



June 2009

Dear Friend,

In this edition of *Inside the Senate*, we will look at the bills considered and approved by the Senate during the first half of June.

As always, if you have questions about any state issue, call my Indiana Office at 724-357-0151/toll free 866-357-0151, my Kittanning Office at 724-543-3026/toll-free 866-366-9448 (1-866-DON-WHITE), or my Murrysville Office at

724-327-2422/toll-free 866-736-9448 (1-866-SEN-WHITE), or visit my website [senatordomwhite.com](http://senatordomwhite.com).

Sincerely,

Senator Don White

## Senator White supports reduced spending in state budget

For the seventh straight year, Pennsylvania has missed the June 30 budget deadline even though the Senate sent a budget (Senate Bill 850) to the House of Representatives on May 6 for consideration.

“Senate Bill 850 was criticized by the House majority party, but they have not considered it or any other budget proposal,” said Senator Don White. “I was proud to stand with my Senate Republican colleagues at a press conference on June 30 where we again made it clear that we want spending cuts instead of the income tax increase supported by the Governor and the House majority. Families across the Commonwealth are

cutting their spending to make ends meet. It’s just not right that state government would ask those folks to pay more taxes because it can’t control its spending.”

Senator White introduced legislation to ensure the Commonwealth honors leases allowing groups to use state park facilities in the event of a stalemate over the state budget. Senator White’s legislation, Senate Bill 974, would preserve the rights of any group with a valid lease to use a state park regardless of any decision by the DCNR to close, restrict access to, or modify services at the facility.

“Where I come from, a deal is a deal. When the Department of Conservation

and Natural Resources (DCNR) signs a lease with any group, it commits the Commonwealth to allowing these groups access to the state parks,” Senator White said. “I find it extremely disturbing that the Department would even consider renegeing on these leases to promote the Governor’s budget. Youth organizations like the scouts and the State Police Camp Cadet program hold leases with the DCNR to use state park facilities. My legislation will provide stability and surety for those groups. They will be assured that their arrangements to use the state park system will not be impacted now or into the future.”

## SESSION WEEK OF JUNE 1

### Four health care bills enacted

Three health care bills, **Senate Bill 89**, **House Bill 1089** and **House Bill 84**, received final Senate approval as part of the legislative activities of the session week of June 1, according to Senator Don White.

**Senate Bill 89** reenacted the Health Care Cost Containment Act and reestablished the Health Care Cost Containment Council Act Review Committee with a new sunset date of June 30, 2014.

**House Bill 1089** creates a Mini-COBRA Small Employer Group Health Plan. HB 1089 is identical to Senate Bill 442, a measure introduced by Senator White and approved by the Senate on April 1.

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA)

provides former employees, retirees, spouses, former spouses, and dependent children the right to continuation of health insurance coverage at group rates for up to 18 months. However, COBRA benefits only apply to employers with 20 or more employees. HB 1089 extends the COBRA guidelines in Pennsylvania to group plans that employ 2 - 19 employees.

The American Recovery and Reinvestment Act of 2009, also known as the federal stimulus act, provides a 65 percent federal subsidy for COBRA premiums. The subsidy is good for up to nine months for those covered by COBRA as well as those in a state continuation program such as the Mini-COBRA program established by HB 1089.

**House Bill 84** permits health insurers to withhold payment to providers in the event of an avoidable medical error. HB 84 is the companion bill to Senate Bill 443, a measure introduced by Senator White and approved by the Senate in March.

All three bills were signed into law by the Governor on June 10. House Bill 84 was enacted as Act 1. House Bill 1089 was signed by the Governor as Act 2 and Senate Bill 89 as Act 3. The Governor also signed Act 4, a measure co-sponsored by Senator White as Senate Bill 189 to extend health insurance coverage, at the expense of policyholders, to adult dependent children up to the age of 30.

House Bills 84 and 1089 as well as Senate Bills 189, 442 and 443 were all

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## Four health care bills enacted

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previously considered and approved by the Senate Banking and Insurance Committee chaired by Senator White.

The state Senate also considered and approved four government reform and oversight bills during the session week of June 1.

**Senate Bill 6**, co-sponsored by Senator White, would create an 11-member bipartisan commission to provide oversight and accountability for all funds distributed to Pennsylvania through the federal stimulus program. The Pennsylvania Commission on Stimulus Accountability will be required to track, monitor and report on all funds received from the federal government as part of the stimulus package.

**Senate Bill 101**, co-sponsored by Senator White, would increase the penalties for intentional violations of the state Sunshine Law. The legislation would set a fine of up to \$1,000 for a first offense, and up to \$2,000 for a subsequent offense. Under current law, the maximum fine is \$100.

**Senate Bill 105**, co-sponsored by Senator White and commonly known as the Taxpayer Transparency Act, would direct the Office of Budget to create and maintain a searchable budget database-driven website that the public can access, for free, to obtain:

- Information on grants and contracts provided by government agencies.

All transactions above \$25,000 would be accessible to the public;

- Agency performance indicators and quarterly performance results compared to these indicators;
- Agency line-by-line appropriation analysis including user-friendly detailed monetary breakouts and detailed narrative descriptions.

**Senate Bill 110**, co-sponsored by Senator White, requires that logs be kept on the usage of state aircraft and the information be available for public review on the Department of Transportation Internet website. This measure was prompted by a critical audit report from the state Auditor General. The bill requires the information be updated on a monthly basis.

Other bills approved by the Senate during the session week of June 1 include:

**Senate Bill 45** would amend the Landscape Architects' Registration Law to waive a written examination for only those persons who hold an unexpired license or certification of registration issued by proper authority of another state or foreign country. The bill also increases the number of hours for continuing education from 10 to 24.

**Senate Bill 81** which provides for the sale of wine at kiosks operated by the Pennsylvania Liquor Control Board (PLCB); authorizes the PLCB to sponsor

“spirits” events for education purposes; permits the PLCB to establish customer relations marketing programs; and clarifies that a member of a governing board of a public authority may have an interest in a beer distributorship.

**Senate Bill 383** promotes the use of mental health courts and drug courts to divert non-violent offenders from more costly jail cells and encourage rehabilitation through extensive supervision.

**Senate Bill 531** provides for county interagency sharing of juvenile records, including the contents of drug and alcohol, mental health, and education records.

**Senate Bill 829**, co-sponsored by Senator White, amends the Pennsylvania Climate Change Act related to submittal of a climate change action plan by: extending the deadline for the Department of Environmental Protection to submit a climate change action plan by three months; requiring DEP to make a draft plan available for public comment and review for at least 60 days before final submittal; and, requiring DEP to review comments and to prepare a copy of its responses to the comments received.

## SESSION WEEK OF JUNE 8

### Graduation testing mandate barred

*Passage of legislation barring the state from spending \$200 million to develop a controversial statewide graduation testing program highlighted the events of the session week of June 8, according to Senator Don White.*

Bills considered and approved during the week include:

**Senate Bill 281** prohibits the Department of Education from imposing any new statewide requirement for high school graduation without legislative approval. On April 23, the Department of Education signed a contract agreeing to pay Data Recognition Corporation of Minnesota \$201 million to develop a new end-of-year testing proposal – called the Keystone Exams. The state has already paid \$7.9 million toward the contract.

**Senate Bill 196**, co-sponsored by Senator White, permits spouses of members of the National Guard or Reserves on active duty to obtain a military leave of absence from education. The leave is currently only available to

the member called to active duty. Members and their spouses would, upon release from active military duty, be restored to the educational status they had prior to being ordered to military duty without loss of credits, scholarships, grants, fees or tuition.

**Senate Bill 240** replaces the existing Emergency Medical Services Law with one that is more coordinated and responsive to the current EMS needs of the state. It adopts national education standards and allows for new provider certification levels to ensure a high level of patient care and public safety. It also establishes clear regulatory authority for the Department of Health and the Bureau of Emergency Medical Services.

**Senate Bill 241** amends the Real Estate Licensing and Registration Act to allow real estate salespersons and associate brokers to form a “qualified association” and amends the conditions under which brokers may release escrow funds.

**Senate Bill 297** requires Marcellus Shale gas well operators to submit a

semi-annual report in addition to the existing annual report, and requires the Department of Environmental Protection to post well production information online. The legislation is intended to encourage additional interest and investment in the Marcellus Shale region in Pennsylvania.

**Senate Bill 687** amends the Public School Code to exempt all school property owned by or leased to any charter school or cyber charter school from all taxes from the Commonwealth, county or local political subdivision, as well as from all costs or other expenses from paving, curbing, sidewalks, sewers or other municipal improvements.

**Senate Bill 598** provides for tuition payments for institutionalized children.

**Senate Bill 736** directs schools to develop a written policy to allow for the possession and self-administration by children age 10 and over of asthma inhalers and epinephrine auto-injectors.

## Committee Roundup

The **Senate Transportation Committee** approved three bills on Monday, June 8:

**Senate Bill 301**, co-sponsored by Senator White, reduces the required number of days of consecutive active military service overseas needed to be eligible for the annual \$1 fishing license for deployed military personnel from 180 to 60 days.

**Senate Bill 302**, co-sponsored by Senator White, reduces the consecutive days of required overseas service for a \$1 National Guard Hunting License from 180 to 60 days.

**Senate Bill 572** increases the complement of the State Police from 3,940 enlisted members to 4,310 members, excluding those troopers assigned to the Turnpike, Delaware River Toll Bridge Commission, Gaming Enforcement and Liquor Enforcement.

The **Senate Consumer Protection and Professional Licensure Committee** approved four bills on Tuesday:

**Senate Bill 187** amends the Occupational Therapy Practice Act to allow a licensed certified registered nurse practitioner or licensed physician assistant to make a referral for the implementation of occupa-

tional therapy. It also establishes a continuing competency requirement for occupational therapy assistants.

**Senate Bill 288** establishes the State Board of Plumbing Contractors within the Department of Labor and Industry to regulate the licensing and regulation of individuals engaged in plumbing services. It also requires an individual to be licensed in order to provide plumbing services, offer himself for employment to provide plumbing services or hold himself out as an individual authorized to perform plumbing services.

**Senate Bill 921** addresses three issues: reduces the timeframe for a manufacturer's consideration of a dealer's request to relocate or dual a franchise and changes a manufacturer's denial standard; prohibits the unreasonable expansion, construction or significant modification of dealer facilities or construction of a separate facility if not justified by market and economic conditions; and, requires the repurchase by manufacturer of additional inventory in the event of a termination.

**House Bill 1342** allow retailers across the Commonwealth to sell out their existing inventory of non-fire safe cigarettes until July 1, 2010 as long as such inventory was purchased and stamped before January 1, 2009.

The **Senate Environmental Resources and Energy Committee** approved three bills Tuesday:

**Senate Bill 547** requires landfill permit applicants to certify that the operator has no outstanding violations of the state law governing landfills and mandates an increased penalty of \$50,000 for multiple violations.

**Senate Bill 886** extends the sunset date for the \$2 per ton recycling fee – which funds the state recycling program – from 2012 to 2020, and transfers \$1.25 million annually from the Recycling Fund to the Used Tire Pile Remediation Restricted Account for fiscal years 2009-2010 through 2012-2013. The transferred funds will be used for remediation of waste tire piles throughout the Commonwealth.

**Senate Bill 901** amends the Bio-Fuel Development and In-State Production Incentive Act to exempt diesel fuel produced from 100 percent Pennsylvania crude oil by a small refinery from the bio-diesel mandate for a period of one year. This change is consistent with current federal exemptions for small refineries, and provides additional time for a small refinery to address problems associated with the use of bio-diesel in winter months.

## SESSION WEEK OF JUNE 15

### Bill easing burden on schools clears Senate

*The Senate approved legislation to ease the administrative burden on local schools during the session week of June 15, according to Senator Don White.*

**Senate Bill 287** will simplify annual financial reporting requirements to prevent duplication with the annual audit filed by local education agencies. There are several methods through which school districts in the Commonwealth are held accountable for the operating and budgeting within their schools. Senate Bill 287 will decrease the current duplicative reporting

requirements as well as save districts time and money without diminishing the financial information collected by the state Department of Education.

Other bills approved by the Senate during the session week of June 15 include:

**Senate Bill 112** consolidates the acts relating to prisons, probation and parole, and makes conforming amendments to the Judicial Code.

**Senate Bill 301**, co-sponsored by Senator White, reduces the required number of days of consecutive active

military service overseas needed to be eligible for the annual \$1 fishing license for deployed military personnel from 180 to 60 days.

**Senate Bill 302**, co-sponsored by Senator White, reduces the consecutive days of required overseas service for a \$1 National Guard Hunting License from 180 to 60 days.

**House Bill 985** protects employees in the banking industry from retaliation if the employee makes a good faith report of a violation of law or cooperates in an investigation.

## Committee Roundup

The **Senate Environmental Resources and Energy Committee** unanimously approved two bills co-sponsored by Senator White that would ensure funding for services at state parks is not reduced as a result of budget constraints.

The measures would permit the state Department of Conservation and Natural Resources to utilize funding from the Environmental Stewardship/ Growing Greener Fund **Senate Bill 962** and Key '93 realty transfer tax revenue **Senate Bill 963** for the opera-

tion and maintenance of Pennsylvania's state parks.

Non-profit and local government organizations which typically receive funding from these programs contin-

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## Committee Roundup

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ue to benefit from the \$625 million Growing Greener Bond approved by voters and the General Assembly in 2005.

The committee also unanimously approved two additional bills:

**Senate Bill 235** authorizes the state Department of Environmental Protection to implement flood protection measures using nonstructural alternatives including acquisition of land and structures; demolition, removal, relocation, elevation and floodproofing of structures; and floodplain clearance and restoration.

**Senate Bill 880** authorizes the Secretary of Environmental Protection to enter into redevelopment agreements with developers who remediate brownfield sites. Developers may be eligible to receive a reimbursement of up to 75 percent of the remediation costs.

The **Senate Finance Committee** approved **Senate Bill 1**, legislation intended to fundamentally reform Pennsylvania's budgeting process while increasing transparency and accountability in state government. The legislation, introduced by Senator Pat Browne, would establish a Legislative Fiscal Office (LFO), a non-partisan bicameral agency with expertise in financial matters. The LFO would have access to the same agency and department financial information as the Governor's Budget Office.

Other bills approved by the committee include:

**Senate Bill 122** would increase the employer Job Creation Tax Credit from \$1,000 to \$3,000 for each new job created between the effective date of this bill and June 30, 2010.

**Senate Bill 639**, co-sponsored by Senator White, would provide for permanent tax exempt status for volunteer firefighter relief associations. Under current law, relief associations must renew their tax exemption every five years.

**Senate Bill 778** would change the deadline by which homeowners must apply for a property tax exemption to between the time the building permit is issued and six months following the date of the initial occupancy of the property.

**Senate Bill 892** is a companion bill to Senate Bill 1. This legislation amends the Administrative Code, providing that the General Assembly is authorized to stipulate that the performance measurements recommended and developed by the Legislative Fiscal Office must be undertaken and reported on by each executive agency as a condition to receiving its prospective appropriation.

**House Bill 1182** would add convictions for two additional offenses, "Institutional Sexual Assault" and "Contraband" to the list of offenses which triggers the forfeiture of pension benefits for public employees.

The **Senate Appropriations Committee** approved five bills, including one introduced by Senator White, during its meeting on Monday:

**Senate Bill 303**, sponsored by Senator White, establishes the Volunteer Emergency Service Partnership Grant Program Act. This five-year program will provide incentives to encourage volunteer emergency service organizations to consolidate, merge or form partnerships to provide emergency services in a more effective manner.

Other bills approved by the committee include:

**Senate Bill 55** establishes a lifetime ban on working in schools for those who have been convicted of serious violent offenses, including sexual violence and crimes against children. The legislation also includes a 10-year school employment ban for those convicted of first-degree misdemeanors.

**Senate Bill 56** would reform the Safe Schools Law requirement of a Memorandum of Understanding (MOU) between school entities and police. Aside from the strengthening of the MOU which is required by the Safe Schools Act, this bill would assure that crimes occurring on school property are reported accurately to police and the Department of Education and hold administrators accountable for intentional failure to comply with the law.

**Senate Bill 574** would require a special permit for fishing in waters that flow into the tributaries of Lake Erie or Presque Isle Bay. The permit fee would be \$8, or \$6 when combined with the purchase of a trout/salmon stamp. Proceeds from the fees, anticipated at \$3,000 to \$4,000 annually, will be used for protecting or improving fish habitat in Lake Erie, Presque Isle Bay and their tributaries.

**Senate Bill 783** amends the Hazardous Sites Cleanup Funding Act to change the date the annual report on the Hazardous Sites Cleanup Fund is due from August 31 to December 31. The bill was amended to also require any fines imposed under the Hazardous Sites Cleanup Act (HSCA) to be deposited into the HSCA Fund.

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