

Senate News Brief

from Senate Republicans

"Final passage of this legislation today protects one of the fundamental rights we have as homeowners and ensures that in those rare instances where land is taken by the government for a truly public purpose, individuals will be fairly compensated."

– **Senate Majority Leader David Brightbill (R-Lebanon)**, on the April 25 final approval of eminent domain reform legislation that will protect Pennsylvania homeowners, small businesses, farms, and churches from land seizures for private development.

Preview

SECOND PUBLIC HEARING SET ON REDUCING MERCURY EMISSIONS

THE SENATE ENVIRONMENTAL RESOURCES AND ENERGY COMMITTEE, chaired by **Sen. Mary Jo White (R-Venango)**, on Tuesday will hold the second of two public hearings on how best to craft a state program to reduce mercury emissions. Coal, business, health and environmental organizations are expected to testify. Senator White and a bipartisan group of co-sponsors recently introduced legislation, SB 1201, to reduce mercury emissions from coal-fired power plants.

Review

EMINENT DOMAIN REFORM SENT TO GOVERNOR

THE SENATE GAVE FINAL APPROVAL APRIL 25 of eminent domain reform legislation that will protect Pennsylvania homeowners, small businesses, farms, and churches from land seizures for private development.

Senate Bill 881, the Property Rights Protection Act, now awaits the governor's signature.

Sponsored by **Senate Majority Whip Jeffrey Piccola (R-Dauphin)** and **Senate Majority Leader David Brightbill (R-Lebanon)**, Senate Bill 881 prohibits the use of eminent domain for taking private property for commercial purposes without a finding of blight, as specifically defined by the bill. Another measure passed earlier by the Senate and heading to the governor, House Bill 2054, modernizes and recodifies the Eminent Domain Code, governing all condemnations of property for public purposes and ensuring fair compensation. For more on action to reform eminent domain, please see *In the Spotlight* and *Fast Facts*, below.

BILL PREVENTING PUBLICATION OF CELL PHONE NUMBERS SENT TO GOVERNOR

LEGISLATION INTRODUCED BY **Sen. Rob Wonderling (R-Montgomery)** to prohibit wireless phone companies from publishing customer names and telephone numbers without explicit customer consent was passed by the General Assembly this week.

Under Senate Bill 713, wireless phone companies are also prohibited from charging a fee to their customers who choose not to be listed in the subscriber directory. The bill will now go to the governor for his consideration.

Any violation of the law would be reported to the Office of Attorney General, which has authority to bring an action under the Unfair Trade Practices and Consumer Protection Law.

COMMITTEE MOVES BILL TO INTEGRATE STATE, FEDERAL PRESCRIPTION PLANS

THE SENATE AGING AND YOUTH COMMITTEE, chaired by **Sen. Jane Orié (R-Allegheny)**, approved legislation April 26 that would revise Pennsylvania's prescription drug assistance program to work with the federal Medicare prescription drug program.

Senate Bill 1188, sponsored by **Sen. Pat Vance (R-Cumberland)**, would restructure PACE and PACENET so that they work seamlessly with the new Medicare Part D program. The measure is now before the full Senate.

COALITION RALLIES IN SUPPORT OF UNDERAGE DRINKING BILL PACKAGE

MEMBERS OF THE PENNSYLVANIA ALCOHOL BEVERAGE COALITION joined **Senate Law and Justice Committee Chairman John Rafferty (R-Montgomery)** and others lawmakers April 26 to voice their support for a package of bills to address the growing problem of underage drinking.

The legislators are leading the effort to pass a number of bills to combat alcohol use by minors. The package includes driver's license revocation for adults who furnish alcohol to minors and immunity for a minor who acts to save the life of another involved in underage drinking.

COMMITTEE REVIEWS DCED BUDGET, SMALL BUSINESS DEVELOPMENT

THE SENATE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE, chaired by **Sen. Terry Punt (R-Franklin)**, held a public hearing April 25 to review the governor's proposed budget for the state Department of Community and Economic Development.

DCED is requesting a \$426 million budget for 2006-07. Chairman Punt urged continued support for the Small Business First program and the Pennsylvania Industrial Development Authority (PIDA). The panel also received an update on the Small Business Development Centers (SBDC) program.

SEN. PIPPY NAMED NEW SENATE GAME AND FISHERIES CHAIRMAN

SEN. JOHN PIPPY (R-ALLEGHENY) has been named chairman of the Senate Game and Fisheries Committee.

Senator Pippy succeeds Sen. Joe Conti (R-Bucks), who was recently elected Senate Majority Caucus Chairman.

The Senate Game and Fisheries Committee considers issues and legislation that impact hunting, fishing and boating in Pennsylvania.

SEN. ROBBINS ELECTED CHAIR OF PA LOCAL GOVERNMENT COMMISSION

SEN. BOB ROBBINS (R-MERCER) on April 26 was elected chairman of the Pennsylvania Local Government Commission.

The bipartisan state commission of legislators specializes in providing research and making recommendations to the General Assembly on issues affecting local governments. Senator Robbins has been a member of the Commission since 1994 and was chairman from 1995 to 2001.

In the Spotlight

SENATE BILL 881 WAS INTRODUCED following last year's U.S. Supreme Court decision, *Kelo v. City of New London*, which ruled that governments can seize property to make room for private development projects that promise to boost the local economy. The ruling prompted lawmakers to modernize Pennsylvania's laws and provide greater protection to owners of private property from governmental authorities who seek to abuse the use of their eminent domain powers.

Senate Bill 881 allows cities in Pennsylvania to retain flexibility in blighted areas, as well as continuing the longstanding ability to condemn abandoned, dangerous, or severely tax-delinquent properties.

Broad support for the measure includes the Pennsylvania Farm Bureau, Pennsylvania League of Cities and Municipalities, National Federation of Independent Business and the Pennsylvania Builders Association.

Fast Facts

SENATE BILL 881 – REINING IN EMINENT DOMAIN

- The legislation prohibits any government/condemnor from using eminent domain to take private property in order to use it for private enterprise, with certain exceptions.
- When acquiring a single unit of property by eminent domain, a government may declare it to be blighted only if the property meets specific criteria.
- When acquiring multiple units of property by eminent domain, a government can declare an area to be blighted only if a majority of the units of property meet requirements and represent a majority of the geographical area.
- No political subdivision could exercise eminent domain authority against land that is situated in another political subdivision without approval.

Question or comments? Contact the Senate Republican Communications Office at senaterepublicancommunicationsoffice@pasen.gov or call 717-787-6725. Current and archived News Briefs are also available online at www.pasenategop.com.