

WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – EDWIN B. ERICKSON, CHAIRMAN

Monday, June 6, 2011

[Senate Bill 263](#) (Erickson) would amend the Regulatory Review Act to require agencies submitting proposed regulations to the Independent Regulatory Review Commission to provide a description of any data upon which the regulation is based with a detailed explanation of how the data was obtained and why the data is acceptable data. “Acceptable data” would be defined as empirical, replicable and testable data as evidenced in supporting documentation, statistics, reports, studies or research. Agencies would be responsible for proving that data is acceptable. The Commission, when reviewing regulations for a determination of whether a regulation is in the public interest, would be required to consider whether the regulation is supported by acceptable data. **Passed: 49-0.**

[Senate Bill 460](#) (Yaw) would amend Act 60 of 1979, which regulates the terms and conditions of certain oil and natural gas leases. The bill would designate the act as the Oil and Gas Lease Act and make a number of changes requiring oil and gas producing companies to list production details and all deductions on royalty check stubs. Among other information, the check stubs would have to include:

- Lease, unit or well identification for which payment is being made, including the county in which the lease, property or well is located;
- Month and year of gas production;
- Total barrels of crude oil or number of Mcf (1,000 cubic feet) of gas or volume of natural gas liquids sold;
- Price received per barrel, Mcf, or gallon;
- Total amount of severance and other production taxes, and other deductions permitted under the lease, with the exception of the windfall profit tax;
- Net value of total sales from the property less taxes and deductions;
- Interest owner’s interest, expressed as a decimal or fraction, in production;
- Interest owner’s share of the total value of sales prior to deduction of taxes or other permissible deductions;
- Interest owner’s share of the sales value less the interest owner’s share of the taxes and deductions; and,
- Contact information including an address and telephone number.

The bill would also clarify that an oil or gas well or lease that does not include a one-eighth metered royalty would be subject to an escalation equal to one-eighth metered royalty when its original state is altered by new drilling, deeper drilling, re-drilling, artificial well stimulation, hydraulic fracturing or any other procedure to increase production. A lease would not be affected when the well is altered through routine maintenance or cleaning. Whenever a procedure to increase production has been completed prior to the effective date of this change, metering and the escalated royalty would have to commence within 90 days of the effective date of the change. An additional change would require all accumulated proceeds to be paid to the owner thereof when production ceases or upon relinquishment or transfer of the payment responsibility. The legislation would also establish that proceeds from the production of oil and gas could be accumulated and remitted annually for amounts less than \$100. **Passed: 49-0.**

Senate Bill 1054 (Corman) is the Capital Budget Act of 2011-2012. The bill would authorize capital projects totaling \$1,662,000,000. The legislation would authorize: \$935,000,000 for buildings and structures; \$10,000,000 for furniture and equipment; \$212,000,000 for transportation assistance projects; \$270,000,000 for redevelopment assistance projects; \$35,000,000 for flood control projects; and, \$200,000,000 for bridge projects. **Passed: 49-0.**

Senate Bill 1055 (Corman) would appropriate \$27,320,000 from the State Employees' Retirement Fund to the State Employees' Retirement Board for its operational and administrative expenses for the 2011-2012 Fiscal Year. **Passed: 49-0.**

Senate Bill 1056 (Corman) would appropriate \$44,107,000 from the Public School Employees' Retirement Fund to the Public School Employees' Retirement Board for its operational and administrative expenses for the 2011-2012 Fiscal Year. **Passed: 49-0.**

Senate Bill 1057 (Corman) would appropriate \$35,552,000 from the Professional Licensure Augmentation Account within the General Fund to the Department of State for the operation of the Bureau of Professional and Occupational Affairs, including the State Board of Auctioneer Examiners, during the 2011-2012 Fiscal Year. Other appropriations listed in the bill for operational costs during the 2011-2012 Fiscal Year include: \$6,665,000 to the State Board of Medicine; \$960,000 to the State Board of Osteopathic Medicine; \$189,000 to the State Board of Podiatry; and \$509,000 to the State Athletic Commission. **Passed: 49-0.**

Senate Bill 1058 (Corman) would appropriate \$81,990,000 from the Workmen's Compensation Administration Fund to the Department of Labor and Industry for the administration of the Workers' Compensation Act and the Pennsylvania Occupational Disease Act for Fiscal Year 2011-2012. The bill would also appropriate \$194,000 from a restricted revenue account within the Workmen's Compensation Administration Fund to the Office of Small Business Advocate for Fiscal Year 2011-2012. **Passed: 49-0.**

Senate Bill 1059 (Corman) would appropriate \$58,898,000 to the Public Utility Commission (PUC) for the operation of the commission for the 2011-2012 Fiscal Year. The bill would also appropriate \$1,501,000 in federal funds to the PUC to enforce the regulations of the Natural Gas

Pipeline Safety Act, \$1,888,000 in federal funds for motor carrier safety, and \$511,000 in federal funds for ARRA-Electric Regulatory Assistance. [Passed: 49-0.](#)

[Senate Bill 1060](#) (Corman) would appropriate \$5,189,000 from a restricted revenue account in the General Fund to the Office of Consumer Advocate in the Office of Attorney General for its operational expenses for the 2011-2012 Fiscal Year. [Passed: 49-0.](#)

[Senate Bill 1061](#) (Corman) would appropriate \$1,092,000 from a restricted revenue account within the General Fund to the Office of Small Business Advocate in the Department of Community and Economic Development for its operational expenses for the 2011-2012 Fiscal Year. [Passed: 48-1.](#)

[Senate Resolution 131](#) (Kasunic) commemorates the 67th anniversary of D-Day on June 6, 2011. [Adopted by Voice Vote.](#)

[Senate Resolution 132](#) (Dinniman) designates the week of June 6 through 12, 2011 as “Automotive Service Professionals Week” in Pennsylvania. [Adopted by Voice Vote.](#)

Executive Session

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

Tuesday, June 7, 2011

[Senate Bill 3](#) (D. White) would amend Title 40 (Insurance) of the Pennsylvania Consolidated Statutes to prohibit certain abortion coverage in qualified health plans offered through a health insurance exchange required under the Federal Patient Protection and Affordable Care Act. The only coverage permitted would be for those procedures for which the expenditure of public funds is currently permitted under 18 Pa.C.S. §3215(c). However, no health plan offered in the Commonwealth through a health insurance exchange could exclude coverage for treatment of any post-abortion complication or treatment of any miscarriage or any complication related to a miscarriage. Individuals would be permitted to purchase optional supplemental abortion coverage provided they pay a separate premium for the coverage and obtain it outside of the insurance exchange. [Passed: 37-12.](#)

[Senate Bill 227](#) (Piccola) would amend the Public Welfare Code to require applicants for a day care registration certificate (family day care home) to provide proof of a current general liability insurance policy that covers all persons who are on the premises of the facility. The legislation would also require that the family day care home post, in a conspicuous location used by parents, the facility’s current registration certificate, a copy of the applicable department regulations, a copy of the facility’s inspection summary and any other record required by the Department to be posted. A current copy of the family day care home’s insurance policy would also have to be on file at the facility.

At the time of a child’s application, a facility operator would be required to review with the parent, or other responsible person, the facility’s registration certificate, inspection summary,

insurance policy, emergency plan, general daily schedule, hours in which care is provided, fees, responsibilities for meals, clothing, health policies, supervision policies, night care policies, dismissal policies, transportation, pickup arrangements, and any other policy as required by the Department. The facility operator would also be required to provide to the parents, or other responsible party, instructions on how to obtain information on the facility's registration and compliance history, as well as instructions for contacting the Department to file a complaint or to make inquiries regarding the facility.

The legislation also would allow the Department of Public Welfare to take immediate action to close the family day care home and remove the children if the Department finds evidence of gross incompetence, negligence, misconduct in operating the home, or mistreatment or abuse of children likely to constitute an immediate and serious danger to the life or health of the children. If physical obstruction is offered to prevent removal of the children, the Department would be required to request law enforcement assistance in closing the home and removing the children. The Department would be responsible for informing the parents, or other person responsible for each child present in the home, of the emergency closure and removal. Departmental staff would remain at the home until each child is picked up by his or her parent or taken to another safe location. **Passed: 49-0.**

Senate Bill 389 (Brubaker) would amend the Public School Code to modify the definition of "vocational agricultural education" to include vocational education which develops student potential for success in entering and advancing through the types of careers listed in the bill. **Passed: 49-0.**

Senate Resolution 32 (Pileggi) adopts the Rules of the Senate for the 195th and 196th Regular Session effective September 1, 2011. **Adopted: 49-0.**

Senate Resolution 33 (Pileggi) adopts the Financial Operating Rules of the Senate for the 195th and 196th Regular Session effective immediately. **Adopted: 49-0.**

Senate Resolution 133 (Washington) recognizes the month of June 2011 as "Child Passenger Safety Month" in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 134 (Washington) designates the month of June 2011 as "Men's Health Month" in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 135 (Ward) recognizes June 7, 2011 as "AARP Advocacy Day" in Pennsylvania. **Adopted by Voice Vote.**

Wednesday, June 8, 2011

Senate Bill 314 (Tomlinson) would amend the Vehicle Code to make a number of changes. Among other modifications, the measure would:

- Place restrictions on the number of passengers under the age of 18 a junior driver's license holder could transport. For the first six months after issuance of the junior

driver's license, a junior driver could not drive a vehicle with more than one passenger under the age of 18 who is not a member of the driver's immediate family unless the junior driver is accompanied by a parent or legal guardian. After the expiration of the first six months, a junior driver could not drive a vehicle with more than three passengers under the age of 18 who are not members of the driver's immediate family unless the junior driver is accompanied by a parent or legal guardian. Further, a junior driver who has been involved in a reportable accident, for which he or she is partially or fully responsible, or has been convicted of any violation of the Vehicle Code could not drive a vehicle with more than one passenger under the age of 18 who is not a member of the driver's immediate family unless the driver is accompanied by a parent or legal guardian;

- Require an insurer to treat the license suspension of a person under 18 years of age for excessive speeding in the same manner as a license suspension for a person over 18 years of age for a similar violation for the purposes of automobile insurance;
- Prohibit anyone from driving a motor vehicle on a roadway or trafficway in the Commonwealth while using an interactive wireless communication device for a purpose other than voice communication while in hands-free mode. The bill would further prohibit a driver with a learner's permit or junior driver's license from driving a motor vehicle on a roadway or trafficway in the Commonwealth while using an interactive wireless communication device in any manner. All drivers would be explicitly prohibited from using of an interactive wireless communications device for texting, e-mailing, browsing the internet or instant messaging. The illegal use of an interactive wireless communications device for voice communication would be a secondary offense. The illegal use of an interactive wireless communications device for texting, e-mailing, browsing the internet or instant messaging would be a primary offense. A person who violates the section would be guilty of a summary offense punishable by a fine of \$100. A violation would not result in the accumulation of points. These provisions could not be construed as authorizing the seizure or forfeiture of an interactive wireless communication device, unless otherwise provided by law;
- Add the prohibition on the use of interactive wireless communication devices to the list of offenses for which fines are doubled if they occur in an active work zone, on a highway safety corridor, or in an emergency response area;
- Require PENNDOT to include on its accident report forms whether the driver of the vehicle involved in an accident was using an interactive wireless communications device when the accident occurred;
- Require PENNDOT to compile annually, and make available to the public, information submitted on accident reports concerning the use of interactive wireless communications devices during accidents. Information on junior drivers with multiple passengers under 18 and the use of seats belts by drivers and passengers under 18 years of age in motor vehicles involved in accidents would have to be compiled biannually. In addition to making this information available to the public, PENNDOT would be required to report the information to the House and Senate Transportation Committees;

- Prohibit the driving of a motor vehicle equipped with any video receiving equipment at any point forward of the back of the driver's seat or which is visible, directly or indirectly, to the driver while operating the motor vehicle. Devices such as in-vehicle navigation systems and back-up cameras would be exempt; and
- Make the booster seat requirement and seat belt usage requirement for vehicle occupants between 8 years of age and 18 years of age a primary offense. **Passed: 41-8.**

Senate Bill 366 (D. White) would amend the Board of Vehicles Act to provide for licensed mobility vehicle dealers. Among other authorized activities, a licensed dealer classified as a mobility vehicle dealer could display, advertise and sell new and used mobility vehicles; sell and install equipment and accessories in mobility vehicles; and provide maintenance and repair services for mobility vehicles. The bill would also modify the composition of the State Board of Vehicle Manufacturers, Dealers and Salespersons by adding a mobility vehicle dealer who has been actively engaged as such for a period of five years immediately preceding appointment and by reducing the number of members of the general public having no connection with the vehicle business from four to three. A licensed dealer classified only as a mobility vehicle dealer could not offer for sale or sell vehicles which are not mobility vehicles. The bill would also add a definition of "mobility vehicle" and "mobility vehicle dealer" to the act. **Passed: 49-0.**

Senate Bill 815 (Baker) would amend Section 6337 (Right to Counsel) of the Judicial Code to establish that counsel for a child could not be waived at any stage of a proceeding under Chapter 63 (Juvenile Matters) except at an intake conference conducted by a juvenile probation officer following the submission of a written allegation. Existing statutory provisions allow a parent, guardian or custodian to waive counsel for a child as long as their interest does not conflict with the interests of the child. **Passed: 49-0.**

Senate Bill 816 (Baker) would amend the Crime Victims Act to direct the Victim Advocate to "advocate for" the interests of crime victims generally, including the victims of juvenile crime. **Passed: 49-0.**

Senate Bill 817 (Baker) would amend the Judicial Code to restrict the use of restraints on children during court proceedings. The bill would require that restraints be removed prior to the commencement of a court proceeding unless the court determines they are necessary:

- To prevent physical harm to the child or another person;
- To prevent disruptive courtroom behavior, evidenced by a history of behavior that created potential harmful situations or presented substantial risk of physical harm; and
- To prevent the child, evidenced by an escape history or other relevant factors, from fleeing the courtroom.

The court would also have to determine that there are no less restrictive alternatives to restraints that will prevent harm, disruptive behavior or flight. The child would have to be

provided an opportunity to be heard regarding the necessity of the restraints before the judge orders their use. If restraints are ordered, the judge would be required to make findings of fact on the record in support of the order. **Passed: 49-0.**

Senate Bill 818 (Baker) would amend the Judicial Code to require a court to state the reasons for its disposition of a delinquent child on the record in open court, together with the goals, terms and conditions of that disposition. If the child is to be committed to out-of-home placement, the court would be required to state the name of the specific facility, or type of facility, to which the child will be committed and the reasons why commitment to that facility was determined to be the least restrictive placement that is consistent with the protection of the public interest and best suited to the child's treatment, supervision, rehabilitation and welfare. **Passed: 49-0.**

Senate Resolution 136 (Blake) congratulates Sukanya Roy on winning the Scripps National Spelling Bee. **Adopted by Voice Vote.**

Senate Resolution 137 (Baker) designates the week of June 12 through 18, 2011 as "State Veterans' Homes Week" in Pennsylvania. **Adopted by Voice Vote.**

(2011-046)