

# WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – JOHN PIPPY, CHAIRMAN

## Monday, June 29, 2009

[Senate Bill 969](#) (Eichelberger) would authorize the Department of General Services (DGS) to convey 2.7 acres and improvements in the City of Altoona to the Altoona Regional Health System for \$250,000 in accordance with a lease and option to purchase agreement with DGS dated May 1, 2007. Costs and fees incidental to the conveyance would be paid by the grantee. No portion of the conveyance could be used for a licensed gaming facility or it would revert to the Commonwealth. In the event the conveyance is not executed in accordance with the lease to purchase agreement, the property could be disposed of in accordance with Article 2406-A of the Administrative Code. [Passed: 48-0.](#)

## Tuesday, June 30, 2009

[Senate Bill 88](#) (Pippy) would amend the Public School Code to clarify that when a child lives outside of Pennsylvania as a result of one or both parents being called or ordered to active military duty, other than active duty training, the child would continue to be considered a resident of the school district that was the child's resident school district immediately prior to the parent being stationed outside of Pennsylvania, provided that the parent maintains the residence. [Passed: 49-0.](#)

[Senate Bill 563](#) (Browne) would amend the Mechanics Lien Law of 1963 to allow the waiver of the right to file a lien on any residential property, regardless of the cost of the project. Currently, a contractor or subcontractor may waive his or her right to file a claim against residential property when the total contract price is less than one million dollars. The bill would also change the definition of "residential building" in the act to "residential property." Residential property would include property on which there is or will be constructed a building not more than three stories in height, not including the basement, regardless of whether a portion of the basement is at grade level. [Passed: 49-0.](#)

[Senate Bill 904](#) (Dinniman) would authorize DGS to convey approximately 225 acres and the Embreeville Center in West Bradford and Newlin Townships, Chester County to West Bradford Township for \$2 million. The Department of General Services would retain building and maintenance obligations under an existing lease with the Pennsylvania Clinical Schools, Inc. until the lease is terminated. In addition, the agreement of sale would have to contain a provision requiring West Bradford Township to lease a certain portion of the property to Pennsylvania Clinical Schools, Inc. The conveyance would exclude a tract of land controlled by the Department of Transportation. Two parcels of land, as outlined in the legislation, would have to be used for open space purposes or they would revert to the Commonwealth. Further, three additional parcels would have to be used for public recreational purposes or they would revert to the Commonwealth. The legislation authorizes DGS and the Department of Public Welfare to relocate any remaining programs at Embreeville Center to any other Commonwealth-owned and

operated state mental health or mental retardation facility without the need to comply with any local land use controls. Costs and fees incidental to the conveyance would be paid by the grantee. No portion of the conveyance could be used for a licensed gaming facility or it would revert to the Commonwealth. In the event an agreement of sale between DGS and the township is not executed within 18 months, the property could be disposed of in accordance with Article 2405-A of the Administrative Code. **Passed: 49-0.**

**Senate Resolution 133** (Folmer) urges the President of the United States and the Governor to institute a broadband mobilization strategy to manage funds from the American Recovery and Reinvestment Act of 2009. **Adopted by Voice Vote.**

**Senate Resolution 138** (Waugh) designates September 2009 as “Polycystic Kidney Disease Awareness Month” in Pennsylvania. **Adopted by Voice Vote.**

**Senate Resolution 143** (Dinniman) proclaims the week of July 12 through 18, 2009 as “Probation, Parole and Community Supervision Week” in Pennsylvania. **Adopted by Voice Vote.**

**Senate Resolution 144** (Greenleaf) designates the month of September 2009 as “Prostate Cancer Awareness Month” in Pennsylvania. **Adopted by Voice Vote.**

**Senate Resolution 145** (Boscola) extends a warm welcome to the United States Women’s Open golf tournament to be hosted by the Saucon Valley Country Club in Bethlehem on July 6 through 12, 2009. **Adopted by Voice Vote.**

**House Bill 270** (P. Costa) would amend Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes to permit former judges and mayors to solemnize marriages. The changes would permit a former or retired judge or magisterial district justice to perform marriages who: has served as a magisterial district judge, judge or justice, whether or not continuously or on the same court for a full term of office; has not been defeated for reelection or retention; has not been convicted of, pleaded nolo contendere to or agreed to an Accelerated Rehabilitative Disposition or other probation without verdict program relative to any misdemeanor or felony offense; has not resigned a judicial commission to avoid having charges filed or to avoid prosecution by law enforcement or by the Judicial Conduct Board; has not been removed from office by the Court of Judicial Discipline; and is a resident of the Commonwealth. Similarly, a former mayor of a city or borough in the Commonwealth could perform marriages if the individual: has not been defeated for reelection; has not been convicted of, pleaded nolo contendere to or agreed to an Accelerated Rehabilitative Disposition or other probation without verdict program relative to any misdemeanor or felony offense; has not resigned the position of mayor to avoid having charges filed or to avoid prosecution; has served as a mayor for a full term; and is a resident of the Commonwealth. **Passed: 37-12.**

### *Executive Session*

Nominations to the Court of Common Pleas and Philadelphia Municipal Court. (Two-Thirds Vote Required). **Confirmed: 49-0.**

Nominations to Various Boards and Commissions. [Confirmed: 49-0.](#)

**Wednesday, July 1, 2009**

[Senate Bill 936](#) (Browne) would amend Title 7 (Banks and Banking) to include the Mortgage Licensing Act, which would expand regulation of the mortgage industry in Pennsylvania. This bill would bring the Commonwealth's mortgage industry licensure and regulations law into compliance with the federal Secure and Fair Enforcement Mortgage Licensing Act of 2008 (S.A.F.E.). Failure to do so by July 31, 2009, would risk a preemption of the Commonwealth's regulatory powers over the mortgage industry by the United States Department of Housing and Urban Development. Among other provisions, the bill would:

- Remove many of the licensing exemptions for loan originators (for example, loan originators employed by bank affiliates, governmental entities, religious organizations and non-profit entities).
- Require all applicants and licensees to use the Nationwide Mortgage Licensing System and Registry to obtain and maintain a license.
- Require mortgage loan originators to obtain surety bonds in an amount determined by the volume of lending or brokering performed in the first calendar year of licensing to compensate consumers that are injured by acts or omissions of originators.
- Increase from 12 to 20 hours, the pre-licensing education requirement for loan originators, which now must include a specific curriculum, and require applicants to pass a written test in order to obtain a license.
- Increase from 6 to 8 hours, the continuing education requirement for loan originators, which must now also include a specific curriculum.
- Require the Department of Banking to deny a mortgage originator license to any applicant that has been convicted of any felony during the past seven years, or to any applicant that has been convicted of a felony involving an act of fraud, dishonesty, breach of trust, or money laundering.
- Require the Department of Banking to deny a mortgage originator license to any applicant that does not possess the financial responsibility, character, reputation, integrity and general fitness to command the confidence of the public. The Department could consider current outstanding judgments, liens, and recent foreclosures as factors related to financial responsibility.
- Require the Department to make available the employment history of a mortgage originator.
- Require a mortgage originator to include a unique identifier in all advertising.  
[Passed: 49-0.](#)

[Senate Resolution 148](#) (Wonderling) designates the month of September 2009 as “Women in Pain Awareness Month” to recognize the need to raise awareness concerning gender disparity in pain assessment and treatment. [Adopted by Voice Vote.](#)

[House Bill 89](#) (Mann) would amend Title 18 (Crimes and Offenses) to expand the offense of child pornography to make a person who intentionally views child pornography guilty of the offense. The bill would also add a definition of “intentionally views.” [Passed: 49-0.](#)

### *Executive Session*

Nominations to Various Boards and Commission. [Confirmed: 49-0.](#)

### **Thursday, July 2, 2009**

[Senate Bill 195](#) (Waugh) would amend the Industrialized Housing Act to authorize the Department of Community and Economic Development to enter into a multistate agreement for the purposes of regulating the construction of industrialized/commercial modular buildings. The Department would be required to adopt regulations to administer the program. Modules of industrialized/commercial modular buildings that are certified under the program would be deemed to meet the requirements of the Pennsylvania Construction Code Act. The bill provides definitions of “industrialized/commercial modular building” and “industrialized/commercial building module”. [Concurrence in House Amendments: 48-0.](#)

[House Bill 48](#) (M. O’Brien) would amend the Liquor Code to expand the type of entities that could receive a special occasion permit or a public venue license. Among other provisions, the bill would:

- Permit a Rotary club in a county of the fourth class or a nonprofit organization located in a borough in a county of the third class whose purpose is to promote mushrooms while supporting local and regional charities to receive a special occasion permit.
- Permit a visitor center established under the authority of the federal Gateway Visitor Center Authorization Act of 1999 to be considered a public venue which may sell alcohol at certain specified times during events.
- Permit hotels licensed prior to 1949 that are not required to meet minimum room requirements to use rooms formerly utilized as bedrooms for public accommodations to be used as serving areas.
- Reduce the minimum seating requirement for a nonprofit performing arts theater licensee from 500 to 250.
- Permit a sacramental wine licensee to sell food and sacramental wine (clearly marked as such on the bottle) on the premises and permit patrons to remove a partially consumed, but resealed, bottle of such wine from the premises.

- Provide an exemption to the interlocking business prohibition to permit a board member of an authority created under the Third Class County Convention Center Act and with an interest in a retail license to have an interest in a distributor or an importing distributor license.
- Permit casinos that have a restaurant license to get an “enhanced restaurant license” for an initial fee of \$250,000 and an annual fee of \$30,000. The enhanced license would eliminate license revocation after three violations but would include penalties of up to \$25,000 per violation. **Passed: 43-5.**

**House Bill 1392** (Gibbons) would authorize the release of Project 70 restrictions on 0.019 acres of land owned by Beaver County and being conveyed to the Department of Transportation in exchange for the imposition of Project 70 restrictions on 0.102 acres owned by the Department of Transportation and being conveyed to Beaver County. The changes are necessary for the realignment of State Route 588, Section B05 through Brush Creek, Beaver County.

**Passed: 48-0.**

(2009-090)