the large amount of input the members have received on the bill. He stated it is clear a lot of people are working to ensure that dog breeding can continue in PA in a way that ensures the dogs are protected. Chairman Brubaker indicated he is willing to support additional regulations provided that they are based on science and well thought out. The chairman explained that he would like the members to support reporting the bill today so it can be read across the desk. The bill will then be rereferred to the committee and the committee will meet tomorrow morning to consider the bill with amendments. Chairman Brubaker said he is having an amendment drafted with input from several members and the administration.

Senator Mike Folmer (R-Lebanon) said he supports the goals of HB 2525, but he has several questions and concerns with the bill. He first criticized the process by

which the bill is moving through the legislature, opining it has only been in the Senate for a week and is already up for consideration. He also raised concerns that the bill will infringe on personal rights due to provisions that permit administration search warrants, prohibitions on refusal of entry, and the requirement that a person post bond before exercising the right of appeal. He also questioned if the penalties in the bill fit the crimes. Senator Folmer said he has a number of amendments he would like to offer, but will wait until the next meeting.



Senate Environmental Resources and Energy Committee

Consideration of 3 bills

By Rebecca Kann

[SB 1573 Musto](#) - (PN 2393) Amends the Water and Sewer Systems Assistance Act creating the Water and Sewer Systems Assistance Bond Fund and further providing for incurring indebtedness and for the issue and sale of bonds. - The bill was unanimously **reported as committed**.

Minority Chairman Raphael Musto (D-Luzerne) explained this legislation simply clarifies language. Senator Andrew Dinniman (D-Chester) wanted to know if when citizens vote, will they be able to see the change. Chairman Mary Jo White (R-Venango) explained it will not affect the actual ballot question.

Senator Jim Rhoades (R-Schuylkill) asked if there is a projection on what the \$400 million will really cost. Minority Chairman Musto said it won't be any greater than the bond issue. Senator Rhoades inquired about the issuing officials who include the Governor, the Auditor General and the State Treasurer, and Chairman White told him DEP does not have the authority to issue bonds. She said up to \$400 million may be borrowed and told Senator Rhoades he would need to look at the fiscal note for more information. Minority Chairman Musto added that PENNVEST will administer the program.

[SR 375 Dinniman](#) - (PN 2403) Resolution opposing certain Federal rules and procedures governing the regulation of the interstate transportation of natural gas and memorializing the Congress of the United States to repeal or modify certain provisions of the Natural Gas Policy Act of 1978. - The bill was unanimously **reported as amended**.

[A09276](#) by M.J. White, clarifies language by removing certain language. The amendment was unanimously **adopted**.

[HB 44 Rubley](#) - (PN 4200) The Mercury-Free Thermostat Act prohibits the sale, installation and disposal of mercury thermostats and prescribes penalties. Manufacturers of mercury thermostats would be required to establish and maintain a collection and recycling program for out-of-service mercury thermostats from wholesalers, contractors, retailers, service technicians and homeowners. The bill provides for duties of the Department of Environmental Protection and requires reporting by the manufacturers to the department. The bill also provides that a list of department-approved collection sites would also be distributed to wholesalers, retailers and contractors. In addition, no operator of a solid waste treatment, processing or disposal facility would be found to have knowingly disposed of a mercury thermostat if the facility has notified customers of the ban in writing and posted signs at the

facility clearly noting the prohibition. (Prior Printer Number: 69, 3953) - The bill was unanimously **reported as amended**.

[A09278](#) by M.J. White, was described as a technical amendment. The amendment was unanimously **adopted**.

Rep. Carole Rubley (R-Chester) told the committee she has been working on this legislation for more than five years with many stakeholders. There are currently two hundred tons of mercury out there, she said. This legislation will ensure mercury thermostats are being recycled in a proper way, Rep. Rubley explained.

Senator Barry Stout (D-Washington) asked what the timeline is for this and Rep. Rubley told him there is none for the removal. What the bill is saying, she indicated, is that retailers cannot sell old thermostats. The problem occurs when they are replaced and not disposed of properly, she said.



Senate Labor and Industry Committee

Consideration of 2 bills

By Mike Howells

[HB 834 Surra](#) - (PN 950) The Prohibition of Excessive Overtime in Health Care Act states that a health care facility may not require an employee to work in excess of an agreed to, predetermined and regularly scheduled daily work shift. This would not be construed to prevent an employee from voluntarily accepting work in excess of these limitations. The bill states a health care facility or employer may not use on-call time as a substitute for mandatory overtime or a means of circumventing the intent of this act. The refusal of an employee to accept work in excess of the limitations set in this bill would not be grounds for discrimination, dismissal, discharge or any other employment decision adverse to the employee. - The bill was unanimously **reported as amended**.

[A09231](#) by Gordner, inserts language defining “unforeseeable emergent circumstances.” The amendment was **adopted**.

[SB 902 Tartaglione](#) - (PN 1078) Amends the Workforce Development Act by establishing the Pennsylvania Center for Health Careers within the Department of Labor and Industry. The center would provide a focused direction and purpose for the development of strategies to address the Commonwealth’s short-term and long-term health care workforce challenges to ensure the quality and supply of the workforce. The bill outlines the members, powers and duties of the Center. The bill also adds that the chair or a co-chair of the Health Careers Leadership Council of the Pennsylvania Center for Health Careers would be a member of the membership of the PA Workforce Investment Board. - The bill was unanimously **reported as amended**.

[A03255](#) by Tartaglione, adds statewide healthcare associates to the leadership council, and adds reporting requirements. The amendment was unanimously **adopted**.

Senator Jim Ferlo (D-Allegheny) stated he hopes the Governor takes note of PHC4 statewide, and added he believes the administration should bifurcate the commission from other healthcare issues.



Senate Transportation Committee

Consideration of 2 bills

By Kimberly Collins

[HB 999 Carroll](#) - (PN 1658) Amends Title 75 (Vehicles) by adding that the section regarding restoration of operating privilege would not apply to section 1532(d) (relating to suspension of operating privilege). Further provides the department would expunge any record which shows points as a result of a suspension of operating privileges under section 1532(d). (Prior Printer Number: 1165, 1534) - The bill was **passed over**.

[A09298](#), by Madigan, removes language requiring expungement of current driver record points. The amendment was **not discussed**.

[HB 347 Costa, P](#) - (PN 1263) Amends Title 75 (Vehicles) further providing for commercial driver's license qualification standards by stating that the department would waive the skills test for a commercial driver's license applicant holding a valid Class 2, 3 or 4 license who meets the requirements of Federal regulations. The department would also waive the skills test for an applicant who meets all certifications required for waiver under 49 CFR 383.77 and who certifies he is (1) a member of the active or reserve components of any branch or unit of the armed forces of the United States or a veteran who received an honorable discharge, (2) that he is or was regularly employed in a position in the armed forces of the United States requiring operation of a commercial motor vehicle, and (3) he has legally operated, for at least two years immediately preceding application for a commercial driver's license, a vehicle representative of the commercial motor vehicle the driver applicant operates or expects to operate. (Prior Printer Number: 397) - The bill was unanimously **reported as amended**.

[A09299](#), by Madigan, makes various changes to the Vehicle Code, including: modifies the current requirement that PennDOT reissue license plates on a ten year cycle to set in place a process to report that a plate is illegible; incorporates the provisions of SB 1135 to increase the testing schedule for the State Police radar and speedometers used in highway safety enforcement; implements two repeal provisions relating to farm vehicle use; and amends the definition of ATV by increasing the weight threshold. The amendment was unanimously **adopted**.



Senate Banking and Insurance

Public hearing on Blues merger

By Jeff Cox

The committee conducted a public hearing to take testimony prior to developing its recommendations on the proposed merger of Highmark, Inc. and Independence Blue Cross.

Members present included Chairman Donald White (R-Indiana), Minority Chairman Michael Stack (D-Philadelphia) and Senators Gibson Armstrong (R-Lancaster), Jake Corman (R-Centre), John Pippy (R-Allegheny) and Anthony Williams (D-Philadelphia).

Chairman White said this is first of two public hearings and explained that Act 62 of 2008 requires any merger involving the “Blues” be subject to the approval of the Insurance Department and empowers the committee as well as the House Insurance Committee to receive and review all filings submitted to the Department and to develop written comments and recommendations on the merger filings. He said, “Anyone who has followed the proceedings of the Banking and Insurance Committee is well aware of our concerns about ensuring that this merger be thoroughly and extensively monitored by the appropriate state governmental entities to protect the rights of health care practitioners and the people of Pennsylvania who rely on those services.” Chairman White concluded, “We have a basic responsibility to ensure that any such merger not result in a monopolized market that degrades the accessibility and affordability of health care in Pennsylvania.”

Minority Chairman Stack observed, “I think the proposed consolidation for Highmark and IBC has raised the dialogue on health care in Pennsylvania.” He said, “Right now we are engaged in a health care reform debate in the Senate towards improving affordability, accessibility and quality. Minority Chairman Stack added, “Ultimately there are the things that benefit consumers.”

[Roy Goldman](#), Chief Financial Officer of Geisinger Insurance Operations (GHP), told committee members “the proposed merger is more likely to stifle the competitive environment in the middle of the state and do nothing to promote competitiveness in Pittsburgh and in Philadelphia where Highmark and IBC have overwhelming market positions.” He added, “We believe the merged entity has the potential to create a mega-insurer that would dominate statewide market share across virtually all segments of the governmental and private health insurance markets. According to Goldman, “This dominance would result from their statewide branding, their superior provider discounts, their leveraging of brokers, and market practices that make it difficult for employers to offer a choice of carriers.” He went on to say, “A single entity with such market presence, power and resources will have a major impact on the evolution of the health care system and health care policy in the Commonwealth.” Goldman concluded, “We believe that the focus of this Committee should be on recommending the disapproval of the merger.”

[Daniel Vukmer](#), Vice President and Chief Counsel of UPMC Health Plan and Insurance Services Division, testified, “We believe that the proposed Highmark/IBC merger will reduce insurance competition in the State across commercial and governmental business, resulting in fewer choices for consumers and ultimately, higher costs, less innovation and less quality of health care.” Vukmer argued:

- The proposed transaction should be disapproved as a matter of law.
- The consolidation would violate statutory anti-competitive standards.
- The transaction will not yield substantial economies of scale.
- The public will not receive a benefit that counterbalances the anti-competitive effect.
- Quality outcomes will not improve and is likely to be reduced.
- The consolidation will harm an already fragile provider system and, at the same time, thwart competition.
- The consolidated entity will have too much control over health policy.

[Samuel Marshall](#), President and CEO of the Insurance Federation of Pennsylvania, urged the committee members to read the reports prepared by the consultants (LECG and Blackstone) retained by the Insurance Department to analyze the consolidation and the market and then bring them in to answer questions. He described the reports

as “lengthy reports, not easily summarized and with enough in each that all of us with varying perspectives on the consolidation can claim some measure of support so I urge you to read them yourself in their entirety.” According to Marshall, “The LECG and Blackstone reports combine to conclude that the value of competition lost by the consolidation outweighs the economic benefits of Highmark and IBC profess it will produce.” He noted Highmark and IBC have tried to limit the review of the proposed consolidation to its impact over the next six years. Marshall said, “We urge the Committee to take the long-range view because this is a consolidation with a long-term impact.” He went on to say, “There is no such thing as a temporary loss of competition - once gone, it is hard to replace.” Marshall concluded, “This committee should do all it can in submitting recommendations to the Commissioner to ensure that not happen - because if it does, all Pennsylvanians will be the losers in this consolidation.”

Chairman White wanted to know the market area for Geisinger Health Plan. Goldman said they are in 42 counties across the Commonwealth. He added they are not in Allegheny and Philadelphia Counties or the counties neighboring them.

Senator Williams noted in Goldman’s testimony that Goldman said in the 2 ½ years he had been in Pennsylvania he has been impressed at how competitive the market is in Pennsylvania. Senator Williams said Marshall and Vukmer spoke of the lack of competition which could result in the merger. He wanted to know why the testimony seemed to conflict. Goldman said he has read the previous testimony and agrees the merger will have a negative impact on competition. He added there currently is competition in Central Pennsylvania within GHP’s service area. Goldman reiterated the merger would stifle the competitive environment in the middle of the state. Marshall said his testimony focused on the lack of competition in the Highmark and IBC service areas. Senator Williams observed the health insurance market is “not a true free market” and the issue of bigger insurers versus smaller insurers is regulated.

Senator Pippy wanted to know if any other state is considering the same type of merger. Vukmer said no other state is considering a merger of this size. Goldman added it would be the largest merger outside of California. Senator Pippy asked what type of control mechanisms California has in place. Goldman responded that some mechanisms already exist in Pennsylvania.

Chairman White said Highmark and IBC have spoken about savings of \$320 million on the pharmaceutical side if the merger is approved. Vukmer said he is not convinced how they would do it. He added they could do it without the merger.

Minority Chairman Stack wanted to know if the panel is happy with the current market in Pennsylvania. Vukmer said no because of the dominance of Highmark in their service area. Minority Chairman Stack then wanted to know how small entities keep their administrative costs down. Vukmer explained that smaller entities are constantly seeking efficiencies in their operations. Minority Chairman Stack asked how the Pennsylvania market compares to the market in other states. Vukmer described Pennsylvania as being on the lower end of the competitive market.

Senator Williams disputed Vukmer’s assertion that smaller entities are more efficient. Vukmer conceded “it is not a fact” but his impression that generally speaking, smaller entities are more efficient. Senator Williams then asked Vukmer about his statement that most of the insurers nationwide that score the highest in quality outcomes for their members are smaller, often regional plans. He wanted to know the basis for that

assertion. Vukmer responded it is based on the NCQA.

Minority Chairman Stack observed that Americans like competition but do not like trusts and monopolies. He wanted to know what this merger would mean. Marshall pointed out the insurance industry is controlled at the state level and not the Federal level. He added Pennsylvania has a set test in statute regarding insurance mergers. Marshall said there is a need to help the “Blues” compete with each other. Minority Stack asked if the merger violates current state law. Marshall said yes and they have asked the department to disapprove the merger for that reason.

Chairman White expressed his frustration with the notational Blue Cross/ Blue Shield Association in Chicago and how attempts by the committee to get clarifications from them regarding allowing competition between Capital Blue Cross and Highmark have been “stifled”. He asked what could and should be done. Marshall said he is very troubled by the Association and its control over the Pennsylvania market. He said the committee could include their concerns with their recommendations to the Insurance Commissioner. He also said they should talk to the Commissioner about why he is not troubled by allowing the Association to divide up the state.

[David Balto](#), Senior Fellow at the Center for American Progress Action Fund, offered an overview of “the anti-competitive effects that will result from the proposed acquisition of Independence Blue Cross by Highmark.” He told committee members that “the simple message is deny the proposed consolidation.” Balto argued the significant loss of potential competition will harm consumers. He noted the Pennsylvania health insurance market is dominated by Highmark and IBC. He said, “Even though they currently are based in two different ends of the state, permitting their merger would permanently extinguish the opportunity for competition which has brought substantial benefits to Central Pennsylvania.” Balto added, “Based on the dominant position of Highmark and IBC and the history of failed entry, it is highly unlikely any other firm could successfully enter these markets and improve competition.” He concluded, “The right prescription for health insurance competition in Pennsylvania is to prohibit this merger.”

Chairman White wanted to know why national companies such as Aetna which have large health insurance operations do not compete in Pennsylvania. Balto explained that it is hard to compete when facing a dominant firm in a particular area.

Minority Chairman Stack noted that Balto’s testimony cited the Department of Justice and Federal Trade Commission merger guidelines and how the Highmark/IBC merger appears to violate those guidelines. He asked Balto to respond to the fact the DOJ and FTC have approved the merger. Balto responded that this approval does not limit the Insurance Commissioner, the state Attorney General or a private citizen from challenging the merger in court. He added he is stunned by the DOJ approval but told the committee members that the DOJ approval should not affect the committee’s analysis. Minority Chairman Stack asked if this merger has any parallels to other mergers. Balto suggested the committee take a look at the proposed acquisition of Office Depot by Staples in 1996 which was successfully challenged by the FTC in 1996. He said the court enjoined the merger both because of the potential loss of actual and potential competition. Minority Chairman Stack wanted to know if there are any positive mergers. Balto observed companies involved in mergers always make the increased efficiencies claim but only about 10% actually reached their efficiency goals. Minority Chairman Stack asked what Highmark and IBC could do to convince Balto the merger would enhance competition. Balto responded that it would be “a

short conversation". He said you cannot regulate the level of competition.

[Richard Dreyfus](#), a self-employed business consultant, told committee members the merger must be demonstrated to be in the public interest. He argued, "Given the absence of true accountability, the proposal fails to confer sustainable benefit on policyholders of the insurers and is not in the public interest." Dreyfus went on to explain that as a prerequisite to a merger you need to require all not-for-profit entities to convert to for profit status and ensure proper accountability to owners not regulators and legislators. He asked rhetorically what conditions should apply to a proposed merger and then what should be done. Dreyfus offered for consideration what he described as "two conceptual recommendations." He said one would be to establish a tax equalization policy on all non-profit insurers including defining the CHRA payment as those taxes which would be paid based upon the assumption of a for-profit entity; avoiding recurring political negotiations and streamlining the process; and creating a uniform and competitive marketplace. Dreyfus' second recommendation is to create and require an ongoing formula-driven structured relationship between the social mission and the customer.

Chairman White asked what would be the remedy if the merger was approved and turned out to be a mistake. He wanted to know what recourse the General Assembly would have if five years from now there is a total domination of the market and Capital Blue Cross and Blue Cross have been swallowed up so there is only one "Blue". Dreyfus responded that he did not have a good answer and added the legislative remedy "would not be pretty". Noting Dreyfus is a corporate member of the board at Highmark and opposes the merger, Chairman White wanted to know how Dreyfus has stayed on the board. Dreyfus said he has a three year term and added the board welcomes different points of view. Chairman White asked if there were any deliberations regarding the merger. Dreyfus said the corporate members voted 89 to 7 in favor of the merger and he had voted against it. He said there was "give and take" during the discussions. Dreyfus added that after the vote of this board, the board of directors had the final vote on going ahead.

FLOOR ACTIONS

HB 7 Caltagirone (D)

(PN 4019) Amends the act entitled "An act authorizing courts of record to remove convicts and persons confined in jails, workhouses, reformatories, reform or industrial schools, penitentiaries, prisons, houses of correction or any other penal institutions, who are seriously ill, to other institutions; and providing penalties for breach of prison," further providing for removal of certain convicts who are seriously ill. The bill states a prisoner who is committed to the custody of the Department of Corrections, the department, the prisoner or a person to whom the court grants standing to act on behalf of the prisoner may petition the sentencing court to temporarily defer service of the sentence of confinement and temporarily remove the prisoner for placement in a hospital, long-term nursing care facility or hospice care location. The bill outlines the procedure for such a petition. The bill requires electronic monitoring by department for all early release prisoners. The bill also provides for prisoners not committed to the department but otherwise confined and for notice to the facility in which a prisoner would be placed. (Prior Printer Number: 2906, 3359)

Sep 23, 2008 - S-Signed in the Senate

HB 44 Rubley (R)

(PN 4200) The Mercury-Free Thermostat Act prohibits the sale, installation and

disposal of mercury thermostats and prescribes penalties. Manufacturers of mercury thermostats would be required to establish and maintain a collection and recycling program for out-of-service mercury thermostats from wholesalers, contractors, retailers, service technicians and homeowners. The bill provides for duties of the Department of Environmental Protection and requires reporting by the manufacturers to the department. The bill also provides that a list of department-approved collection sites would also be distributed to wholesalers, retailers and contractors. In addition, no operator of a solid waste treatment, processing or disposal facility would be found to have knowingly disposed of a mercury thermostat if the facility has notified customers of the ban in writing and posted signs at the facility clearly noting the prohibition. (Prior Printer Number: 69, 3953)

Sep 23, 2008 - S-Reported as amended Senate Environmental Resources and Energy

HB 51 Frankel (D)

(PN 76) The Prevention of Hate Activity Act establishes the Prevention of Hate Activity Fund to be used by the Pennsylvania Human Relations Commission to enhance its efforts to combat intergroup tension, ethnic intimidation crimes and hate group activities. The legislation appropriates \$1 million to be used for direct assistances to communities and community-based groups, training initiative for law enforcement personnel, technical assistance to school districts and higher education institutions, and outreach and informational activities directed to local governments, civic organizations, trade associations and other groups.

Sep 23, 2008 - H-Reported as committed from House Judiciary

Sep 23, 2008 - H-Rereferred to House Appropriations

HB 347 Costa, P (D)

(PN 1263) Amends Title 75 (Vehicles) further providing for commercial driver's license qualification standards by stating that the department would waive the skills test for a commercial driver's license applicant holding a valid Class 2, 3 or 4 license who meets the requirements of Federal regulations. The department would also waive the skills test for an applicant who meets all certifications required for waiver under 49 CFR 383.77 and who certifies he is (1) a member of the active or reserve components of any branch or unit of the armed forces of the United States or a veteran who received an honorable discharge, (2) that he is or was regularly employed in a position in the armed forces of the United States requiring operation of a commercial motor vehicle, and (3) he has legally operated, for at least two years immediately preceding application for a commercial driver's license, a vehicle representative of the commercial motor vehicle the driver applicant operates or expects to operate. (Prior Printer Number: 397)

Sep 23, 2008 - S-Reported as amended Senate Transportation

HB 834 Surra (D)

(PN 950) The Prohibition of Excessive Overtime in Health Care Act states that a health care facility may not require an employee to work in excess of an agreed to, predetermined and regularly scheduled daily work shift. This would not be construed to prevent an employee from voluntarily accepting work in excess of these limitations. The bill states a health care facility or employer may not use on-call time as a substitute for mandatory overtime or a means of circumventing the intent of this act. The refusal of an employee to accept work in excess of the limitations set in this bill would not be grounds for discrimination, dismissal, discharge or any other employment decision adverse to the employee.

Sep 23, 2008 - S-Reported as amended Senate Labor and Industry

HB 949 Stevenson (R)

(PN 2933) Amends the Real Estate Appraisers Certification Act adding provisions relating to the establishment of an appraiser trainee license. The bill further provides for real estate appraiser certification required by adding that it is unlawful to hold oneself out as a licensed appraiser trainee without a current and valid license; for composition of the State Board of Certified Real Estate Appraisers; for powers and duties of board to include to deny, approve, issue, revoke, suspend or renew appraiser trainee licenses; for application and qualifications adding provisions for a appraiser trainee license; for reciprocity; for certification and licensure renewal by adding continuing education provisions; for disciplinary and corrective measures; for reinstatement of certificate or license; for reporting of multiple certification, for surrender of suspended or revoked certificate; for penalties; and for injunctive relief. (Prior Printer Number: 1115)

Sep 23, 2008 - S-Reported as amended Senate Consumer Protection & Prof. Licensure

HB 1304 Fairchild (R)

(PN 3534) Amends Title 27 (Environmental Resources) creating the Pennsylvania Geospatial Coordinating Advisory Council Act. The bill establishes the Pennsylvania Geospatial Coordinating Advisory Council within the Department of Conservation and Natural Resources and provides for its general and discretionary powers. The council would encourage cooperation and cost-sharing among Federal, State and local government agencies, academic institutions and the private sector to improve the quality, access, cost-effectiveness and utility of Pennsylvania's geospatial information and to promote geospatial information and technology as a strategic resource in this Commonwealth. The council would report at least annually to the Governor, the President Pro Tempore, the Speaker of the House and its membership on the status of recommended improvements of geospatial technology in Pennsylvania. The bill also creates the Pennsylvania Mapping and Geospatial Technologies Fund to be used for administrative and personnel costs of the council and its staff and to further the purpose of the council. (Prior Printer Number: 1609)

Sep 23, 2008 - H-Discussed in committee meeting House Intergovernmental Affairs

HB 1543 Solobay (D)

(PN 3587) Amends Title 18 (Crimes and Offenses) by adding a criminal history record would be expunged when an individual who is the subject of the information petitions for expungement of the information and the individual has been free of arrest or prosecution following final release from confinement or supervision for a certain time period, based on the grading of the offense. Expungement would be at the discretion of the court and the court's order would direct the appropriate repositories of criminal history record information. Expungement would be prohibited for an offense relating to indecent exposure. The central repository shall maintain the name, identifying information, fingerprints and offense record of a person whose records are expunged. An expunged record of arrest, prosecution or conviction may not be regarded as an arrest, prosecution or conviction for a public or private purpose, including for the purpose of any statute, regulation, license, questionnaire, employment application or civil or criminal proceeding. (Prior Printer Number: 1948)

Sep 23, 2008 - H-Motion to suspend rules by a vote of 180 YEAS 19 NAYS

Sep 23, 2008 - H-Third consideration

Sep 23, 2008 - H-Final Passage by a vote of 198 YEAS 1 NAYS

HB 2035 Seip (D)

(PN 3513) The Commonwealth Heritage Development Act would establish the Heritage Area Program to identify, protect, enhance and promote PA's historic, recreational, natural, cultural and scenic resources and to stimulate community sustainability and economic development through heritage, outdoor recreation and ecotourism. The department would adopt guidelines and policies for the implementation and administration of the program. The bill outlines the program goals. The Board of Commonwealth Partners is established in the department and the bill outlines its powers and duties. Lastly, \$5,300,000 is appropriated to DCNR for the purpose of providing funding to heritage areas. (Prior Printer Number: 2854)

Sep 23, 2008 - H-Reported as amended House Appropriations

HB 2169 Readshaw (D)

(PN 3100) Amends The Administrative Code creating the Taxpayer and Citizen Protection Act of 2007. The bill states that it would be unlawful for any person to transport, move, conceal, harbor or shelter from detection any alien knowing or in reckless disregard of the fact that the alien has come to, entered or remained in the United States in violation of law, in furtherance of the illegal presence of the alien in the United States. Any person violating this provision commits a misdemeanor of the third degree. The bill adds that all government identification papers would be issued only to United States citizens, legal permanent resident aliens or holders of valid unexpired nonimmigrant visas. Also, when a person charged with a felony or with driving under the influence is confined for any period, a reasonable effort would be made to determine the citizenship status of the person confined. The bill states that every public employer would register and participate in the basic pilot program to verify the work authorization status of all new employees. The employer would be required to withhold 6% of the amount of compensation paid to an individual, which compensation is required to be reported on Form 1099 and with respect to which the individual has failed to provide a valid Social Security number issued by the United States Social Security Administration. Also, every Commonwealth agency or political subdivision would verify the lawful presence in the United States of any natural person 14 years of age or older who has applied for State or local public benefits.

Sep 23, 2008 - H-Press conference held

HB 2188 Walko (D)

(PN 4061) The Abandoned and Blighted Property Conservatorship Act provides for court-appointed conservators to bring residential, commercial and industrial buildings into municipal code compliance when owners fail to comply. The bill states a petition for the appointment of a conservator to take possession and to undertake the rehabilitation of a building may be filed by a party in interest in a court in the county in which the building is located. The bill provides for the contents of the petition and appointment of a conservator. The conservator would have all powers and duties necessary for the efficient operation, management and improvement of the building in order to bring it into compliance with all municipal building and housing code requirements and to fulfill the conservator's responsibilities. A conservator would be deemed to have an ownership interest in and legal control of the property for the purposes of filing plans with public agencies and boards, seeking and obtaining construction permits and other approvals and submitting applications for financing or other assistance to public or private entities; however this would not relieve the owner of any civil or criminal liability or of any obligation to pay taxes, municipal liens and charges,

mortgages, private liens or other fees or charges, whether incurred before or after the appointment of the conservator. The bill also provides for hearing on conservator's final plan for abatement, incurring indebtedness, sale of property, and termination of conservatorship. This act would not apply to commercial and residential buildings, structures or land owned by or held in trust for the federal government and regulated under the United States Housing Act or if the property owner has vacated the property in order to perform military service in the time of war or armed conflict as a member of the US Armed Forces or its reserve component. (Prior Printer Number: 3126, 3698)

Sep 23, 2008 - H-Discussed in committee House Labor Relations

Sep 23, 2008 - S-Reported as amended Senate Appropriations

HB 2200 George (D)

(PN 3233) Amends Title 66 (Public Utilities) requiring the PUC to develop a program to provide for the implementation of cost-effective programs that reduce energy demand and consumption. The bill provides for specifications of the program, selection of a program administrator, powers and duties of the program administrator, PUC review of the program administrator's recommendations, plan goals, measurements and verification, responsibilities of electric distribution companies, recovery of administrative costs, smart meter installation, annual reporting to the General Assembly and definitions. The bill also provides for the duties of electric distribution companies and their obligation to serve. Utilities are prohibited from charging customers for costs relating to efforts to dissuade the employees of the utility, or the employees of any affiliated interest of the utility, from becoming or remaining a member in, or otherwise being represented by, any labor union. (Prior Printer Number: 3089, 3176, 3218)

Sep 23, 2008 - S-Reported as amended Senate Consumer Protection & Prof. Licensure

HB 2216 Marsico (R)

(PN 3331) Amends Title 18 (Crimes & Offenses) providing for applicability to providers located outside Pennsylvania who are engaged in transacting any business in this Commonwealth as determined under 42 Pa.C.S. 5322(a)(1) (relating to bases of personal jurisdiction over persons outside this Commonwealth). The bill further provides that any person who obtains knowledge of any wire or communication by any means authorized by the laws of another state or the Federal Government, may disclose the contents or evidence to an investigative or law enforcement officer or under oath.

Sep 23, 2008 - H-Motion to suspend rules by a vote of 180 YEAS 19 NAYS

Sep 23, 2008 - H-Third consideration

Sep 23, 2008 - H-Final Passage by a vote of 198 YEAS 1 NAYS

HB 2275 Belfanti (D)

(PN 3289) Amends The PA Occupational Disease Act by stating that every person qualified for additional compensation would be paid additional compensation of \$50 per month during the period of disability, which would be paid by the Commonwealth.

Sep 23, 2008 - H-Reported as committed from House Appropriations

HB 2352 Mundy (D)

PN 3414) Amends the Social Workers, Marriage and Family Therapists and Professional Counselors Act changing the title to the "Social Workers, Marriage and Family Therapists, Professional Counselors and Social Service Workers Act" and adding social service workers to the scope of the act. The bill provides for licensure of social service workers and provides for exemption from licensure examination.

Only licensed social service workers may style themselves as licensed social service workers and use the letters "L.S.S.W." in connection with their names.

Sep 23, 2008 - S-Discussed in public hearing on Danieal Kelly abuse case Senate Aging and Youth

HB 2466 Roebuck (D)

(PN 3781) The Drop-Out Prevention and Data Collection Act creates the Office for Drop-Out Prevention and Data Collection, and provides for its powers and duties. The office would collect data regarding limited English proficiency, low income, special education, gifted education, race/ ethnicity, school entity, charter school or cyber charter school, gender and geographic area. The office would ensure that the data collection and reporting system be accurate, uniform and accessible to school entities, charter schools, cyber charter schools and commonwealth residents via a website. The office would create and administer a drop-out prevention plan grant program. School districts that receive the grants would use the money to establish, develop or maintain drop-out prevention programs or strategies. Each school district and community partner that receives a grant for a drop-out prevention plan or drop-out recovery program would appoint a grant coordinator who would be responsible for the administration of the grant. Lastly, the bill states that each school district receiving a drop-out prevention grant would be provided with additional funding to prepare individual graduation plans for at-risk students served by the drop-out prevention plan grant. (Prior Printer Number: 3628)

Sep 23, 2008 - H-1 Floor amendment(s) adopted

Sep 23, 2008 - H-Second consideration

HB 2480 DeWeese (D)

(PN 3671) The Mid-Atlantic Area National Corridor Compact Act provides for the Mid-Atlantic Area National Corridor Compact for the purpose of asserting jurisdiction over the location and construction of cross-borders electric energy transmission facilities and transmission corridors; and providing for the form of the compact and for its implementation and expiration.

Sep 23, 2008 - H-Reported as committed from House Environmental Resources and Energy

Sep 23, 2008 - H-Rereferred to House Appropriations

HB 2525 Casorio (D)

(PN 4068) Amends the Dog Law further providing for definitions, for issuance of dog licenses, for applications for dog licenses, for license certificates, for kennels, for requirements for kennels, for out-of-State dealer license, for bills of sale, for revocation, suspension or refusal of kennel licenses, for transportation of dogs, for health certificates for importation, for inspections of premises and dogs and for additional duties of department; providing for refusal of entry; further providing for seizure and detention of dogs, for confinement of dogs, for dog bites, for registration, for certain requirements, for control of dangerous dogs, for public safety, for selling, bartering or trading dogs, for damages caused by coyotes, for burdens of proof, for enforcement, for rules and regulations and for violations; providing for exemption; further defining "releasing agency"; and making editorial changes. (Prior Printer Number: 3766)

Sep 23, 2008 - S-Reported as committed from Senate Agriculture and Rural Affairs

Sep 23, 2008 - S-Recommitted to Senate Agriculture and Rural Affairs

HB 2644 Preston (D)

(PN 3986) Amends the Underground Utility Line Protection Law providing for duties of facility owners by adding that a facility owner may identify the location of a known facility connected to its facilities, but not owned or operated by the facility owner, as a helpful guide to the excavator or owner.

Sep 23, 2008 - S-Second consideration

HB 2765 Frankel (D)

(PN 4401) Amends the Clean Indoor Air Act repealing section 11 providing for preemption of local ordinances.

Sep 23, 2008 - H-Discussed in Press Conference on 9/08/08

HB 2772 Pyle (R)

(PN 4376) Amends Keystone Opportunity Zone, Expansion Zone and Improvement Zone Act by creating a section defining alternative decertification or deteriorated property and stating the effects. It also adds language defining alternative decertification on applications by political subdivisions. One or more political subdivisions may apply to the department to decertify and remove the designation of deteriorated property as part of a subzone, improvement subzone or expansion subzone. The department will remove any certification of the deteriorated property for purposes of any State tax exemption, deduction, abatement or credit previously granted.

Sep 23, 2008 - H-Discussed in committee House Labor Relations

HR 107 Cohen (D)

(PN 730) Resolution calling for the holding of a conference on the use of alternate energy sources in honor of Benjamin Franklin.

Sep 23, 2008 - H-Reported as committed from House Environmental Resources and Energy

HR 418 James (D)

(PN 2536) Resolution memorializing Congress to take emergency action to protect homeowners and banks and enact a Homeowners and Banks Protection Act.

Sep 23, 2008 - H-Discussed in committee meeting House Intergovernmental Affairs

HR 494 Saylor (R)

(PN 2784) Resolution urging the Congress of the United States to enact legislation to ensure that the H-1B and L-1 visa programs are utilized for the purpose for which they were intended.

Sep 23, 2008 - H-Discussed in committee meeting House Intergovernmental Affairs

HR 883 Harper (R)

(PN 4356) Resolution directing the Legislative Budget and Finance Committee to review the Commonwealth's program of providing grants for environmental protection and improvement projects under the Growing Greener program.

Sep 23, 2008 - H-Reported as committed from House Environmental Resources and Energy

SB 5 Erickson (R)

(PN 2240) The Community-Based Health Care (CHC) Act would establish the Community-Based Health Care (CHC) Program to provide grants to community-based health care clinics. The grants would be used to increase access and improve health

care services which will enhance the delivery and quality of health care by developing and expanding necessary community-based health care resources. For fiscal year 2008-2009 and each year thereafter, upon Federal approval of an amendment to the Medicaid State plan, DPW would distribute from funds appropriated for this purpose disproportionate share payments to hospitals in PA to provide financial assistance. The bill also creates the Community-Based Health Care (CHC) Fund, from which the department carry out the program. The bill also creates a community-based health care clinic tax credit program to fund the (CHC) Program. Lastly, the bill appropriates \$45,000,000 to the Department of Health for deposit into the Community-Based Health Care (CHC) Fund for the fiscal year July 1, 2008, to June 30, 2009.

Sep 23, 2008 - S-Reported as amended Senate Appropriations

SB 100 Tomlinson (R)

(PN 1037) The Home Improvement Consumer Protection Act states that no person would hold himself out as a contractor nor would a person perform any home improvement without first registering with the Bureau of Consumer Protection in the Office of Attorney General. The bill states that the bureau would maintain a toll-free telephone number from which a caller can obtain information as to whether a contractor is registered with the bureau. The bill outlines the procedures for registration as a contractor, and requires that each application for a certificate for a home improvement contractor or renewal of that certificate would be accompanied by a \$50 fee, and would be renewed on a biennial basis. After completion of the application and payment of the fee, the bureau would issue the home improvement contractor a registration certificate identifying the name of the individual contractor, name and address of the business and a registration number. The legislation also outlines the requirements in home improvement contracts. The bill also provides for the offense of home improvement fraud and provides for penalties. Lastly, registration under this act would preclude any requirement of payment of a fee or registration of any home improvement contractor by any political subdivision. Political subdivisions would be permitted to require building permits and local enforcement of the building code for that political subdivision, for which a reasonable fee may be charged. (Prior Printer Number: 135)

Sep 23, 2008 - H-Reported as amended House Consumer Affairs

Sep 23, 2008 - H-Rereferred to House Appropriations

SB 147 Tomlinson (R)

(PN 192) Amends the act entitled "An act empowering the General Counsel or his designee to issue subpoenas for certain licensing board activities; providing for hearing examiners in the Bureau of Professional and Occupational Affairs; providing additional powers to the Commissioner of Professional and Occupational Affairs; and further providing for civil penalties and license suspension," by stating that the Commissioner, after consultation with the licensing boards and commissions, would hire or contract with inspectors as necessary to conduct inspections of licensed facilities as required. The bill adds responsibilities for licensees, and states that civil penalties under the act would not exceed \$10,000 (increased from \$1,000).

Sep 23, 2008 - S-Reported as committed from Senate Appropriations

SB 295 Browne (R)

(PN 1739) The Diesel-Powered Commercial Motor Vehicle Idling Act states that no operator of a commercial motor vehicle subject to this act would cause or allow the engine of a diesel-powered commercial motor vehicle to idle for more than five minutes in any 60-minute period. The bill provides for exemptions. The bill also states that

for a diesel-powered commercial motor vehicle with a model year of 2007 or newer engine, an auxiliary power system powered by a diesel-powered internal combustion engine may only be used in PA if its exhaust is routed through the exhaust system of the main propulsion engine. The bill adds that the DEP Secretary may designate employees of the department to enforce the provisions of this act. The bill includes penalties for violations. This Act would preempt and supersede a local ordinance or rule concerning this subject. (Prior Printer Number: 332, 1707)

Sep 23, 2008 - H-Reported as amended House Transportation

Sep 23, 2008 - H-Rereferred to House Appropriations

SB 306 Rafferty (R)

(PN 342) Amends Title 18 (Crimes and Offenses) further providing for offenses relating to the purchase, consumption, possession or transportation of liquor or malt or brewed beverages by stating that a person would be immune from prosecution for consumption if he can establish the following: (1) the sole means for law enforcement officers to become aware of the person's violation is because the person placed a 911 call in good faith, based on a reasonable belief and reported that another person was in need of immediate medical attention to prevent death or serious injury, (2) the person was the first person to make a 911 call and report that a person needed immediate medical attention to prevent death or serious injury, (3) the person provided his own name to the 911 operator, and (4) the person remained with the person needing medical assistance until emergency health care providers arrived and the need for his presence had ended.

Sep 23, 2008 - H-Reported as committed from House Judiciary

Sep 23, 2008 - H-Rereferred to House Appropriations

SB 461 White, M (R)

(PN 508) Amends the First Class Township Code providing an owner of a dwelling unit used by a member of a recognized religious sect may file an application with the township commissioners to be exempted from the requirement to make connection with a sewer or drainage system as required under Section 2401.1(a). The application must state the manner the requirements of subsection (a) conflict with the applicant's religious beliefs. The township commissioners would approve the application for exemption if it is made in conformance this new subsection.

Sep 23, 2008 - S-Third consideration

Sep 23, 2008 - S-Final Passage by a vote of 42 YEAS 8 NAYS

SB 462 White, M (R)

(PN 509) Amends the Borough Code providing an owner of a dwelling unit used by a member of a recognized religious sect may file an application with the borough to be exempted from the requirement to make connection with a sewer or drainage system as required under Section 2401.1(a). The application must state the manner the requirements of subsection (a) conflict with the applicant's religious beliefs. The borough would approve the application for exemption if it is made in conformance this new subsection.

Sep 23, 2008 - S-Third consideration

Sep 23, 2008 - S-Final Passage by a vote of 42 YEAS 8 NAYS

SB 463 White, M (R)

(PN 510) Amends the Second Class Township Code providing an owner of a dwelling unit used by a member of a recognized religious sect may file an application with the board of supervisors to be exempted from the requirement to make connection with

a sewer or drainage system as required under Section 2401.1(a). The application must state the manner the requirements of subsection (a) conflict with the applicant's religious beliefs. The board of supervisors would approve the application for exemption if it is made in conformance this new subsection.

Sep 23, 2008 - S-Third consideration

Sep 23, 2008 - S-Final Passage by a vote of 42 YEAS 8 NAYS

SB 684 Baker, L (R)

(PN 2009) The Public Health Child Death Review Act states the department would establish the Public Health Child Death Review Program to facilitate State and local multiagency, multidisciplinary teams to examine the circumstances surrounding deaths in PA for the purpose of promoting safety and reducing child fatalities. The program would be advised by a state Public Health Child Death Review Team, and the bill provides for its composition and duties. The bill also states that each county would establish a local public health child death review team. The bill provides for their powers and duties, including reviewing all deaths of children. The local Public Health Child Death Review Team would utilize the child death review data collection system to report its findings in accordance with protocols established by the state Public Health Child Death Review Team. The bill specifies that the name and home address of the deceased child would not be reported to the child death review data collection system. Lastly, a local Public Health Child Death Review Team would submit biennial reports on deaths reviewed to the state public health child death review team. (Prior Printer Number: 732, 1648, 1970)

Sep 23, 2008 - H-Reported as committed from House Children and Youth

Sep 23, 2008 - H-Rereferred to House Appropriations

SB 768 Orié (R)

(PN 2263) Amends Title 64 (Public Authorities and Quasi-Public Corporations) further providing for the definitions of "commercial lending activities" and "commercial lending institutions" and for the First Industries Program. The bill decreases the amount of private funds that must be invested in a qualifying project to \$250,000 from \$1 million. The bill states that the guarantee may not exceed 90% of the outstanding principal amount of the loan to assist with the financing of a project related to agriculture and the amount of a guarantee would be set at the discretion of the board based upon its determination of the potential financial risk to the commonwealth. A Farm Credit Institution under the Farm Credit Act would only be permitted to participate in the First Industries Program and may not participate in any other program established under this title. The Farm Credit Institution would sunset June 30, 2011. The Department of Community and Economic Development would annually report to the legislature. (Prior Printer Number: 961, 2105, 2187)

Sep 23, 2008 - H-Reported as amended House Agriculture and Rural Affairs

Sep 23, 2008 - H-Rereferred to House Appropriations

SB 884 Greenleaf (R)

(PN 2242) Amends Title 53 (Municipalities Generally) restricting municipalities from regulating amateur radio service communications by adding that no municipality may adopt an ordinance, regulation or plan or take any other action that precludes amateur radio service communications or that in any other manner does not comply with the limited preemption of the federal communications commission amateur radio preemption order. Any ordinance or regulation adopted by a municipality involving the placement, screening or height of an amateur radio antenna based on health, safety or aesthetic considerations must reasonably accommodate amateur radio service

communications and represent the minimum practicable regulation to accomplish the municipality's legitimate purpose. (Prior Printer Number: 1076)

Sep 23, 2008 - S-1 Floor amendment(s) adopted

SB 902 Tartaglione (D)

(PN 1078) Amends the Workforce Development Act by establishing the Pennsylvania Center for Health Careers within the Department of Labor and Industry. The center would provide a focused direction and purpose for the development of strategies to address the Commonwealth's short-term and long-term health care workforce challenges to ensure the quality and supply of the workforce. The bill outlines the members, powers and duties of the Center. The bill also adds that the chair or a co-chair of the Health Careers Leadership Council of the Pennsylvania Center for Health Careers would be a member of the membership of the PA Workforce Investment Board.

Sep 23, 2008 - S-Reported as amended Senate Labor and Industry

SB 908 Wonderling (R)

(PN 1080) Amends the Auctioneer and Auction Licensing Act by exempting a person conducting a sale through a trading platform based on the Internet from the auctioneer and apprentice auctioneer license requirements.

Sep 23, 2008 - S-Reported as committed from Senate Appropriations

SB 1050 Baker, L (R)

(PN 2138) Amending the recycling and reuse of waste tires further providing for the Used Tire Pile Remediation Restricted Account which would receive \$3,000,000 transferred on an annual basis for a period of five consecutive years beginning fiscal year 2008-2009 through 2012-2013 from the Recycling Fund for remediation of waste tire piles. The bill also requires DEP to provide an annual report on cleanup of stockpiled tires. (Prior Printer Number: 1351)

Sep 23, 2008 - H-Reported as amended House Environmental Resources and Energy

Sep 23, 2008 - H-Rereferred to House Appropriations

SB 1062 Wonderling (R)

(PN 2195) The Brownfields Redevelopment Act provides for reimbursement of up to 75% of the cost to remediate to developers of brownfield sites and authorizes the Secretary of Environmental Protection to enter into redevelopment agreements. The bill outlines the terms and conditions of the agreements. The Brownfield Site Reimbursement Fund is established, which would be used for the reimbursements. Money in the fund would be appropriated by DEP with the governor's approval. (Prior Printer Number: 1364, 1983)

Sep 23, 2008 - H-Reported as committed from House Environmental Resources and Energy

Sep 23, 2008 - H-Rereferred to House Appropriations

SB 1203 Greenleaf (R)

(PN 2293) Amends Title 20 (Decedents, Estates and Fiduciaries) further providing for forfeiture, for modification of wills, for advertisement of grant of letters, for duty of personal representative, for enforcement of contribution or exoneration of Federal estate tax, for implementation of power of attorney, for applicability of rule against perpetuities, for modification of conveyance by divorce, for effect of divorce on designation of beneficiaries, for notice of representation, for creditor's claim against

settlor, for actions contesting validity of revocable trusts, for claims and distribution after settlor's death, for trustee's duty to inform and report, for illustrative powers of trustee, for limitation of action against trustee, for power to convert to unitrust and for retirement benefits, individual retirement accounts, deferred compensation, annuities and similar payments; and making conforming amendments to Title 15. (Prior Printer Number: 1633, 2048)

Sep 23, 2008 - H-Reported as committed from House Judiciary

Sep 23, 2008 - H-Rereferred to House Appropriations

SB 1231 Madigan (R)

(PN 1670) Amends the Tax Reform Code by excluding from the sales and use tax the sale or lease at retail of aircraft, and the sale at retail of repair or replacement parts, including the installation of those parts, exclusively for use in aircraft or in overhauling or rebuilding of aircraft or aircraft components.

Sep 23, 2008 - S-Reported as committed from Senate Appropriations

Sep 23, 2008 - S-Second consideration

SB 1258 Rhoades (R)

(PN 1800) Amends the Third Class County Assessment Board Law further providing for appeals by corporate authorities by adding that other than during a countywide reassessment, an appeal by such corporate authorities may be taken from an assessment only when a parcel of land is divided and conveyed away in smaller parcels, when improvements are made to real property or when existing improvements are removed from real property or are destroyed.

Sep 23, 2008 - S-Reported as committed from Senate Appropriations

Sep 23, 2008 - S-Second consideration

SB 1330 White, D (R)

(PN 2227) The Coal Bed Methane Well Dispute Resolution Act would establish the Coal Methane Review Board to resolve disputes between property owners over the location of coal bed methane wells and access roads. The bill would require that a well operator who intends to drill a coal bed methane well or construct an access road associated with a coal bed methane well must provide written notification to the surface owner in the time and manner prescribed in the Oil and Gas Act. A surface owner who intends to invoke alternative dispute resolution would file written objections to the well operator's proposed location for coal bed methane well or access road with the department within 15 days of the date of receipt of the written notification. If objections are filed by a surface owner, the department would notify the operator and the board of the objections, and the board would set a time and place for holding the dispute resolution conference. At the conference the well operator and surface owner would attempt to agree upon a location for the coal bed methane well or access road. The bill outlines the responsibilities and authority of DEP with regard to the act. Lastly, anyone aggrieved by a determination of the board would have the right, within 15 days of receipt of the written determination, to appeal the determination to the court of common pleas in the judicial district in which the affected property is located. (Prior Printer Number: 1908, 1984)

Sep 23, 2008 - H-Reported as amended House Environmental Resources and Energy

Sep 23, 2008 - H-Rereferred to House Appropriations

SB 1400 Pippy (R)

(PN 2040) Amends the Housing Finance Agency Law providing for the PA Housing

Affordability and Rehabilitation Enhancement Program. The bill states that \$10,000,000 would be annually appropriated to fund the program. The bill outlines the types of projects the money may be used for. The bill would also establish the Community Advisory Committee and provides for its powers and duties. The bill states that within 90 days of the effective date of this section and by March 15 of each year thereafter, the agency would adopt a plan which establishes the agency's priorities for that year and sets forth the method in which the funds will be distributed that year.

Sep 23, 2008 - S-Reported as amended Senate Appropriations

SB 1420 Baker, L (R)

(PN 2073) Amends Titles 35 (Health and Safety) and 75 (Vehicles) updating the Emergency Services Act to create a more coordinated and adaptive system and reduce duplication of service. Also implements the EMS Scope of Practice used by the National Association of State EMS Officials.

Sep 23, 2008 - S-Rereferred to Senate Appropriations

SB 1422 White, D (R)

(PN 2074) Amends the Insurance Company Law adding a new section providing for Mini-COBRA Small Employer Group Health Policies. The bill states a group policy delivered or issued by delivery in PA by an insurer which insures employees or members and their eligible dependents for hospital, surgical or major medical insurance must provide that covered employee or eligible dependents whose coverage under the group policy would otherwise terminate because of a qualifying event would be entitled to continue their hospital, surgical or major medical coverage under that group policy subject to the terms and conditions outlined in the legislation.

Sep 23, 2008 - S-Second consideration

Sep 23, 2008 - S-Rereferred to Senate Appropriations

SB 1453 Corman (R)

(PN 2220) Amends the Insurance Company Law providing for health insurance coverage for certain children of insured parents, by stating that an insurer that issues, delivers or executes health care insurance in PA, under which coverage of a child would otherwise terminate at a specified age, would, at the option of the policyholder, provide coverage to a child of the insured beyond that specified age, up through the age of 29, provided certain requirements are met. Insurers may determine increases in premiums related to continuation of coverage for the adult dependent past the limiting age of 19.

Sep 23, 2008 - S-Second consideration

Sep 23, 2008 - S-Rereferred to Senate Appropriations

SB 1496 Regola (R)

(PN 2211) Amends Title 53 (Municipalities Generally), in area government and intergovernmental cooperation, providing for agreements and cooperation with municipal authorities by adding that one or more local governments and one or more municipal authorities may enter into an agreement to cooperate in the exercise or in the performance of their respective functions, powers or responsibilities. The bill provides for limitations.

Sep 23, 2008 - Received and referred to House Local Government

SB 1555 Piccola (R)

(PN 2347) Amends Title 18 (Crimes and Offenses) further providing for requirements for governmental access by adding that a provider of electronic communication

service or remote computing service may disclose a record or certain other information pertaining to a subscriber to or customer of the service as follows: (1) At the request of a subscriber or customer and pursuant to the provisions of the service agreement with the service provider; (2) Upon receipt of a written authorization of the subscriber or customer of the service to release the information to a third party; or (3) Upon receipt of a court order approved by a court of competent jurisdiction based on a showing that the information is material to the preparation for a proceeding and that the request is reasonable. The subscriber or customer and the service provider would receive notice from the person requesting the information and have standing as parties to any proceeding under this subparagraph.

Sep 23, 2008 - Received and referred to House Judiciary

SB 1573 Musto (D)

(PN 2393) Amends the Water and Sewer Systems Assistance Act creating the Water and Sewer Systems Assistance Bond Fund and further providing for incurring indebtedness and for the issue and sale of bonds.

Sep 23, 2008 - S-Reported as committed from Senate Environmental Resources and Energy

SB 1584 Armstrong (R)

(PN 2407) The Protecting Pennsylvania's Investments Act provides for divestiture by the State Treasurer, the State Employees' Retirement System and the Public School Employees' Retirement System of investments in companies doing business in Iran and Sudan.

Sep 23, 2008 - S-Reported as amended Senate Appropriations

SR 375 Dinniman (D)

(PN 2403) Resolution opposing certain Federal rules and procedures governing the regulation of the interstate transportation of natural gas and memorializing the Congress of the United States to repeal or modify certain provisions of the Natural Gas Policy Act of 1978.

Sep 23, 2008 - S-Reported as amended Senate Environmental Resources and Energy

FINAL ACTIONS

HB 7 Caltagirone (D)

(PN 4019) Amends the act entitled "An act authorizing courts of record to remove convicts and persons confined in jails, workhouses, reformatories, reform or industrial schools, penitentiaries, prisons, houses of correction or any other penal institutions, who are seriously ill, to other institutions; and providing penalties for breach of prison," further providing for removal of certain convicts who are seriously ill. The bill states a prisoner who is committed to the custody of the Department of Corrections, the department, the prisoner or a person to whom the court grants standing to act on behalf of the prisoner may petition the sentencing court to temporarily defer service of the sentence of confinement and temporarily remove the prisoner for placement in a hospital, long-term nursing care facility or hospice care location. The bill outlines the procedure for such a petition. The bill requires electronic monitoring by department for all early release prisoners. The bill also provides for prisoners not committed to the department but otherwise confined and for notice to the facility in which a prisoner would be placed. (Prior Printer Number: 2906, 3359)

Sep 23, 2008 - H-In the hands of the Governor

Oct 3, 2008 - H-Last day for Governor's action

SB 180 Pippy (R)

(PN 2304) Amends Title 51 (Military Affairs) by stating the department would have the power to arrange for burial details for veteran soldiers who are to be interred at the National Cemetery of the Alleghenies. The bill further provides for termination of certain health insurance benefits and "ancillary service plans." Defines "ancillary service plans" as any individual or group health insurance plan, subscriber contract or certificate that provides exclusive coverage for dental services or vision services. (Prior Printer Number: 216)

Sep 22, 2008 - S-In the hands of the Governor

Oct 2, 2008 - S-Last day for Governor's action



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