

# WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – EDWIN B. ERICKSON, CHAIRMAN

## Sunday, June 26, 2011

There were no final passage votes taken in the Senate on Sunday.

## Monday, June 27, 2011

[Senate Bill 638](#) (Ward) would amend the Public Welfare Code to require an individual receiving methadone treatment by a licensed provider to receive treatment at the program closest to the individual's residence based on a one-way trip calculation in order to be eligible for mileage reimbursement or paratransit services. The Department of Public Welfare could develop an exceptions process based on medical emergency, physical health, safety issues and availability of closest provider. County medical assistance transportation programs, in consultation with the Department, would be required to develop procedures for the prevention, detection and reporting of suspected fraud and abuse relating to the reimbursement of mileage for methadone treatment.

**Passed: 50-0.**

[Senate Bill 1122](#) (Corman) would appropriate \$214,110,000 to the Pennsylvania State University for general support for the 2011-2012 Fiscal Year and \$13,584,000 for the Pennsylvania College of Technology. The measure would also authorize the appropriation of funds from the Agricultural College Land Scrip Fund for agricultural research and extension services.

**Failed: 30-20.** (Note: Senate Bills 1122 through 1126 were re-considered by the Senate on Tuesday, June 28, 2011 and were passed unanimously.)

[Senate Bill 1123](#) (Corman) would appropriate \$133,993,000 to the University of Pittsburgh for general support for the 2011-2012 Fiscal Year and \$2,083,000 for rural education outreach. No funds appropriated by the act could be used for the costs of personnel and operations of the environmental law clinic. **Failed: 30-20.**

[Senate Bill 1124](#) (Corman) would appropriate \$139,917,000 to Temple University for general support for the 2011-2012 Fiscal Year. **Failed: 30-20.**

[Senate Bill 1125](#) (Corman) would appropriate \$11,163,000 to Lincoln University for general support for the 2011-2012 Fiscal Year. **Failed: 30-20.**

[Senate Bill 1126](#) (Corman) would appropriate \$27,889,000 to the University of Pennsylvania for veterinary activities and \$248,000 for the Center for Infectious Diseases during the 2011-2012 Fiscal Year. **Failed: 30-20.**

[Senate Resolution 57](#) (Wozniak) urges the Congress of the United States to reauthorize a provision which would permit states to use toll credits as matching funds with federal dollars to build highways such as the Appalachian Development Highway System. **Adopted by Voice Vote.**

[Senate Resolution 158](#) (Orie) commemorates the 31<sup>st</sup> anniversary of the National Veterans Wheelchair Games, which will be held in the City of Pittsburgh from August 1 through 6, 2011. [Adopted by Voice Vote.](#)

[House Bill 145](#) (Marshall) would designate State Route 18 in Big Beaver Borough, Beaver County from the intersection of State Route 551 northward to the intersection of State Route 351 as the “Vietnam Veterans of America Memorial Highway.” [Passed: 50-0.](#)

[House Bill 396](#) (O’Neill) would amend Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes to reclassify the crime of drug delivery resulting in death from third degree murder to a first degree felony. The bill would also clarify that a person has to “intentionally” administer, deliver, sell, etc., the drug or controlled substance in order to commit the crime. Although the bill would repeal the minimum mandatory sentence of five years, a person convicted under the subsection could still be sentenced to a term of imprisonment up to 40 years. The bill would also amend Title 42 (Judiciary and Judicial Procedure) to add the crime of drug delivery resulting in death to the definition of “crime of violence.” [Passed: 50-0.](#)

[House Bill 438](#) (Harhart) would amend Act 71 of 2007 to expand the Battle of the Bulge Veterans Memorial Highway in Northampton County to include a portion of State Route 145 in Lehigh County. The new designation would cover State Route 145 in Whitehall Township, Lehigh County from the intersection of US Route 22 northward to the intersection of Main Street in the Borough of Walnutport, Northampton County. [Passed: 50-0.](#)

[House Bill 797](#) (Farry) would amend the Workers’ Compensation Act to include cancer as an occupational disease for firefighters. The cancer would have to be caused by a Group 1 carcinogen as identified by the International Agency for Research on Cancer. Eligibility for workers’ compensation benefits would be limited to firefighters who have served four or more years in continuous firefighter duties and who can establish direct exposure to a Group 1 carcinogen. Firefighters would also be required to pass a physical examination prior to filing a claim or prior to engaging in firefighting duties which failed to reveal any evidence of the condition of cancer. The presumption could be rebutted by substantial competent evidence that shows the firefighter’s cancer was not caused by the occupation of firefighting. Any claim made by a member of a volunteer fire company would have to be based on evidence of direct exposure to a Group 1 carcinogen as documented by reports filed pursuant to the Pennsylvania Fire Information Reporting System. Claims could be made by a firefighter under these provisions within 600 weeks after the last date of employment. However, the presumption would only apply to claims made within the first 300 weeks after the last date of employment. The Department of Labor and Industry would be required to submit data on the number of successful claims two years following the adoption of the act and every two years thereafter. The data would have to be submitted to the chairman and minority chairman of the Senate and House Labor and Industry Committees. [Passed: 50-0.](#)

[House Bill 1173](#) (Killion) would amend Title 74 (Transportation) of the Pennsylvania Consolidated Statutes to permit advertising on the exterior of metropolitan transportation authorities’ passenger rail cars as a means to generate additional revenue. [Passed: 50-0.](#)

*Executive Session*

Nominations to Various Boards and Commissions. [Confirmed: 50-0.](#)

**Tuesday, June 28, 2011**

[Senate Bill 326](#) (Corman) would amend the Vital Statistics Law of 1953 to require the Department of Health to issue a certificate of birth resulting in stillbirth for any fetal death previously filed with Department upon a request from the mother or father. If the father is not identified on the fetal death record or the child was conceived during a criminal act, only the mother would be permitted to request the certificate of birth resulting in stillbirth. The fee for the issuance would be the same as the fee for a death certificate issued by the Department. The certificate would have to include the information outlined in the bill. The issuance of such a certificate would not impose any additional duties on a coroner or medical examiner to conduct an investigation. [Concurrence in House Amendments: 50-0.](#)

[Senate Bill 369](#) (D. White) would amend Title 74 (Transportation) of the Pennsylvania Consolidated Statutes to designate the West Branch Susquehanna River Byway in Clearfield County, a portion of U.S. 219, U.S. 322, S.R. 969, S.R. 879, S.R. 153, S.R. 453, S.R. 1001, S.R. 729, S.R. 4005, the Greenville Pike and Bilger's Rocks Road in Clearfield County, a total of 64 miles, as a scenic byway because of its scenic, historic, recreational, cultural and archeological characteristics. Segment No. 290/360 of S.R. 879 would not be included as a part of the scenic byway. With limited exceptions, no outdoor advertising device as defined in Section 3 of the Outdoor Advertising Control Act of 1971 could be erected along the roadways if the sign is visible from the main-traveled way of the scenic byway and the purpose of the sign is that its message be read from the main-traveled way of the scenic byway. [Concurrence in House Amendments: 50-0.](#)

[Senate Bill 995](#) (Baker) would amend Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes to require the Pennsylvania Emergency Management Agency (PEMA) and the Department of Environmental Protection (DEP) to adopt emergency regulations directing the operators of all unconventional gas and oil wells within the Commonwealth to: adopt a unique GPS coordinate address for each well at both the access road entrance and wellpad site; register that address with PEMA, DEP and the county emergency management organization with the county where the well is located; require the development of an emergency response plan and file the plan with PEMA, DEP, and the county emergency management organization; and post a reflective sign at the entrance to each well site with the specific address of that site, the coordinates of that site, the emergency contact number for the operator and other information PEMA or DEP deems necessary. The county would disseminate the GPS address and emergency response plan to the local emergency management organization in which the unconventional well is located. The regulations would apply to both new and existing unconventional gas and oil wells within the Commonwealth. [Passed: 50-0.](#)

[Senate Bill 1062](#) (Corman) would establish the Gaming Control Appropriation Act of 2011. The bill would appropriate monies from the State Gaming Fund for salaries, wages, and necessary expenses related to gaming, as follows:

- Pennsylvania Gaming Control Board, \$35,501,000;
- Pennsylvania State Police, \$16,845,000;
- Department of Revenue, \$9,501,000; and
- Attorney General, \$976,000. [Concurrence in House Amendments, as Amended: 50-0.](#)

[Senate Bill 1122](#) (Corman) would appropriate \$214,110,000 to the Pennsylvania State University for general support for the 2011-2012 Fiscal Year and \$13,584,000 for the Pennsylvania College of Technology. The measure would also authorize the appropriation of funds from the Agricultural College Land Scrip Fund for agricultural research and extension services. [Passed: 50-0.](#)

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[Senate Bill 1126](#) (Corman) would appropriate \$27,889,000 to the University of Pennsylvania for veterinary activities and \$248,000 for the Center for Infectious Diseases during the 2011-2012 Fiscal Year. [Passed: 50-0.](#)

[Senate Bill 1128](#) (Gordner) would amend the Pennsylvania Conservation Corps Act to transfer the Pennsylvania Conservation Corps program from the Department of Labor and Industry to the Department of Conservation and Natural Resources effective July 1, 2012. [Passed: 50-0.](#)

[Senate Bill 1151](#) (Piccola) would amend Act 47 of 1987, the Municipalities Financial Recovery Act, to require the appointment of a three-member management board for distressed third class cities that fail to adopt and implement the plan of the Act 47 coordinator. The measure would also prohibit a distressed city under the supervision of the management board from filing a federal bankruptcy petition and to prohibit any governmental agency from authorizing the distressed city to become a debtor under federal bankruptcy law. More specifically, the bill would:

- require the Department of Community and Economic Development (DCED) to conduct a review of all distressed municipality coordinators to determine if a coordinator has failed

to develop or implement an adequate plan and to appoint another coordinator if the former has failed to do so.

- require DCED to investigate a complaint concerning the failure of a coordinator to develop or implement a plan. The complaint would have to be brought by at least two members of the governing body or a petition signed by 30 residents of the municipality.
- within seven days, establish a three-member management board if the Secretary of DCED determines that a distressed city has failed to adopt or implement a coordinator's plan. Two members of the board would be appointed by the Governor and the remaining member by the board of county commissioners, all of whom must have experience in financial management.
- provide that board members be subject to state laws on ethics and financial disclosure, the State Adverse Interest Act and the Right-to-Know-Law; prohibit board members from holding or seeking elected or appointed office and from being a political party officer while serving on the board; and prohibit board members and their immediate family members from having an interest in any contract or agreement with the distressed city.
- provide board members with sovereign and official immunity.
- establish the term of the board for a term of at least seven years, renewable for consecutive seven-year terms unless the city has maintained a financial surplus and its revenues have exceeded expenditures for at least three years or DCED determines the city has implemented the coordinator's plan.
- among other powers, grant the board the power, enforceable by a complaint in mandamus to the Court of Common Pleas, to require:
  - the distressed city to implement the coordinator's plan;
  - the coordinator to make changes to the coordinator's plan necessary to achieve financial stability; and
  - the distressed city to sell, lease or dispose of non-essential assets owned by the city. **Passed: 29-21.**

[Senate Resolution 147](#) (Scarnati) directs the Legislative Budget and Finance Committee to examine the Commonwealth's programs for post-secondary education in the Commonwealth's rural communities and to make recommendations for improving the delivery of open admissions and affordable, high-quality community and technical education in such areas. **Adopted by Voice Vote.**

[Senate Resolution 159](#) (Orie) designates September 11, 2011 as "Pennsylvania's Day of Remembrance" of the events of September 11, 2001. **Adopted by Voice Vote.**

[House Bill 15](#) (Christiana) would create the Pennsylvania Web Accountability and Transparency (PENNWATCH) Act to require the Governor's Office of Administration to create and maintain a searchable public website, by December 31, 2012, to be known as PENNWATCH. The website would have to provide annual appropriation and funding action or expenditure information paid to a Commonwealth agency or other entity from state or federal funds. The bill directs each Commonwealth agency to cooperate with the Office of Administration and to provide the Office with all required information under the act at the time the funding action or expenditure is paid by the State Treasury. The information on PENNWATCH would have to include:

- The name and address of the Commonwealth agency or other entity receiving funding and the applicable identifier and classification under the vendor identification system to be created by the Office of Administration;
- The amount of the funding action or expenditure;
- The agency initiating the funding action or expenditure;
- The applicable appropriation and the appropriation fiscal year from which the expenditure is made;
- The funding source; and
- A counter to show the number of times PENNWATCH is accessed.

PENNWATCH would have to allow the public to search for and aggregate information at no cost. Information for a fiscal year would have to remain on the website for a period of at least eight years from the date of posting. Records not subject to disclosure under the Right to Know Act and other information as delineated in the bill would not be included in PENNWATCH. Beginning on December 31, 2012, PENNWATCH would have to include links to each Commonwealth agency internet website, where available. Further, by December 31, 2012, and each month thereafter, PENNWATCH would have to show all federal and state revenue that has been received and deposited in the State Treasury during the previous month. State revenue derived from taxes would be reported by specific tax type. State revenue derived from nontax sources would be reported as liquor store transfer, license and fees, miscellaneous and fines, penalties and interest, as appropriate.

By December 31, 2012, and on the first of each month thereafter, PENNWATCH would have to show the total number of individuals employed by each Commonwealth agency as of the 15<sup>th</sup> day of the previous month as well as the name, position title and current annual salary for each individual employed by each Commonwealth agency. By December 31, 2014, PENNWATCH would also have to provide additional information to include a description of the appropriation under which a funding action or expenditure is made and the expected and achieved performance outcomes achieved from the funding action or expenditure, if available.

The Governor's Office of Administration would be required to prepare an annual report containing statistical information on the usage and performance of PENNWATCH, including frequency of user access, types of data being accessed, and website performance. The report would be submitted to the Governor and the Majority and Minority Leaders of the House and Senate by March 30 of each year beginning March 30, 2014. **Passed: 50-0.**

**House Bill 38** (Caltagirone) would amend Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes to increase the jurisdictional money limits for civil cases heard by the Philadelphia Municipal Court and for other actions before magisterial district judges. The limit for magisterial district judges would increase from \$8,000 to \$12,000 and for the Philadelphia Municipal Court from \$10,000 to \$12,000. The bill would also extend the \$11.25 surcharge added to certain court filings for the Access to Justice Account and judicial computerization until December 31, 2014. **Passed: 41-9.**

**House Bill 463** (Brooks) would amend the State Lottery Law to reenact the provision which allows individuals to remain eligible for PACE or PACENET if the maximum income limit for one of the programs is exceeded solely due to a social security cost-of-living adjustment. The bill would extend the provision until December 31, 2013, and apply it retroactively to December 30, 2010. **Passed: 50-0.**

**House Bill 488** (Hutchinson) would authorize:

- The release of Project 70 restrictions on 0.22 acres in Oakland Township, Venango County upon conveyance of a right-of-way over the land to Oakland Township for a bridge replacement project on Township Road 450, known as Cherrytown Road, in Two Mile Run County Park;
- The Department of General Services to convey 1.907 acres in East Norriton Township, Montgomery County to the township in exchange for 5.467 acres. East Norriton Township is authorized to convey the land it receives to Montgomery County for the purpose of widening Germantown Pike. The bill would also remove a deed restriction on land previously conveyed to the Norriton Fire Engine Company to allow it to be conveyed to Norriton Township or Montgomery County for the widening of Germantown Pike and Whitehall Road. No portion of the conveyance could be used for a licensed gaming facility or it would revert to the Commonwealth. Costs and fees would be paid by East Norriton Township. In the event the conveyance is not executed within 12 months of its effective date, the authorization would expire;
- The Department of General Services to convey 1.55 acres in East Vincent Township, Chester County to the county for \$1,300. No portion of the conveyance could be used for a licensed gaming facility or it would revert to the Commonwealth. Costs and fees would be paid by the county. In the event the conveyance is not executed within 12 months of its effective date, the property could be disposed of in accordance with Article XXIV-A of the Administrative Code of 1929;

- The Department of General Services to convey 2.65 acres in Ohiopyle Borough, Fayette County to the borough, subject to residential use only restrictions, and free of Project 70 restrictions in exchange for approximately 2.65 acres upon which Project 70 restrictions would be imposed. No portion of the conveyance could be used for a licensed gaming facility or it would revert to the Commonwealth. Costs and fees would be paid by the Department of Conservation and Natural Resources. In the event the conveyance is not executed within 12 months of its effective date, the authorization would become null and void;
- The Department of Conservation and Natural Resources to convey 4.191 acres in Union Township, Lebanon County to Kyle and Tamara Boltz in exchange for approximately 11.908 acres and an easement of approximately 1.5 acres for utilities and vehicular and pedestrian ingress and egress. No portion of the conveyance could be used for a licensed gaming facility or it would revert to the Commonwealth. Costs and fees would be paid by their respective parties. In the event the conveyance is not executed within 12 months of its effective date, the authorization would become null and void;
- The Department of General Services to grant a permanent sanitary sewer easement on the Harrisburg State Farm in Susquehanna Township, Dauphin County to the Susquehanna Township Authority for \$1. Costs and fees would be paid by the authority;
- The Department of General Services to convey 2.52 acres in the City of Scranton to the County of Lackawanna Transit System Authority (COLTS) in exchange for 4.495 acres from COLTS. No portion of the conveyance could be used for a licensed gaming facility or it would revert to the Commonwealth. Costs and fees would be paid by COLTS. In the event the conveyance is not executed by May 16, 2016, the authorization would become null and void. The bill would also repeal Section 7 of Act 47 of 2008 which made a previous conveyance to COLTS. **Passed: 50-0.**

**House Bill 589** (Farry) would designate U.S. Route 1 in Bucks County from mile marker 66.8 to mile marker 80.2 as the Detective Christopher Jones Memorial Highway. **Passed: 50-0.**

**House Bill 870** (Everett) would amend Act 586 of 1966, commonly referred to as the Recreational Use of Land and Water Act, to add “recreational noncommercial aircraft operations or recreational noncommercial ultralight operations on private airstrips” to the definition of “recreational purpose.” The change would apply the landowner liability protection provided under the act to these activities as long as no fee is charged to use the land. **Passed: 50-0.**

**House Bill 1336** (Godshall) would amend the Home Improvement Consumer Protection Act to make a number of changes. Among other modifications, the bill would:

- Clarify that proof of insurance for contractors could include information indicating that the applicant is self-insured. The Bureau of Consumer Protection could determine the sufficiency of the self-insurance and the manner in which it is maintained in compliance with the act;

- Establish the Home Improvement Account in the General Fund to receive all fees and penalties collected under the act. The funds would be appropriated to the Attorney General for administering and enforcing the provisions of the act and to protect consumers with respect to home improvements through consumer education and other means;
- Increase the contract amount at which deposits are limited to one-third of the contract price from \$1,000 to \$5,000 and exempt home improvement retailers from this requirement if they post an irrevocable letter of credit in the amount of \$100,000 per store location (up to \$2 million) and ensure that their contractors are registered under the act and have proof of insurance;
- Permit an owner to file a complaint with the Bureau of Consumer Protection and request a draw on a home improvement retailer's letter of credit;
- Allow the Bureau of Consumer Protection to make a draw on the letter of credit following an investigation and notification to the retailer; and
- Establish that a home improvement retailer with two draws within a two-year period would be prohibited from posting a letter of credit for the purposes of the act for a period of five years and would be required to comply with the other provisions of the act.  
**Passed: 50-0.**

[House Bill 1352](#) (Stephens) would amend the Public School Code to outline the funding parameters for Pennsylvania schools during the 2011-12 fiscal year and make numerous other changes. The measure would:

- Expand the list of offenses that prohibit a person from being employed in a public or private school, intermediate unit or area vo-tech school. Offenses that would be added include: luring a child into a motor vehicle or structure; institutional sexual assault; sexual intercourse with an animal; unlawful contact with a minor; solicitation of minors to traffic drugs; and sexual exploitation of children. The bill would also preclude employment for ten years from the expiration of the sentence for any person convicted of a felony of the first, second or third degree that is not enumerated in the law; and preclude employment for five years from the expiration of the sentence for those convicted of a misdemeanor of the first degree. Employment would also be precluded for three years from the expiration of the sentence for the most recent offense for a person convicted more than once for a DUI-related offense when it is graded as a misdemeanor of the first degree. In addition, employees under 21 years of age, temporary employees and employees in job training programs would no longer be exempt from criminal background checks;
- Impose limitations on the collection of identifying information of students attending institutions of higher learning via the Pennsylvania Information Management Data System (PIMS). Students would have to be notified and allowed to opt-out. The

Department could still collect information in an aggregated format that does not reveal the identity of an individual student;

- Impose a two-year moratorium on collection of data through PIMS for K-12 and Pennsylvania's Enterprise to Link Information for Children Across Network (PELICAN) system, except in certain circumstances such as federal mandates;
- Require school districts to have or maintain a certified safety committee for compliance under the Workers' Compensation Act;
- Reactivate the Safe Schools Advocate for first class school districts and move the office from the Pennsylvania Department of Education to the Pennsylvania Commission on Crime and Delinquency;
- Require Intermediate Units (IU's) to report to the Pennsylvania Department of Education (PDE) on subsidies and funds received and on contracts greater than \$50,000 between the IU and a Commonwealth agency or between IU's; require PDE to post the reports on its website; and require PDE to also post information from the IUs annual financial reports as filed with PDE;
- Authorize a person that holds a graduate degree in business or finance with at least four years of relevant experience, to be eligible for election or appointment as a district superintendent or assistant district superintendent. A person elected or appointed as a superintendent or assistant superintendent under this provision would be required to complete a leadership development program that meets the Pennsylvania School Leadership Standards under Section 1217 of the Code;
- Establish employment pools for former professional employees of schools formerly operated by the Commonwealth until June 30, 2012;
- Expand the list of certificates qualifying persons to teach to include a residency certificate (valid for three years and could be converted to an instructional 1 certificate) and codify the requirements for instructional intern certification;
- Provide that candidates holding a valid instructional certificate issued by another state may be eligible for comparable Pennsylvania certification provided that the candidate meets certain requirements;
- Impose a two-year moratorium, until June 30, 2013, on continuing professional development requirements for school districts and professional educators and require the Legislative Budget and Finance Committee to conduct a study of the costs and benefits of the continuing professional development requirements to be submitted by March 1, 2013;
- Provide authority to the Department of Education to access unused and unencumbered funds (up to \$4,500,000) for school districts certified as empowerment school districts as of June 30, 2010;

- Clarify that school districts must admit first-graders during at least the first two weeks of the school year or during the first two weeks of each semester for a district operating on a semi-annual promotion basis;
- Require the Pennsylvania Interscholastic Athletic Association (PIAA) to establish a policy to require that students attending a school district that has abolished its interscholastic athletic program (in whole or in part) be eligible to participate in the interscholastic athletic program of another school district without penalty;
- Require school entities to develop concurrent enrollment agreements and to present them to participating postsecondary institutions in order to be eligible for grants;
- Provide for funding to Community Colleges for the 2011-2012 fiscal year with each institution receiving a 10 percent decrease in funding as compared to the current fiscal year;
- Require that public institutions of higher education agree to accept holders of associate degrees from community colleges into parallel baccalaureate degree programs and require that state-related institutions identify credits they will accept for transfer;
- Provide funding for libraries for the 2011-2012 fiscal year and for the waiver of standards due to funding constraints;
- Revise the definition of “Average Daily Membership” to make the definition effective for multiple school years;
- Provide for basic education payments (\$5.35 billion) to school districts. The distribution formula includes: a base supplement, an English language learner supplement, a poverty supplement, and a district size supplement. Each district will receive at least what they received in fiscal year 2008-09 in state funds;
- Require the PDE to withhold up to \$25 million from the Basic Education Funding allocation to a first class school district to be used to pay costs to provide alternative education programs operated by the district or under a contract between the district and a private alternative education institution;
- Repeal the requirement that school districts use any basic education funding increase above the inflationary index to create new programs;
- Provide up to \$9 million from the Special Education appropriation to Intermediate Units for institutionalized children;
- Provide that 5.5 percent of the state special education appropriation go to IU’s for special education services. Of this amount, 35 percent would be equally distributed to each IU and the remainder would be distributed to each IU in proportion to the number of average

daily membership of the component school districts as compared to statewide average daily membership;

- Provide for the special education payments to school districts with each district receiving its 2008-2009 Special Education Formula Funding; and if insufficient funds are appropriated, payments would be dispersed on a pro rata basis;
- Provide for distribution of Accountability Block Grant funds to school districts after July 1, 2011;
- Exempt school districts from obtaining Pennsylvania Department of Education approval of construction projects, plans and specifications and leases where Commonwealth reimbursement is not requested; and
- Eliminate payment of the Commonwealth share of employee social security for charter and cyber charter schools. [Passed: 33-17.](#)

[House Bill 1485](#) (Adolph) would create the General Appropriation Act of 2011 to provide for the state spending plan for the 2011-2012 Fiscal Year. The measure proposes a total of \$27.149 billion in General Fund spending, a \$1.1 billion reduction in spending over the previous fiscal year. No tax increases will be necessary to provide for the funding plan. Among other highlights, the proposed budget would:

- Increase basic education funding by more than \$250 million from Governor Corbett's request;
- Increase the basic education subsidy by more than \$128 million over the Governor's request;
- Provide \$100 million for Accountability Grants;
- Restore funding for the social security reimbursement to local school districts that was eliminated in the Governor's budget request;
- Provide \$180 million more than originally requested by the Governor for the State System of High Education and \$224 million for the state related universities;
- Increase funding for the operation of Pennsylvania's six veterans homes by \$11 million; and
- Provide an additional \$7 million for the Department of Military and Veterans Affairs' Educational Assistance Program, which provides tuition assistance for the members of the National Guard who attend colleges and universities in Pennsylvania.

[Passed: 30-20.](#)

**Wednesday, June 29, 2011**

[Senate Resolution 130](#) (Greenleaf) honors William Penn and Hannah Callowhill Penn and endorses the construction of a Penn Memorial at the Independence Mall National Historic Park in Philadelphia. **Adopted: 50-0.**

[Senate Resolution 160](#) (Solobay) designates the month of June 2011 as “Foster Grandparent Program Month” in Pennsylvania and congratulates the National Association of Foster Grandparent Program Directors and the program volunteers on the occasion of the program’s 45<sup>th</sup> anniversary. **Adopted by Voice Vote.**

[Senate Resolution 161](#) (Kasunic) offers thanks to the members of all veterans organizations and auxiliaries and others who volunteer to provide services to Pennsylvania’s veterans and veterans’ families. **Adopted by Voice Vote.**

[House Bill 67](#) (Schroder) would amend Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes to prohibit a person from transmitting or receiving interstate or intrastate simulcasting of a greyhound race in the Commonwealth for monetary remuneration. The bill would authorize a court of common pleas to impose a civil penalty of up to \$10,000 on any person who violates the prohibition. **Passed: 50-0.**

[House Bill 78](#) (Benninghoff) would amend Title 30 (Fish) of the Pennsylvania Consolidated Statutes to consider a conviction or guilty plea under 75 Pa.C.S. §3802 (relating to driving under influence of alcohol or controlled substance) as a first conviction for the purpose of computing whether a subsequent conviction of a violation of 30 Pa. C. S. §5502 (relating to operating watercraft under influence of alcohol or controlled substance) would be considered a second, third or subsequent conviction. The bill would also upgrade the offense of homicide by watercraft while operating under the influence from a third degree felony to a second degree felony. An additional change would add a consecutive three-year term of imprisonment for each victim whose death is the result of a violation of the impaired boating provision. **Passed: 49-1.**

*Executive Session*

Jay H. Shah – Board of Trustees of Temple University. **Confirmed: 50-0.**

**Thursday, June 30, 2011**

[Senate Bill 101](#) (Smucker) would amend Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes to increase the penalty for a violation of the Sunshine Act from a fine not to exceed \$100 to a fine of at least \$100 and not more than \$1,000 for a first offense and a fine of at least \$500 and not more than \$2,000 for a second or subsequent offense. Violators would continue to be responsible for the costs of prosecution. The bill would prohibit an agency from making a payment on behalf of or reimbursing a member of an agency for a fine or cost resulting from the member’s violation of the section. **Concurrence in House Amendments: 50-0.**

[Senate Bill 151](#) (Pileggi) would amend the Air Pollution Control Act to further provide for the disposition of certain fines and to require the Department of Environmental Protection to notify a municipality within five business days of a violation which occurred within its borders for which a fine or civil penalty under the act was imposed. In addition, if an incident results in the imposition of a fine or civil penalty of at least \$50,000, 25 percent of the fine or penalty would have to be returned by the Department to the municipality in which the violation occurred to be used for projects that eliminate or reduce air pollution or for parks, recreation projects, trails or open spaces. This provision would not apply if all the fines and penalties deposited into the Clean Air Fund for the previous fiscal year were less than \$1,850,000 or if the Department jointly prosecutes a violation with the United States Environmental Protection Agency.

The Department would be required to notify the municipality of the imposition of the fine or penalty within five business days after the expiration of the right to appeal the fine or penalty or after all appeals have been exhausted. Within 180 days, the municipality would have to submit a project proposal to the Department for review and approval. Upon approval of the project, the Department would release the funds. If the cost of the project exceeds 25 percent of the fine or penalty, the Department could award additional money from the fine or penalty to the municipality. As amended in the House, the bill would permit the county in which the violation occurred to submit a project proposal if the municipality assigns its claim to funding to the county, the municipality does not submit a proposal, or if it provides notification of its intent not to file a project proposal within the 180 day time period. [Concurrence in House Amendments: 49-0.](#)

[Senate Bill 260](#) (Erickson) would amend the Confidentiality of HIV-Related Information Act to allow a health care provider to offer opt-out HIV testing, where the subject is informed that he or she will be tested for HIV unless the individual refuses. The health care provider would be required to document the provision of informed consent, including pre-test information, and whether the subject declined the offer of HIV testing. Additional changes included in the bill would remove requirements for pre-test counseling. As amended in the House, the bill would also remove the requirement for post-test counseling for negative test results. [Concurrence in House Amendments: 50-0.](#)

[Senate Bill 330](#) (Scarnati) would amend the Taxpayer Relief Act to modify the referendum exception provisions and allow small businesses to pay their school property taxes in installments. Specifically, the bill would eliminate all the exceptions to the referendum requirement except those for special education, pension obligations and payments on indebtedness for electoral debt and grandfathered debt. The special education exemption would only allow for an exception when special education expenditures increase, net of state special education payments, above the index. The pension obligation exception would establish the 2011-2012 compensation in a school district as the base line compensation for purposes of determining the increase above the index. The bill would also require school boards in second, third and fourth class school districts to adopt a resolution no later than June 30, 2012 to authorize the collection and payment of school real property taxes, excluding any interim or delinquent taxes, in installments from small business owners for calendar year 2012 and each year thereafter. For purposes of these provisions, a small business would be defined as a

business located in the Commonwealth that has no more than 50 employees. [Concurrence in House Amendments: 32-17.](#)

[Senate Bill 419](#) (Tomlinson) would amend the Board of Vehicles Act to further modify the statutory criteria which govern the relationship between motor vehicle dealers, manufacturers and distributors. Specifically, new vehicle dealers would be given an opportunity to file a protest with the State Board of Vehicle Manufacturers, Dealers and Salespersons when a manufacturer attempts to charge back to the dealer costs for allegedly false or unsubstantiated warranty claims filed by the dealer for reimbursement from the manufacturer. The bill would also make it unlawful for any manufacturer or distributor to “unreasonably” alter a new vehicle dealer’s “area of responsibility,” defined as the geographic area specified in the franchise agreement within which the dealer is required to sell and service the products of the manufacturer. Under the change, a dealer wishing to challenge the “reasonableness” of changes to his “area of responsibility” could file a protest with the Board, which would delay the new definition of the dealer’s geographic marketing responsibilities until a decision is rendered by the Board. The standard used to evaluate a changed “area of responsibility” would be based on whether the change is reasonable and justifiable in light of market conditions. An additional change would permit licensed motorcycle dealers to buy, sell, exchange, trade or otherwise deal in motorcycles on Sundays. [Concurrence in House Amendments: 50-0.](#)

[Senate Bill 448](#) (Rafferty) would amend Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes to provide a person with immunity from prosecution for underage alcohol consumption or possession 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. [Concurrence in House Amendments: 49-0.](#)

[Senate Bill 552](#) (Brubaker) would amend the Workforce Development Act to codify the Industry Partnerships Program within the Department of Labor and Industry. Under the program, the Department of Labor and Industry would be required to work with public and private-sector entities and agencies to identify industry clusters, as defined in the legislation, based on the criteria outlined in the bill. The Department would then target industry clusters for economic development based on:

- The importance of the cluster to the economy;
- Workforce development needs;
- Economic growth potential;
- Competitiveness;
- Employment base; and
- Wages, benefits and career opportunities.

The measure would further require the department to establish a grant program to provide funding to industry partnerships:

- To organize businesses in a collaborative structure to share information, ideas and challenges;
- To identify training needs and skill gaps;
- To facilitate economies of scale by aggregating training and education needs;
- To assist educational and training institutions;
- To collaborate with PA CareerLinks in connecting disadvantaged adults and youth to careers;
- To assist companies in identifying and working together on human resource issues;
- To assist partner companies in industry partnerships in attracting a diverse workforce; and
- To assist in strengthening connections among businesses in industry clusters.

The Department would have the authority to establish grant guidelines and would be required to provide necessary industry and labor market research to further develop the work of industry partnerships. Other Commonwealth agencies including the Department of Agriculture, the Department of Community and Economic Development, the Department of Corrections, the Department of Public Welfare and the Department of Education, would be required to assist the Department of Labor and Industry with the program. [Concurrence in House Amendments: 50-0.](#)

[Senate Bill 907](#) (Browne) would amend the Fiscal Code to provide budget implementation language for FY 2011-12 and other related fiscal provisions, as follows:

#### *Sales and Use Tax*

The provisions for the filing of semi-monthly sales and use tax returns and payments by certain businesses would be replaced with single monthly provisions.

#### *Agricultural College Land Scrip Fund*

A restricted account would be created within the Scrip Fund for the purpose of funding agricultural research and agricultural extension services. Monies appropriated or transferred into the account would be paid on a monthly basis to Penn State University for agricultural research programs and agricultural extension services.

#### *Neighborhood Improvement Zone (NIZ) Fund*

Language would be added to allow a city of the third class to continue with the development of a NIZ and construction of a facility or facility complex in the zone, and to clarify other program provisions.

### *Financially Distressed Municipalities*

A new article would be added specific to a third class city which is determined to be financially distressed under the Municipalities Financial Recovery Act. Such city could not file for bankruptcy and if a city does not comply, all Commonwealth funding to the city would be suspended. The article expires July 1, 2012.

### *Keystone Special Development Zone (KSDZ)*

A new program would be created for the designation of a KSDZ for parcels of property certified as brownfields pursuant to the Land Recycling and Environmental Remediation Standards Act. The KSDZ designation would exist for 15 years. The program would provide employers with a \$2,100 tax credit for each new full-time job created in the KSDZ each year for a period of 10 taxable years. The tax credit could only be applied against state qualified tax liability in the KSDZ. Excess credits could be sold or assigned.

### *Tax Credits*

- Research and Development Tax Credits, in an amount not to exceed \$55 million, would be approved for FY 2011-12 and each year thereafter. Of this amount, \$11 million would be allocated exclusively for small business.
- Film Production Tax Credits, in an amount not to exceed \$60 million, would be approved for FY 2011-12 and each year thereafter.
- Job Creation Tax Credits could not exceed \$10.1 million for FY 2011-12 and each year thereafter.

### *Rainy Day Fund*

Language would be added to provide that no amount of the surplus in the General Fund for FY 2010-11 could be transferred into the Budget Stabilization Reserve Fund (Rainy Day Fund).

### *State Workers' Insurance Board*

The authority of the Board to invest money in equities would be extended subject to the limitation that the investments could not exceed the lesser of 15 percent of the State Workers' Insurance Fund's assets or up to 7.5 percent of its assets in equities. All investing would be subject to the "prudent investor rule."

### *FY 2011-2012 Budget Implementation provisions by department:*

Executive Offices: Funds for intermediate punishment treatment programs would be allocated in the same proportion as funding provided in FY 2010-11 for intermediate punishment programs and for intermediate punishment drug and alcohol treatment.

Department of Agriculture: No less than 80 percent of the funds appropriated for hardwoods research and promotion would have to be equally distributed among the applicable state groups.

Department of Community and Economic Development: For FY 2011-12, funds appropriated to Keystone Communities would include allocations for the Main Street and Elm Street programs in amounts not less than the amounts allocated in FY 2010-11. Funds appropriated for Partnerships for Regional Economic Performance would be allocated to Industrial Development Corps, Industrial Resource Centers, Local Development Districts and Small Business Centers. Forty percent of the funds appropriated would be allocated on a pro-rata basis to each entity in proportion to the FY 2010-2011 appropriation, with the remaining 60 percent being distributed in accordance with program guidelines.

Department of Education: When calculating payments by the Commonwealth under Title 24, Subsection 8329 (Payments on account of social security deductions from appropriations), the Department would be required to treat wages paid out of the ARRA State Stabilization Funds, the ARRA fund appropriated for Individuals with Disabilities Education, or wages paid out of the Education Jobs Fund grant as covered wages which are not federally funded. Payments would be prohibited to charter schools or cyber schools from funds appropriated for school employees' social security.

Department of Environmental Protection: No funds could be appropriated from the General Fund to DEP for the Consumer Energy Program and any appropriation for FY 2011-12 would be revoked.

Department of Health: Funds appropriated for Lupus programs would be distributed in the same proportion as distributed in FY 2010-11. Funds appropriated for biotechnology research would include \$750,000 for a regenerative medicine center located in a second class county and \$1.036 million for a hepatitis and virus research institute located in a county of the second class A.

Department of Labor and Industry: The appropriation to the Vocational Rehabilitation Fund would include \$2.153 million for a statewide professional service provider for the blind to provide specialized services and prevention of blindness services and \$431,000 to provide specialized services and prevention of blindness services in cities of the first class.

Department of Public Welfare:

- If no deficit results, TANFBG and CCDFBG child care assistance funds could be transferred, with a ten days notice to the Appropriation Committee chairs, to CCDFBG Child Care Services to provide child-care services for additional low-income families.
- For federal and state medical assistance payments the following would apply: no capitation funds could be used to pay a provider who fails to supply information to facilitate claims.
- For FY 2011-12, payments to hospitals for Community Access Fund grants would be distributed using the same formula as FY 2010-2011 or on a pro-rata basis;

- Funds appropriated for medical assistance transportation could only be utilized as a payment of last resort for transportation of eligible medical assistance recipients;
- Funds allocated for medical assistance outpatient services for the Select Plan for Women Preventive Health Services would be used for women's medical services, including noninvasive contraception supplies;
- Federal and state funds appropriated and not used for Level III trauma centers would be used to make payments to Level I and Level II trauma centers;
- Qualifying university-affiliated physician practice plans and qualifying state-related academic medical centers which received funds for FY 2010-2011 would not receive any less than 50 percent of the state appropriation made available to those plans during FY 2010-11;
- Funds appropriated for breast cancer screening could be used for women's medical services, including noninvasive contraception services; funds appropriated for alternatives to abortion would be expended to provide services to women until childbirth and up to 12 months thereafter; federal funds appropriated for TANFBG alternatives to abortion would be utilized solely for services to women whose gross family income is below 185 percent of federal poverty guidelines;
- No more than 50 percent of County Children and Youth program funds could be expended until each county submits data for the prior state fiscal year on caseloads, services and caseworkers by county program to the Department and appropriations chairs; funds appropriated for community-based family centers could not be considered as part of the base for calculation of the county welfare needs-based budget;
- The Department would be required to convene a working group for the purpose of developing pilot programs for allocation of county human services funding as multiple purpose grants, permitting counties to utilize funds at the county level normally provided in categorical allocations. A report would have to be presented to the Department no later than October 31, 2011 with the intent of establishing the multipurpose pilot grant programs in the 2012-13 budget;
- Funds appropriated could not be used to privatize the forensic unit of any state mental institution;
- Federal provisions relating to the eligibility of illegal aliens for federal programs would apply to Department payments and providers;
- From funds appropriated for autism intervention and services, \$450,000 would be distributed to a behavioral health facility located in a 5<sup>th</sup> class county with a population between 130,000 and 135,000 under the 2010 Federal decennial census.

Department of Revenue: A purchaser or assignee could carry forward a tax credit purchased or assigned in calendar year 2011 against qualified tax liabilities incurred in the next taxable year. If a credit is carried over to the succeeding taxable year, it would be reduced by the amount that was used as a credit during the immediately preceding taxable year.

State Police: Payments to municipalities for expense reimbursements would be limited to funds available or, if applicable, on a pro rata basis.

Health Care Cost Containment Council: The Council would be required to submit a report to the House and Senate Appropriation Committees specifying the amount and source of proceeds received from the sale of data. The proceeds from the sale of data could be used for the operations of the Council.

Transfers: During FY 2011-12, any amount unexpended on the effective date of the General Appropriations Act of 2011, upon written concurrence of the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Majority Leaders of the House and Senate, could be transferred between any of the following accounts: Legislative Reference Bureau, Legislative Budget and Finance Committee, Legislative Data Processing Committee, Joint State Government Commission, Local Government Commission, Legislative Audit Advisory Commission, Center for Rural Pennsylvania, Commonwealth Mail Processing Center, and the Joint Legislative Air and Water Pollution Control and Conservation Committee.

*2011-2012 Funds and Accounts provisions:*

State Lottery Fund: Funds appropriated for PENNCARE could not be utilized for administrative purposes by the Department of Aging.

Tobacco Settlement Fund: The provisions included in the bill would outline the use and distribution of tobacco settlement funds for FY 2011-12. Among other provisions, funding to primary contractors for local programs under the Tobacco Settlement Act would be allocated as follows: 30 percent of grant funding would be allocated equally among the 67 counties and 70 percent would be allocated on a per capita basis to each county with a population greater than 60,000 (the per capita formula would be applied only to that portion of the population that is greater than 60,000). The Department of Health would be required to compile an annual report detailing expenditures per county and the specific programs offered in each region. During the third quarter of FY 2011-12, funds which have not been spent within a service area could be reallocated to support programming in the same region.

Restricted Receipts Accounts: The creation of certain restricted receipt accounts is authorized for the purpose of administering federal grants only as designated.

*General provision changes and additions in the Fiscal Code:*

- The Office of the Budget, where practicable, would be required to maximize the use of purchase cards for financial transactions involving the Commonwealth in accordance

with an interagency agreement establishing usage guidelines between the Office and the Treasury Department.

- The Office of the Budget would be authorized to enter into an agreement with the U.S. Treasury to participate in the Treasury Offset Program for the collection of any debts owed to Commonwealth agencies.
- If the Auditor General fails to deliver the annual audit of Commonwealth-managed federally-funded programs required under federal law by March 31, 2012, and each March 31 thereafter, the State Treasurer could not release any funds appropriated to the Auditor General in the quarter following the failure to deliver the audit. The Auditor General could not bill any Commonwealth agency to make up for any funding deficiency caused by the State Treasurer withholding such payments.
- \$15 million allocated to PENNVEST would be transferred to the Pennsylvania Gaming Economic Development and Tourism Fund to support H2O PA Act activities. The Commonwealth Financing Authority would repay the transferred funds to PENNVEST by June 20, 2020.
- PHEAA would be required to use funds appropriated to maximize the receipt of federal funds; no college, university or institution receiving a direct appropriation from the Commonwealth would be eligible to participate in the institutional assistance grants program; Disadvantaged Student Grants and the rights, powers and duties of the Department of Education under the Higher Education Equal Opportunity Act would be transferred to PHEAA.
- For FY 2011-12 and each fiscal year thereafter, all surcharges collected under Section 6506 of Title 75 (Vehicle Code) by any division of the Unified Judicial System shall be deposited in the General Fund upon receipt.
- Relative to the State Gaming Fund, the citations relating to the volunteer fire and ambulance service grant program would be updated; language would be added to provide that if there are insufficient funds in the Property Tax Relief Reserve Fund each slot licensee will be immediately assessed for repayment of the insufficiency in an amount that is proportional to each slot machine licensee's gross terminal revenue. Also, January 1, 2012 would be set as the date for repayment to begin on the loans provided to the Pennsylvania Gaming Control Board.
- By December 31, 2011, and each December 31 thereafter, the Department of Agriculture, in conjunction with the Office of the Budget, would be required to conduct a financial audit of all funds distributed from the Pennsylvania Race Horse Development Fund, including recommendations for changes to the maintenance, use or administration of the funds. **Concurrence in House Amendments: 33-17.**

**Senate Resolution 162** (Kasunic) congratulates the Borough of South Connellsville, Fayette County on its 100<sup>th</sup> anniversary. **Adopted by Voice Vote.**

[Senate Resolution 163](#) (Waugh) honors the life of former State Fire Commissioner and former Harrisburg Fire Chief Charles A. “Chet” Henry, who died on June 25, 2011. **[Adopted by Voice Vote.](#)**

[Senate Resolution 164](#) (Dinniman) recognizes the holiday beginning with Rosh Hashahan and concluding with Yom Kippur. **[Adopted by Voice Vote.](#)**

[House Bill 66](#) (Staback) would designate the bridge located on S.R. 1012 in Archbald Borough, Lackawanna County, over the Lackawanna River, as the Police Chief Thomas J. Malone Memorial Bridge. **[Passed: 49-0.](#)**

[House Bill 345](#) (Petri) would authorize the Department of Military and Veterans Affairs to arrange burial details for veterans at the Washington Crossing National Cemetery. **[Passed: 49-0.](#)**

[House Bill 399](#) (Brooks) would designate the Shenango River Bridge, which carries State Route 322 over the Shenango River in Jamestown Borough, Mercer County, as the Staff Sergeant David M. Veverka Memorial Bridge. **[Passed: 49-0.](#)**

[House Bill 562](#) (Gillen) would amend the Agricultural Area Security Law to make a number of changes. The bill would add a definition of “continuous acreage” and abrogate the definition of “continuous acreage” contained in the regulations at 7 Pa. Code §138e.3. The measure would also repeal the provisions which permit easements to be extinguished after 25 years, thereby making all easements perpetual. An additional change would add underground mining of noncoal minerals as an authorized activity on preserved farmland. **[Passed: 49-0.](#)**

[House Bill 917](#) (Stern) would designate State Route 2014 (Plank Road) over the Beaverdam Branch of the Juniata River in Hollidaysburg Borough, Blair County as the Sgt. 1<sup>st</sup> Class Daniel Lightner Memorial Bridge. **[Passed: 49-0.](#)**

[House Bill 960](#) (Gingrich) would amend the Public Welfare Code to:

- Expand the Secretary of Public Welfare’s authority for one year to expedite regulations necessary to make changes to ensure that savings in the 2011-2012 budget are achieved. The legislature would receive notice of any planned changes in addition to a 30-day public comment period;
- Restrict the Department of Welfare (DPW), during Fiscal Year 2011-2012, from entering into any new contracts for consulting or professional services unless DPW does not have enough staff or existing staff lacks the necessary experience. Contracts for staff would only be allowed when it is more cost efficient than hiring new staff;
- Create an Income Eligibility Verification System that requires DPW to use an electronic cross-reference system to provide a 19-point check on an applicant’s eligibility and a standard fraud detection system;

- Require DPW to subject drug felons (conviction within five years or currently on probation for a drug-related felony conviction) who are applying for benefits or already receiving benefits to take a drug test and be subject to random drug testing;
- Clarify that individuals are only eligible for benefits based on the levels allowed in their county of residence, regardless of where they apply;
- Require DPW to reduce the annual and lifetime limits for the RESET (Road to Economic Self Sufficiency through Employment and Training) program, including moving and transportation expenses, up to 25 percent; or eliminate special allowances from the program;
- Implement copayments for subsidized child care;
- Authorize changes to the Hospital Assessment Program (assessment revenues returned to the hospitals paying the assessment along with federal matching dollars) by adjusting the hospital assessment percentage from 2.9 percent to 3.22 percent;
- Change the readmission policy from the current 14-day policy to a 30-day policy for Medical Assistance payments made to a hospital under diagnosis related groups;
- Allow DPW to adjust payments for the state's physical health Medical Assistance Managed Care Program;
- Establish provisions for the Medical Assistance eligibility of inmates in correctional institutions;
- Allow DPW to limit Medical Assistance adult dental and pharmacy benefit packages for MA recipients 21 years of age or older. Any changes, limits or exceptions to these benefits would have to be published in the Pennsylvania Bulletin;
- Establish copayments for families of disabled children receiving MA whose income is above 200 percent of the federal poverty limit; and
- Clarify provisions relating to Medical Assistance payments to nursing homes and managed care organizations. **Passed: 35-15.**

[House Bill 1219](#) (Hess) would designate the bridge located on State Route 2011 in Monroe Township, Bedford County, over the East Branch of Sideling Hill Creek, as the Donald H. Clark Memorial Bridge. **Passed: 49-0.**

[House Bill 1448](#) (Ross) would amend Act 566 of 1955 (Incorporated Town Managers Office Created) to clarify that a town manager serves at the pleasure of the council, subject to contractual rights that may arise under an employment agreement. An employment agreement could remain in effect for a specified period terminating no later than two years after the

effective date of the agreement or the date of the council's organizational meeting following the next municipal election, whichever occurs first. An employment agreement could specify conditions under which a manager would be entitled to severance compensation, but in no event could it guarantee employment through the term of the agreement or confer upon the manager any legal remedy based on specific performance. **Passed: 49-0.**

**House Bill 1449** (Ross) would amend the Borough Code to clarify that a borough manager serves at the pleasure of the borough council, subject to contractual rights that may arise under an employment agreement. An employment agreement could remain in effect for a specified period terminating no later than two years after the effective date of the agreement or the date of the council's organizational meeting following the next municipal election, whichever occurs first. An employment agreement could specify conditions under which a manager would be entitled to severance compensation, but in no event could it guarantee employment through the term of the agreement or confer upon the manager any legal remedy based on specific performance. **Passed: 49-0.**

**House Bill 1549** (Masser) would amend the County Code to adjust the population limitations for the classification of fifth and sixth class counties. The change would decrease the lower limit for fifth class counties and the upper limit for sixth class counties from 95,000 to 90,000. The bill would also require a county advancing from fifth to fourth class as a result of census figures certified after the primary election in the year of a municipal election to maintain the configuration of row offices in effect in the county until the year in which the offices are next up for election. At that time, the offices would be held in accordance with the applicable law. **Passed: 49-0.**

**House Bill 1696** (Saccone) would create the Property Tax Reassessment Moratorium Act to establish that no fourth class county having a population, according to the 2010 United States Census, greater than 185,000 but less than 210,000 (Washington County), could implement, effectuate or undertake the process of a court-ordered countywide reassessment of real property for purposes of levying property taxes. The moratorium would remain in effect until the General Assembly adopts procedures necessary to ensure uniformity among counties in their property assessment systems or November 30, 2012, whichever occurs later. **Passed: 38-11.**

**House Bill 1727** (Adolph) would appropriate \$133,993,000 to the University of Pittsburgh for general support for the 2011-2012 Fiscal Year and \$2,083,000 for rural education outreach. No funds appropriated by the act could be used for the costs of personnel and operations of the environmental law clinic. **Passed: 49-0.**

**House Bill 1728** (Adolph) would appropriate \$139,917,000 to Temple University for general support for the 2011-2012 Fiscal Year. **Passed: 49-0.**

**House Bill 1729** (Adolph) would appropriate \$27,889,000 to the University of Pennsylvania for veterinary activities and \$248,000 for the Center for Infectious Diseases during the 2011-2012 Fiscal Year. **Passed: 49-0.**

[House Bill 1730](#) (Adolph) would appropriate \$11,163,000 to Lincoln University for general support for the 2011-2012 Fiscal Year. **Passed: 49-0.**

[House Bill 1731](#) (Adolph) would appropriate \$214,110,000 to the Pennsylvania State University for general support for the 2011-2012 Fiscal Year and \$13,584,000 for the Pennsylvania College of Technology. The measure would also authorize the appropriation of funds from the Agricultural College Land Scrip Fund for agricultural research and extension services. **Passed: 49-0.**

*Executive Session*

Harris Gubernick – Board of Pardons. **Confirmed: 49-0.**

(2011-051)