



May 2009

Dear Friend,

In this edition of "Inside the Senate," we will look at the bills considered and approved by the Senate during April and the first week of May. Also included is information on a major state investment in Armstrong County and details of a recent meeting of the Senate Banking and Insurance Committee.

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

## SESSION WEEK OF APRIL 20

### Senate approves "permanent" Do Not Call list

As part of its activities during the session week of April 20, the Senate approved legislation that would allow permanent listings on Pennsylvania's Do Not Call list, according to Senator Don White.

**Senate Bill 304**, co-sponsored by Senator White, amends the Telemarketer Registration Act to extend the time for a listing on a "do not call list" from the minimum of five years from the date of enrollment to being maintained on a permanent listing, or until the subscriber requests to have his telephone number removed from the list.

The Senate unanimously approved SB 304 and sent it to the House of Representatives for consideration.

The Do Not Call list has been extremely popular among consumers, who were tired of unwanted and intrusive calls. In 2002, Pennsylvanians were first given the opportunity to avoid these calls by registering for the Do Not Call list. More than one million citizens registered in a single two-week period that year, and millions more have registered through the past few years.

To register a home or cell phone num-

ber on the Do Not Call list, please visit [www.nocallsplease.com](http://www.nocallsplease.com).

Other bills approved by the Senate during the Session week of April 20 include:

**Senate Bill 123**, co-sponsored by Senator White, would make it a crime to distribute Spyware to a computer without the user's consent or knowledge. Spyware is a term for a computer program that gathers information through the user's Internet connection and transmits it to a third party. This information, which includes passwords and personal identification numbers, can be used to commit fraud.

**Senate Bill 237** would enact a new article in the Insurance Company Law to regulate the purchase or exchange of an annuity based on recommendations made to a consumer by an insurer. The bill also ensures that information filed by stock and mutual insurance companies, associations and exchanges remains confidential.

**Senate Bill 464**, the Volunteer Continuing Medical Education Act, would allow physicians, dentists, dental hygienists, nurses, or certified registered nurse practitioners to apply volunteer

time served in a community-based health care clinic towards the completion of no more than 20 percent of their mandatory continuing education hours required by their individual licensure boards.

### Committee Roundup

The Senate Appropriations Committee approved a bill introduced by Senator White increasing public access to state spending records. Senate Bill 105, commonly known as the Taxpayer Transparency Act, would direct the Office of the 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.

The Senate Finance Committee approved legislation allowing charitable contributions to be added to income tax remittance payments. Senate Bill 165 would allow taxpayers to make a contribution to Breast and Cervical Cancer Research, Wild Resource Conservation, the Organ and Tissue Donation Awareness Trust Fund, Juvenile Diabetes Cure Research and Military Family Relief Assistance when they are remitting payment due for taxes at the time of filing their state income tax forms. Current law only allows a "check off" donation to these charities when a refund is due to the taxpayer.

### Gaming reform bills announced

A bipartisan group of Senators unveiled a wide-ranging package of reform bills intended to tightly regulate the gaming industry and provide greater accountability and transparency during a press conference in the State Capitol.

Among the measures in the reform package are bills to more strongly regu-

late the Pennsylvania Gaming Control Board, protect against conflicts of interest, and prevent criminals from obtaining gaming licenses. Other measures would put the State Police or Attorney General in charge of licensing investigations, rather than the Gaming Board, and establish tighter financial suitability

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*Gaming reform bills continued from Page 1*

rules for license applicants. The bills would also require detailed audits and crack down on transportation costs.

The bills in the package include:

**Senate Resolution 82** – Directs the Legislative Budget and Finance Committee to conduct a review of the operating costs of the Pennsylvania Gaming Control Board and compare these costs to other state gaming oversight bodies.

**Senate Bill 578** – Creates a Division of Gaming Enforcement under the Attorney General to investigate licensees, decreases the number of board members from seven to five, and limits their outside employment and makes other reforms to the licensing and permit process.

**Senate Bill 582** – Prohibits the use of state funds for the relocation of licensed facilities.

**Senate Bill 583** – Prohibits any person with an interest in a gaming license to be appointed by the Governor to any other board or commission in the state.

**Senate Bill 734** – Requires a monthly win/loss statement be sent to enrollees in casino rewards or complimentary programs.

**Senate Bill 761** – Prohibits virtual blackjack and virtual roulette.

**Senate Bill 805** – Several reforms and measures including:

- Gaming Board members – full time/no outside income.
- Provides for two-thirds confirmation of Gaming Board members.
- Removal of direct appeals to the Supreme Court.
- Removes the oral hearing exception to the Administrative Agency Law.
- Confidentiality of information.
- Slot operations in the City of Philadelphia – riparian rights.
- Affirms Board’s Powers and Rights in Default or Failure of a Licensee.
- Requires true information on controlling interests in gaming facilities.
- Co-mingling of prosecutorial and adjudicatory functions. Would require the Board to adopt additional administrative regulations ensuring this separation.
- Provides for stronger enforcement of ethics and related issues.
- Prohibits gaming board officials from employment in the gaming industry for two years.

**Senate Bill 806** – Bans all felons from being licensed or allowed to provide services to a licensed entity.

**Senate Bill 807** – Allows for the disclosure and consideration of expunged criminal records.

**Senate Bill 808** – Statutorily provides for personnel policies regarding the hiring and the conduct of employees, and dismissal for certain behaviors.

**Senate Bill 809** – Requires the establishment of procedures and remedies upon default of a licensee, and for forfeiture of slot machine license fees.

**Senate Bill 810** – Requires an annual report by the Auditor General on the amounts and uses of the distributions from the State Gaming Fund and the Gaming Economic Development and Tourism Fund, in addition to an internal audit of the expenses and revenues of the board.

**Senate Bill 811** – Prohibits the use of leased vehicles.

**Senate Bill 812** – Expands the current ban on campaign contributions to make sure licensees can’t use their paid lobbyists to make campaign contributions and expands the restriction on political contributions by gaming entities to include former candidates for office.

**Senate Bill 813** – Requires prospective employees of the board to agree, as a condition of employment, that the employee shall not accept employment with any affiliate, intermediary, subsidiary or holding company of a gaming entity, for a period of two years.

**SESSION WEEK OF APRIL 27**

**Senate approves White’s Coal Bed Methane Well Dispute Act**

*As part of its activities during the Session week of April 27, the Senate unanimously approved legislation introduced by Senator Don White to establish a special review board to arbitrate coal bed methane well disputes. Currently, disputes between surface land owners and the holders of mineral rights for those properties are often resolved in county courts of common pleas.*

“These disputes often end up becoming a lengthy, expensive and acrimonious process for all parties involved,” Senator White said. “Given the recent activity surrounding the development of the Marcellus Shale natural gas reserves and the potential economic benefits that come with it, it is also important to recognize the inherent conflicts that occur

when property rights are held by multiple owners. I would hope the principles embodied in SB 275 could be used as a model in dealing with future disputes surrounding the development of the Commonwealth’s vast natural resources.”

SB 275 creates a three-member Coal Bed Methane Review Board to consider objections and attempt to reach an agreement on issues such as the location of coal bed methane wells and/or access roads.

The Coal Bed Methane Review Board would be made up of a member appointed by the Pennsylvania Farm Bureau, a member appointed jointly by the Pennsylvania Oil and Gas Association, the Independent Oil and Gas Association and the Pennsylvania Coal Association, and a

member appointed jointly by the deans of the College of Agricultural Sciences and the College of Earth and Mineral Sciences of Penn State University.

“Under a 1983 Pennsylvania Supreme Court ruling, coal bed methane is considered part of the property rights transferred under coal agreements,” Senator White said. “Many landowners who previously entered into coal agreements and subsequently gave up their rights to coal bed methane are now confronted with mineral estate development on their property. This legislation is not intended to change the respective rights and obligations of either party, but rather to create a timely, less expensive and less bitter process.”

**Other bills approved during the Session week of April 27**

Under **Senate Bill 674**, the honorably discharged veteran must have served in the Vietnam War between the dates of November 15, 1961 and March 28, 1973. Also, they must have attended high school between 1958 and 1973 and

have been a member of a graduation class between the years 1962 and 1975.

**Act 73 of 2001** established “Operation Recognition,” providing school districts the authority to grant high school diplomas to honorably

discharged veterans of World War II. Act 187 of 2002 extended the program to Korean Conflict veterans, but Vietnam veterans have not yet been included in the program.

## Committee Roundup

The **Senate Transportation Committee** approved legislation that would ban text messaging while driving:

**Senate Bill 143** prohibits the operation of a moving vehicle on a highway while using a wireless communication device to send, read or write a text message. The legislation expressly states that dialing a wireless phone does not constitute texting and thus is not considered a violation of this section. A conviction under this section is a secondary offense and is only applicable when a driver has been cited for another violation of this title. The section does not apply to a person operating an emergency vehicle, or law enforcement and fire company personnel in performance of their official duties.

The fine for a violation of this section is \$100. Similar legislation has been enacted prohibiting texting while driving for all classes of drivers in the following ten states: Alaska, Arkansas, California, Connecticut, Louisiana, Minnesota, New Jersey, Utah, Virginia, Washington and Washington, D.C. Additionally, eight more states prohibit texting by novice drivers or certain specialized driving classifications.

Other bills approved by the Transportation Committee include:

**Senate Bill 110**, co-sponsored by Senator White, provides stricter controls on use of Commonwealth aircraft by requiring that certain information be provided about any passenger flights undertaken using the Commonwealth's aircraft and that this information be maintained on the Department of Transportation's website. The legislation is intended to reflect the recommendations of the Auditor General's report of September 2007 indicating that greater scrutiny be applied to the use of the Commonwealth's aircraft.

**Senate Bill 152** provides for the use of Neighborhood Electric Vehicles (NEV) upon certain highways within the Commonwealth. The bill defines an NEV as a four wheeled electric vehicle with a maximum design speed between 20 and 25 mph and is certified to comply with Federal low speed vehicle safety standards. The bill authorizes travel in NEV's on roadways with a posted speed limit of no more than 25 mph.

The **Senate Consumer Protection and Professional Licensure Committee** approved three bills:

**Senate Bill 354** requires retail establishments to allow access to "employee only" restrooms for individuals who use an ostomy device or suffer from an inflammatory bowel disease, such as Crohn's disease, ulcerative colitis or any other medical condition that requires immediate access to a toilet facility. The customer must provide the retail establishment with documentation in writing by the customer's physician or by a nonprofit organization that serves individuals who suffer from such disease or condition. A retail establishment that violates the provisions of this act is punishable by a civil penalty of up to \$500.

**Senate Bill 753** amends the Pharmacy Act to create a registration and qualifications for a pharmacy technician. This is an individual who may assist in the practice of pharmacy under the immediate supervision of a licensed pharmacist. The bill would require annual registration with the Pharmacy Board. Individual applicants must be at least 17 years of age, complete a board approved training program for pharmacy technicians and a criminal history background check.

**House Bill 602** amends the Dental Law to expand the scope of practice for "expanded function dental assistant" referred to as EFDA. The legislation permits an EFDA to perform certain procedures under the direct supervision of a licensed dentist, including:

placing and contouring amalgam and other restorative materials; performing coronal polishing; performing fluoride treatments, including fluoride varnish; and taking impressions of teeth for athletic appliances.

The **Senate Appropriations Committee** approved three bills including a measure intended to improve safety at family child care centers:

**Senate Bill 59** requires family day care homes carry liability insurance and provide parents with information on compliance history and how to file complaints. The legislation also permits the Department of Public Welfare to order an immediate emergency closure of a family day care home upon evidence of gross incompetence, negligence, misconduct, mistreatment and/or abuse.

**Senate Bill 446** eliminates the requirement that local registrars transmit death certificates to county boards of elections. The legislation requires the Department of Health to report death information electronically to the Department of State to be entered into the "SURE" system or a similar successor system, to be used by the county boards of elections to remove deceased individuals from their voter registration rolls.

**Senate Bill 531** provides for county interagency sharing of juvenile records, including the contents of drug and alcohol, mental health, and education records. County agencies often have information about many of the same individuals or families, but because of confidentiality concerns, are unable to legally and officially transmit information about at-risk persons or families. SB 531 is intended to facilitate the distribution of information between all relevant agencies as a way to prevent both further victimization and/or criminal conduct of individuals in a family.

### *Other bills approved continued from Page 2*

The Senate also approved a four-bill package co-sponsored by Senator White addressing various state environmental protection programs:

**Senate Bill 115** requires the state Department of Environmental Protection (DEP) to post and maintain all clean air State Implementation Plans on its website, and to provide the same to the standing Senate and House oversight committees. The State Implementation Plans are the Commonwealth's formal submittals to the Environmental

Protection Agency detailing how the Commonwealth will comply with various air quality standards. This legislation would ensure that the plans are readily available for public and legislative review and comment.

**Senate Bill 116** requires the DEP to annually compile a comprehensive report on all of the special funds and restricted accounts that it administers.

**Senate Bill 117** requires state agencies which receive funding under the Keystone Recreation, Park and

Conservation Fund Act (Key '93) to submit annual reports to the governor and General Assembly – including description of projects and amounts requested – and post the information online.

**Senate Bill 118** requires DEP to deposit any HSCA-related fine money into the HSCA Fund. Any business which causes a hazardous spill or release is obligated under the HSCA statute to pay 100 percent of recovery and cleanup costs, and is also liable for significant fines.

## SESSION WEEK OF MAY 4

### “Fiscally responsible” budget approved

*The Senate’s approval of the proposed budget for Fiscal Year 2009-10 highlighted the legislative actions of the Session week of May 4. Senate Bill 850, a \$27.3 billion budget that reduces spending by just over 1 percent from the current year, now goes the House of Representatives for consideration.*

**Senate Bill 850** reflects and responds to Pennsylvania’s tough economic climate. State revenues came in nearly \$1 billion below estimate in April, showing that Pennsylvania’s economy continues to be in a downturn. Overall, Pennsylvania is facing a potential total shortfall of \$2.9 billion or higher by the end of the current fiscal year on June 30.

During a milder recession in the early 1990s, Pennsylvania experienced a similar catastrophic revenue shortfall when the Commonwealth amassed a billion dollar deficit and, in response, raised taxes by \$3 billion. That response devastated the Commonwealth’s economic climate and reduced its competitiveness with other states.

No tax increases are required for the budget as proposed in SB 850 and it maintains the \$750 million balance in the Rainy Day Fund. In his budget proposal, Governor Rendell called for draining down the Rainy Day Fund and imposing tax increases on natural gas extraction, cigarettes and other tobacco products, and retailers who collect the sales tax.

Every spending cut recommended by Governor Rendell is included in SB 850. However, additional cuts were necessary to bring this budget into balance. The Legislature will be called on to share its burden of cuts as well – and we are committed to doing that. The General Assembly’s operating line items are reduced by about 10 percent. In addition, \$100 million of the General Assembly’s reserves would be redistributed into the General Fund

Overall, SB 850 includes approximately \$24.6 billion in state funds, plus \$2.7 billion in federal stimulus funds. More than \$728 million of federal stimulus funds is allocated for basic education to maintain state support for

Pennsylvania’s school districts at the current year level. An additional \$720 million in federal stimulus money will go directly to Pennsylvania school districts through existing funding streams.

The Senate also approved **Senate Bill 59** which requires family day care homes carry liability insurance and provide parents with information on compliance history and how to file complaints. The legislation also permits the Department of Public Welfare to order an immediate emergency closure of a family day care home upon evidence of gross incompetence, negligence, misconduct, mistreatment and/or abuse.

### Banking and Insurance Committee update

*The Senate Banking and Insurance Committee approved two bills on May 5 that include provisions of the HealthNET PA legislative package, according to Committee Chairman Senator White.*

**House Bill 1089** creates a Mini-COBRA Small Employer Group Health Plan in Pennsylvania for businesses with 2 to 19 employees. This bill is identical to Senate Bill 442, introduced by Senator White, which was approved by the Senate Banking and Insurance Committee on March 10 and by the Senate on April 1.

“As I noted when we considered the Senate versions of these bills, it is essential that we quickly move this legislation to the Governor’s desk,” Senator White said. “This is especially the case for House Bill 1089 since it will enable more Pennsylvanians who are out of work to take advantage of federal assistance to retain health care coverage.”

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, which pertains to businesses with 20 or more employees, as well as those in state programs such as the Pennsylvania Mini-COBRA program established by HB 1089.

**House Bill 84** allows health insurers to withhold payment to providers in the event of a preventable serious adverse event. Specifically, a “pre-

ventable serious adverse event” is defined as a condition or negative consequence of care that results in unintended injury or illness that could have been anticipated and prepared for, but occurs because of an error or other system failure, and results in a patient’s death, loss of a body part, disability, or loss of bodily function lasting more than seven days.

This legislation is the companion bill to **Senate Bill 443**, introduced by Senator White, which the Senate Banking and Insurance Committee approved on March 10 and was approved by the Senate on March 25.

In addition to approving the House Bills, the Senate Banking and Insurance Committee conducted a public hearing to receive an update on the Long-Term Care Partnership Program.

**Act 40 of 2007** created the Long-Term Care Partnership Program which provides a financial incentive for individuals to buy long-term care insurance. Prior to the enactment of Act 40, consumers were required to ‘spend down’ their assets before taxpayer-funded Medicaid covered the expenses associated with long-term care. As a result, many individuals and families spent all of their assets well before they entered long-term care, and then taxpayers were forced to pick up the costs, which can be significant.

Under the Long-Term Care Partnership Program, individuals can

now retain an amount equal to the amount of long-term care insurance they hold. Therefore, a person with a \$100,000 policy is entitled to keep \$100,000 in assets when Medicaid steps in. That means Medicaid realizes savings of \$100,000, based on the amount paid by the policy, and the individual keeps \$100,000 in assets.

“Now that the Long-Term Care Partnership Program has been in place for a while, I believe it was important that we receive an update on how it has fared and discuss ways to improve it and how to encourage more people to enroll,” Senator White said.

### Indiana County Camp Cadet



Camp Cadet is a free summer camp for boys and girls ages 12 through 15 residing in Indiana

County. The

camp is held at Camp Seph Mack in Indiana County and is staffed by State Troopers and other volunteers.

The goal of Camp Cadet is to introduce participants to the diverse criminal justice system and establish an early, positive relationship with law enforcement personnel. Camp Cadet is a non-profit organization. Meals, lodging, and programs are provided at no cost to the applicant.

Deadline for applications for the 2009 Indiana County Camp Cadet is **June 30**. Applications can be downloaded online at: [www.indianacountycampcadet.org](http://www.indianacountycampcadet.org) or picked up at the State Police Barracks, as well as at school guidance offices.

## Armstrong County receives \$31.4 million in state funding

Armstrong County will benefit from \$31,408,970 in funding from the Pennsylvania Infrastructure Investment Authority (PENNVEST) for seven water and sewer projects, according to Senator Don White (R-41). The financing was approved at a PENNVEST meeting on April 20.

“This is a red letter day for Armstrong County as it will receive a significant amount of financing for these projects,” said Senator White, a member of the PENNVEST board. “This funding will support a substantial amount of construction work and jobs in the short term and improve the quality of life of Armstrong County residents and its efforts to promote economic development in the long run.”

The largest award went to **East Franklin Township**, which received a \$9,396,646 grant and a \$1,084,569 low-interest loan to construct three sewage

treatment plants, four pump stations and 33,800 feet of sewer lines to service approximately 195 existing homes in the villages of Adrian, Tarrtown and Cowansville.

The **Buffalo Township Municipal Authority** received a \$7,200,000 low-interest loan to construct a new water treatment plant servicing parts of Armstrong and Butler counties and to install 18,000 feet of water lines.

**Apollo Borough** received a \$7,016,230 grant for the installation of 39,000 feet of

sanitary sewers, along with converting the existing combined sewers into sanitary sewers.

The **Kittanning Borough Municipal Authority** received \$6.9 million in financing from PENNVEST to complete its ongoing sewer separation project. The \$5,525,000 grant and \$1,375,000 low-interest loan will be used to install 12,000 feet of new sanitary sewers, convert existing sewers to storm sewers and install 2,000 feet of storm sewers.



*Senator Don White and Representative Jeff Pyle present a check to East Franklin Township during a May 7 ceremony.*

## Committee Roundup

The state **Senate Environmental Resources and Energy Committee** approved six bills, including legislation to extend the deadline for submitting a Pennsylvania Climate Change action plan and tighten Marcellus Shale gas well reporting requirements. The committee improved the following bills:

**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 617** establishes the Heritage Area Program to identify, protect, enhance and promote the historic, recreational and scenic resources of Pennsylvania.

**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.

**Senate Bill 829** extends the time-frame for submittal of the PA Climate Change Action Plan and restores a 60-day public comment period.

**House Bill 262** encourages the continued use of prescribed burning for fuel reduction, ecological, forest, wildlife and grassland management purposes.

**House Bill 263** requires zoning ordinances to protect the Appalachian Trail.

The **Senate Veterans Affairs and Emergency Preparedness Committee** approved **Senate Bill 303**, a measure introduced by Senator White to encourage regionalization and partnership efforts among volunteer fire departments.

“Senate Bill 303 does not mandate cooperation, but rather provides financial incentives for departments to be forward

thinking – to look for ways to improve their response to emergencies and their capabilities once they get there,” Senator White said.

Senator White’s legislation outlines a new program to provide private, non-profit volunteer fire companies/departments or EMS organizations funds, up to \$100,000, for the following activities:

- The creation or formation of new or expanded organizations through merger, consolidation, regionalization, or other recognized partnerships.
- Education and/or informational programs designed for recruitment and/or retention of existing members.
- Other innovative approaches to partnerships that would be considered on a case-by-case basis and evaluated by the Department of Community and Economic Development.

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