

WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – JOHN PIPPY, CHAIRMAN

Monday, March 30, 2009

[Senate Bill 84](#) (Greenleaf) would amend the Economic Development Agency, Fiduciary and Lender Environmental Liability Protection Act to extend the limitation on liability under the act to an economic development agency that has an ownership interest in a property to secure public funding for the environmental investigation, remediation, or redevelopment of the property for, among other purposes, the transfer of title to the property to a third party after rehabilitation. An additional change would extend the liability protection to the officers, directors, and employees of the economic development agency unless the agency or any of its officers, directors, and employees directly cause an immediate release or directly exacerbate a release of any regulated substance on or from the property. **Passed: 49-0.**

[Senate Resolution 38](#) (Baker) commends the Army Aviation Support Facility at Fort Indiantown Gap and the Department of Military and Veterans Affairs for receiving Voluntary Participation Program STAR recognition from the Occupational Safety and Health Administration. **Adopted by Voice Vote.**

[Senate Resolution 40](#) (Robbins) designates March 30, 2009 as “Vietnam Veterans Day” in Pennsylvania and May 25, 2009 as “Fallen Heroes of the Vietnam War Day” in Pennsylvania to recognize the selfless service and supreme sacrifice of Vietnam veterans. **Adopted by Voice Vote.**

Tuesday, March 31, 2009

[Senate Bill 206](#) (McIlhinney) would prohibit public school directors, superintendents, administrators, or principals from limiting: 1) the wearing of official military uniforms by members of the active and retired armed services, their reserve components or the National Guard while on school district property; or 2) the visiting or meeting with a school district employee or student by any member of the active or retired armed services, their reserve components or the National Guard when the individual is in compliance with the school district’s visitor policy. A violation of these provisions would be considered a summary offense punishable by a \$500 fine. Each occurrence would constitute a separate offense. **Passed: 49-1.**

[Senate Bill 299](#) (Corman) would amend Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes to add a new subchapter to Chapter 76 to address the offense of “phishing.” The offense of phishing would occur when an individual, with the intent to defraud or injure another (or with the knowledge that a fraud is being facilitated or that an injury is being perpetrated by another person), makes a communication requesting or soliciting a person to provide identifying information under false pretenses by or on behalf of a legitimate business without the authority or approval of the business and receives identifying information pursuant to

the action. A violation of these provisions would be a third degree felony. It would also be considered a violation for a person to sell or distribute any identifying information obtained under these circumstances. Selling or distributing the information would be considered a second degree felony. The Attorney General would have the authority to investigate and institute criminal proceedings for any violation of these provisions or any series of violations involving more than one county in the Commonwealth or another state. No internet service provider would be held liable for removing or disabling access to content that resides on an internet website or other online location controlled or operated by the provider which the provider believes in good faith is used to engage in a violation of the subchapter. The bill would provide for civil relief for internet service providers and legitimate businesses who are adversely affected by a violation of these provisions. **Passed: 50-0.**

Senate Bill 536 (Folmer) would authorize the Department of General Services (DGS) to convey an easement for pedestrian and vehicular access on the grounds of the Department of Corrections' Training Academy in Mount Joy Township, Lancaster County to Tad W. Hippensteel for \$2,157. Costs and fees incidental to the conveyance would be borne by the grantee and paid to the Department of General Services. Any funds remaining from the conveyance after DGS reimburses itself for its costs would be deposited in the General Fund. In the event that the grantee and DGS cannot reach a mutually acceptable easement agreement within 12 months of the effective date of the act, the authorization for the conveyance would expire. **Passed: 50-0.**

Senate Bill 568 (Dinniman) would authorize DGS to convey two tracts of land totaling 95.903 acres in East Vincent Township, Chester County to East Vincent Township for \$1. The land would have to be used for recreational open space for the benefit of the public at large or it would revert to the Commonwealth. In addition, no portion of the conveyance could be used for a licensed gaming facility or it would revert to the Commonwealth. The costs and fees incidental to the conveyance would be borne by the grantee. In the event that the conveyance is not executed within five years of the effective date of the act, the authorization for the conveyance would expire. **Passed: 50-0.**

Senate Resolution 41 (Robbins) designates the week of April 12 through 18, 2009 as "Local Government Week" in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 63 (Tartaglione) designates the month of April 2009 as "Sexual Assault Awareness Month" in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 64 (Baker) designates the week of April 19 through 25, 2009 as "Week of the Young Child" in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 65 (Piccola) designates the month of March 2009 as "International DeMolay Month" in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 66 (Greenleaf) designates the month of April 2009 as "Hemophilia Awareness Month" in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 67](#) (McIlhinney) recognizes the month of April 2009 as “Children and Nature Awareness Month” in Pennsylvania. [Adopted by Voice Vote.](#)

Executive Session

Nominations to Various Boards and Commissions, and the Honorable Stephen H. Stetler as Secretary of Revenue. [Confirmed: 50-0.](#)

Wednesday, April 1, 2009

[Senate Bill 9](#) (Scarnati) would create the Proof of Citizenship for Receipt of Public Benefits Act to require identification of lawful presence in the United States as a prerequisite to the receipt of public benefits. Under the provisions of the bill, a person who applies directly to an agency for public benefits would have to provide in person, by mail or by electronic means, one of the forms of identification listed in the bill. The individual would also have to execute an affidavit stating that he or she is a United States citizen, legal permanent resident or otherwise lawfully present in the United States pursuant to federal law. The agency would be required to maintain the affidavit in accordance with the applicable records retention schedule. An agency that administers public benefits would be required to verify through the Systematic Alien Verification of Entitlement (SAVE) program operated by the Department of Homeland Security or a successor program that each noncitizen applicant who has executed an affidavit is an alien legally present in the United States. Until the verification is made, the affidavit could be presumed to be proof of lawful presence for purposes of the act. A person who violates the act would commit an offense under 18 Pa.C.S. §4904 (relating to unsworn falsification to authorities). The new requirements would not apply to individuals under 18 years of age; those currently receiving Supplemental Security Income or Social Security disability income; persons entitled to or enrolled in Medicare Part A or Part B, or both; and, individuals applying for public benefits on behalf of a person under 18 years of age. [Passed: 41-9.](#)

[Senate Bill 136](#) (Erickson) would amend the Regulatory Review Act to require agencies submitting proposed regulations to the Independent Regulatory Review Commission to provide a description of any data upon which the regulation is based with a detailed explanation of how the data was obtained and why the data is acceptable data. “Acceptable data” is defined as empirical, replicable and testable data as evidenced in supporting documentation, statistics, reports, studies or research. Agencies would be responsible for proving that data is acceptable. The Commission, when reviewing regulations for a determination of whether a regulation is in the public interest, would be required to consider whether the regulation is supported by acceptable data. [Passed: 50-0.](#)

[Senate Bill 155](#) (Pileggi) would amend the Breach of Personal Information Notification Act to require a state agency or political subdivision that experiences a security breach of its computer systems to provide notice of the breach within seven days of its discovery to individuals whose information is reasonably believed to have been accessed. Notification would also have to be provided to the Office of Attorney General within three business days following the discovery of the breach. The Attorney General would be required to investigate the breach, including a review of procedures, a determination of the cause of the breach and recommendations to the

agency relating to the prevention of similar breaches in the future. The cost of the investigation would be paid by the agency in which the breach occurred. **Passed: 50-0.**

Senate Bill 387 (Tartaglione) would amend Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes to add an employee of an agency, company or other entity engaged in public transportation to the list of officials and employees included under the aggravated assault law. **Passed: 42-8.**

Senate Bill 442 (D. White) would amend the Insurance Company Law of 1921 by adding a section entitled Mini-Cobra Small Employer Group Health Policies. The provisions would apply to employers with two to nineteen employees. (Under federal law (COBRA), terminated employees of employers with 20 or more employees may purchase a continuation of health benefits for 18 to 36 months at no more than 102 percent of the group rate before termination of coverage. Applicable persons have 60 days to accept or reject federal COBRA coverage.)

Senate Bill 442 would extend, under certain conditions, the continuation of hospital, surgical or major medical coverage when due to a “qualifying event” a covered employee or their eligible dependents are no longer eligible for the group health policy of the employer. To qualify, the employee or eligible dependent must have been continuously insured under the employer’s group policy during the entire three month period ending with the termination. The continuation would have to include any benefits provided under the group policy. Continuation would not be available for any person covered under the group policy who (1) is covered or is eligible for coverage under Medicare; (2) fails to verify that he is ineligible for employer-based group health insurance as an eligible dependent; or (3) is or could be covered by any other insured or uninsured arrangement which provides hospital, surgical or major medical coverage for individuals in a group and under which the person was not covered immediately prior to such termination.

The employer must notify the plan administrator, the covered employee and the insurer within thirty days of the date of a qualifying event. Notice to the covered employee would have to include notice of their rights under the Cobra provisions. Each eligible covered employee or eligible dependent, in order to continue coverage, would have to request mini-COBRA coverage within 30 days of the notice. A qualifying event means, with respect to any covered employee, any of the following events which, but for the continuation of coverage, would result in the loss of coverage of an eligible dependent:

- The death of a covered employee,
- The termination of the employee, other than by reason of gross misconduct, or reduction of hours of employment,
- The divorce or legal separation of the covered employee from an eligible dependent,
- The covered employee becomes entitled to benefits under Title XVIII of the Social Security Act,
- A dependent child ceases to be a dependent child,
- A proceeding in a case under bankruptcy, with respect to the employer.

In order to continue coverage, the covered employee or eligible dependent would be required to pay to the group policyholder, on a monthly basis, the amount of the contribution required to continue coverage. The premium amount could not be more than 105 percent of the group rate.

Continuation of coverage under the group policy would terminate at the first to occur of the following:

- Nine months from the date the coverage would have terminated because of a qualifying event;
- If the employee or member fails to make timely payment of a required premium contribution; or
- The date on which the group policy is terminated. **Passed: 50-0.**

Senate Bill 488 (Rafferty) would amend Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes to provide a person with immunity from prosecution for underage drinking when the person calls 911 because someone else needs medical attention. The person would have to establish that the only way law enforcement became aware of his or her violation was because the person placed the call in good faith based on a reasonable belief that another person was in need of immediate medical attention to prevent death or serious injury. In addition, the caller would have to provide his or her own name, reasonably believe that he or she was the first person to call 911, and remain with the individual needing medical attention until emergency health care providers arrive. **Passed: 50-0.**

Senate Bill 605 (Waugh) would amend Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes to expand the offense of robbery. The bill would expand the definition of robbery to include taking or removing money from a financial institution without permission by making a demand of an employee of the institution orally or in writing with the intent to deprive the financial institution of the money. An offense under these provisions would be considered a second degree felony. **Passed: 49-1.**

Senate Resolution 53 (Tomlinson) designates the month of April 2009 as “Pennsylvania One Call System Month.” **Adopted by Voice Vote.**

Senate Resolution 56 (Erickson) designates April 16, 2009 as “Healthcare Decisions Day” in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 68 (Orie) designates the month of April 2009 as “Alcohol Awareness Month” in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 69 (Orie) designates the month of April 2009 as “Child Abuse Prevention Month” in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 70 (Orie) designates the first day of April 2009 as “Lupus Alert Day” in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 71](#) (O’Pake) designates May 2, 2009 as “Childhood Stroke Awareness Day” in Pennsylvania and urges Pennsylvanians to support the research and educational endeavors of Pediatric Stroke Network, Inc. [Adopted by Voice Vote.](#)

[Senate Resolution 72](#) (Tartaglione) recognizes April 8, 2009 as “National Start! Walking Day” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 73](#) designates April 4, 2009 as “Thaddeus Stevens Day” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 74](#) (Fontana) recognizes the week of April 12 through 18, 2009 as “National Library Week 2009” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 75](#) (Stack) designates April 19 through 26, 2009 as “Days of Remembrance of the Victims of the Holocaust” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 76](#) (Stack) recognizes the month of April 2009 as “Autism Awareness Month” in Pennsylvania. [Adopted by Voice Vote.](#)

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