

WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – JOHN PIPPY, CHAIRMAN

Monday, April 27, 2009

[Senate Bill 48](#) (Greenleaf) would authorize the Commonwealth to acquire from the United States the Willow Grove Naval Air Station Joint Reserve Base and the Willow Grove Air Reserve Station as a joint interagency installation for use by the Pennsylvania National Guard and other Department of Defense components; federal, state and local government agencies; and associated users to perform national defense, homeland security and emergency preparedness missions. The property acquired would be known as the Horsham Joint Interagency Installation. The installation could not be used for commercial passenger operations; commercial cargo operations; commercial business or nongovernmental aircraft operations; or as a routine reliever airport to relieve congestion at other airports. Nothing in the bill would diminish or alter authorized uses of the installation by the federal government or limit use of the property for authorized purposes in exigent circumstances. [Passed: 48-2.](#)

[Senate Bill 116](#) (M. White) would create the Environmental Funds Reporting and Disclosure Act. The bill would require the Department of Environment Protection to provide, no later than September 30, 2009 and each year thereafter, an annual comprehensive report of all special funds and restricted revenue accounts which it administers. The reports would have to contain the total receipts and expenditures of each fund, including all fees, fines, penalties and natural resource damage awards or settlements; an itemized list of each receipt and disbursement of the fund in excess of \$10,000; and the number and nature of violations of environmental statutes. Reports would be posted on the Department's website and provided to the Majority and Minority Chairmen of the Senate and House Appropriations and Environmental Resource and Energy Committees. [Passed: 50-0.](#)

[Senate Bill 117](#) (M. White) would amend the Keystone Recreation, Park and Conservation Fund Act to require the Department of Conservation and Natural Resources, the Department of Education, the Pennsylvania Historical and Museum Commission and the State System of Higher Education each to submit an annual report to the Governor and General Assembly no later than July 1, 2009, and each July 1 thereafter. The report would have to include information relating to grants awarded from the fund, including the name of the applicant, location and description of the project, total project costs, amount requested, matching funds, the grant contract expiration date and amount awarded. Each agency would be required to publish and maintain the report on its publicly accessible Internet website. The report could be submitted to the Governor and General Assembly by electronic mail. [Passed: 50-0.](#)

[Senate Resolution 92](#) (Vance) designates the week of May 6 through 12, 2009 as "Nurses Week" in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 93](#) (Pippy) designates the month of May 2009 as "Science: It's Elementary Showcase of Student Learning Month" in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 94](#) (Tartaglione) observes the week of April 26 through May 2, 2009 as “Crimes Victims’ Rights Week” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 95](#) (Rafferty) recognizes the week of May 10 through 16, 2009 as “National Police Week” and May 4, 2009 as “Police Officers’ Memorial Day” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 96](#) (O’Pake) recognizes the month of May 2009 as “National Bike Month,” the week of May 11 through 15, 2009 as “Bike-to-Work Week” and May 15, 2009 as “Bike-to-Work Day” in Pennsylvania. [Adopted by Voice Vote.](#)

[Senate Resolution 97](#) (Wozniak) recognizes the month of May 2009 as “Sleep Apnea Awareness Month” in Pennsylvania. [Adopted by Voice Vote.](#)

Tuesday, April 28, 2009

[Senate Bill 115](#) (M. White) would amend the Air Pollution Control Act to require that state implementation plans or revisions developed by the Department of Environmental Protection, another state agency or a local air pollution control agency be published and maintained on the publicly accessible Internet website of the state or local entity that developed the plan or revision. The legislation would also require that plans or revisions developed by the Department or other state agency be submitted to the Chairmen and Minority Chairmen of the Senate and House Environmental Resources and Energy Committees at the same time as the plan or revision is published for public comment or submitted to the Environmental Quality Board. These changes would apply to implementation plans or revisions proposed or finalized after the effective date of the act. [Passed: 50-0.](#)

[Senate Bill 118](#) (M. White) would amend the Hazardous Sites Cleanup Act to require any civil penalties assessed under Section 1104 of the act to be deposited in the Hazardous Sites Cleanup Fund. [Passed: 50-0.](#)

[Senate Bill 275](#) (D. White) would create the Coal Bed Methane Well Dispute Resolution Act. The bill would establish a three-member Coal Bed Methane Review Board to resolve disputes over the location of coal bed methane wells and access roads. The board would be appointed by the Governor as follows: one member from a list of three individuals submitted by the Pennsylvania Farm Bureau; one member from a list of three individuals prepared jointly by the Pennsylvania Oil and Gas Association, the Independent Oil and Gas Association of Pennsylvania and the Pennsylvania Coal Association; and, one member with expertise in petroleum geology or engineering with at least three years of experience in practice in Pennsylvania from a list of three individuals prepared jointly by the Deans of the College of Agricultural Sciences and the College of Earth and Mineral Sciences of the Pennsylvania State University. Upon the occurrence of a vacancy, the appropriate entity would submit a new list to the Governor within 30 days of the vacancy. Members of the Board would be compensated at the appropriate per diem rate based on the prevailing formula administered by the Commonwealth, but not less than \$150 per day, plus all reasonable expenses incurred while performing their official duties. Compensation

would be adjusted annually for inflation. The Department of Environmental Protection (DEP) would provide administrative and clerical support to the board as requested.

The bill would require a well operator who intends to drill a coal bed methane well or construct an access road to provide written notification to the surface owner as required under the Oil and Gas Act. In addition, the well operator would have to include the written statement included in the bill explaining the surface owner's right to participate in alternative dispute resolution for disputes over the well's or road's location. A surface owner would have 15 days to file written objections to the location of the well or road with the Board. The legislation outlines the process for the dispute resolution conference and the timelines for various actions during the process. If the objections are not resolved through the conference process, the Board would make a determination in writing establishing a location for the well or road that will cause only those surface impairments that are reasonably necessary for purposes of extracting the coal bed methane. The Board's decision could be appealed to the court of common pleas in the judicial district in which the affected property is located. The court would be required to hold a hearing within 30 days and render its decision within 60 days. The only issue to be determined by the court would be whether the location of the disputed well or road will cause only those surface impairments that are reasonably necessary for extracting the methane. If the court determines that the location does not meet this standard, it would establish a location that, in its opinion, meets this standard.

Upon the determination of a final location, DEP would accept an application from the operator and proceed to issue or deny the permit. Any determination made by the Board would be binding on the Department. However, the Board's determination would not limit or otherwise affect DEP's regulatory authority under the Oil and Gas Act, the Clean Streams Law, or any other applicable law. The act would supersede any local ordinances and resolutions dealing with material regulated by the act. Nothing in the act would preclude a person from seeking other remedies allowed by statute, common law, deed or contract, nor would the act diminish or alter rights previously established or granted by statute, common law, deed or contract.

Passed: 50-0.

Senate Resolution 100 (Orie) designates April 28, 2009 as "Equal Pay Day" in Pennsylvania.
Adopted by Voice Vote.

Senate Resolution 101 (Washington) designates the month of May 2009 as "Foster Care Month" in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 102 (M. White) designates the week of May 3 through 9, 2009 as "Drinking Water Week" in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 103 (Dinniman) commends the 164 local YMCAs for providing outstanding community services and recognizes the month of May 2009 as "YMCA Appreciation Month" in Pennsylvania. **Adopted by Voice Vote.**

Wednesday, April 29, 2009

[Senate Bill 674](#) (Waugh) would amend the Public School Code to permit local school boards to establish a program to be known as “Operation Recognition” to grant a high school diploma to any honorably discharged veteran who served in the United States military in the Vietnam War between November 15, 1961 and March 28, 1973, who attended high school between 1958 and 1973, and who would have been a member of a graduation class during the years 1962 through 1975 but did not graduate from high school due to entry into military service. School boards could award a diploma posthumously to an eligible veteran. An application for a diploma would have to be made in the manner prescribed by the school board. **Passed: 50-0.**

[Senate Resolution 77](#) (Folmer) designates Tuesday, May 5, 2009 as “Pennsylvania Health Care Information Technology Awareness Day” in the Commonwealth. **Adopted by Voice Vote.**

[Senate Resolution 98](#) (Pileggi) adopts a temporary rule of the Senate to establish that floor amendments to the General Appropriation Bill or other general fund or special appropriation bills for the fiscal year commencing July 1, 2009, or for any prior fiscal year, are in order on second consideration only. The temporary rule also requires any amendment offered on the floor of the Senate or in the Appropriations Committee to the 2009-10 Budget which proposes increased spending to contain sufficient line-item reductions so that the amendment does not result in a net increase in total spending. The rule could be temporarily suspended only by a vote of the majority of the members elected to the Senate. **Adopted: 50-0.**

[Senate Resolution 104](#) (Farnese) designates the month of May 2009 as “Amyotrophic Lateral Sclerosis Awareness Month” in Pennsylvania and urges the President and Congress of the United States to enact legislation to provide additional funding for research in order to find a treatment and cure for the disease. **Adopted by Voice Vote.**

[Senate Resolution 105](#) (Baker) designates May 1, 2009 as “Loyalty Day” in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 106](#) (Greenleaf) designates the month of May 2009 as “Lyme Disease Awareness Month” in Pennsylvania. **Adopted by Voice Vote.**

[Senate Resolution 107](#) (Alloway) honors the achievements of the Wall Street Warfighters Foundation and its commitment to disabled veterans. **Adopted by Voice Vote.**

Executive Session

Nominations to Various Boards and Commissions. **Confirmed: 50-0.**

(2009-069)