

WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – JOHN PIPPY, CHAIRMAN

Monday, June 1, 2009

[Senate Bill 6](#) (Brubaker) would establish the Pennsylvania Commission on Stimulus Accountability, a bipartisan 11-member Commission to provide transparency, accountability and oversight of the use of the funds allocated to Pennsylvania under the federal American Recovery and Reinvestment Act of 2009 (A.R.R.A.). The Commission would be composed of:

- The Secretary of the Budget;
- Three members of the Governor's Cabinet, selected by the Governor;
- A member of the Senate, to be appointed by the Senate President pro Tempore;
- A member of the Senate, to be appointed by the Minority Leader;
- A member of the House, appointed by the House Speaker;
- A member of the House, appointed by the House Minority Leader;
- A member of the general public, appointed by the Governor;
- A member of the general public, appointed by the Senate President pro Tempore; and,
- A member of the general public appointed by the House Speaker.

The Commission would be required to meet at least twice per month, or more frequently if called by the Chairman or upon the request of a minimum of two Commission members. The Office of the Budget would provide staff support to the Commission. Members would not receive compensation, other than reimbursement for expenses.

The legislation specifically charges the Commission with the following duties:

- To review and monitor the disbursement of all funding allocated to Pennsylvania under the A.R.R.A., including the impact of this funding upon the Budget for this fiscal year, as well as succeeding fiscal years;
- To review all plans and programs developed to direct the disbursement or distribution of these funds;
- To review all grants and contracts for the disbursement or distribution of these funds, including contract procurement standards;

- To evaluate whether mechanisms are available to facilitate interagency collaboration for maximum grant receipts under the A.R.R.A.;
- To determine whether additional legislation might be needed to facilitate more favorable Commonwealth receipts under the terms of the A.R.R.A.;
- To obtain copies of all budgets and records of expenditures related to the use, distribution, disbursement or qualification in any way or manner for funds under the A.R.R.A.;
- To review the utilization of tax credits authorized under the A.R.R.A.; and,
- To formulate recommendations for: effective use of A.R.R.A. funds, the prevention of fraud, waste or abuse in relation to those funds, and ways to enhance job creation and economic growth.

The bill further requires Commonwealth agencies which receive A.R.R.A. funds to provide the Commission with all reports, documents, budgets, proposed policies, data, estimates, statistics and other documents and materials related to the disbursement or distribution of A.R.R.A. funds. By May 15, 2009, the Office of the Budget would be required to implement and maintain an internet website to provide information to the public on the expenditure of funds allocated or provided to the Commonwealth under the American Recovery and Reinvestment Act of 2009. **Passed: 48-0.**

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 not to exceed \$1,000 plus costs of prosecution for a first offense and \$2,000 plus costs of prosecution for a second or subsequent offense. 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. **Passed: 48-1.**

Senate Bill 105 (Browne) would create the Taxpayer Transparency Act to require the Treasury Department to create and maintain a website, by October 1, 2009, which provides public access to a searchable budget database containing the data for the 2009-2010 Fiscal Year budget. The website would have to include the following information relating to expenditures of \$25,000 or more:

- The name and principal location or address of the recipient of funds;
- The amount of funds spent or received;
- The funding source;
- The disbursing agency and the line item from which the expenditure is made;
- A description of the purpose and type of expenditure;

- The expected performance outcome of the expenditure;
- Past performance outcomes achieved from the expenditure, if available; and
- Any state audits relating to the funding recipient, the program or the agency administering the funds.

Hyperlinks to contracts maintained by the Treasury Department under Chapter 17 of the Right to Know Law that pertain to an expenditure in the database would be provided where practicable. The searchable database would also have to include weekly revenue reports for the General Fund and the Motor License Fund. Beginning July 1, 2010, and each fiscal year thereafter, data for that fiscal year would have to be added to the database no later than 30 days following the beginning of the fiscal year. [Passed: 30-19.](#)

[Senate Bill 110](#) (Smucker) would amend Title 74 (Transportation) of the Pennsylvania Consolidated Statutes to require the Department of Transportation to establish and maintain a log of executive and passenger flights using state aircraft. The log would have to contain the information listed in the bill and be publicly accessible on the Department's website. The log would have to be updated monthly and posted in a way that allows the public to search the information by the categories enumerated in the bill. [Passed: 49-0.](#)

[Senate Resolution 129](#) (Tomlinson) recognizes the month of May 2009 as "Exercise is Medicine Month" in Pennsylvania. [Adopted by Voice Vote.](#)

Tuesday, June 2, 2009

[Senate Bill 45](#) (Greenleaf) would amend the Landscape Architects' Registration Law to increase the continuing education requirement from 10 hours of mandatory continuing education during each two-year license period to 24 hours. The bill would also eliminate a grandfather provision permitting the State Board of Landscape Architects to grant a license to individuals without examination who have ten years of active experience and a degree from an approved institution or persons with 15 years of active experience and a degree from a non-approved institution. This provision is no longer necessary because all persons subject to the grandfather clause are believed to be licensed. [Passed: 49-0.](#)

[Senate Bill 531](#) (Browne) would amend Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes to provide for the interagency sharing of juvenile records. The legislation provides that the contents of county children and youth, drug and alcohol, mental health and education records of a child shall be provided, upon request, to the county agency, court or juvenile probation department when the child:

- is the subject of an open child protective services or general protective services investigation;
- is alleged to be dependent;
- has been accepted for service by a county agency;

- has been placed under supervision under an informal adjustment or consent decree;
- has been found to have committed a delinquent act; or
- has been found to be dependent or delinquent.

The contents of the reports would be released subject to and except as prohibited by, the statutes and regulations specifically listed in the legislation. The county agency, court or juvenile probation department would use the information contained in the records in furtherance of the disposition of the child, or if no child specific or other confidential information is disclosed, in furtherance of efforts to identify and provide services to children who are determined to be at risk of child abuse, parental neglect or initial or additional delinquent behavior. Unless otherwise prohibited, the information could also be shared with other agencies or entities if there is a specific need to do so. The information could only be shared pursuant to an interagency information sharing agreement, upon court order, or in response to the written consent of the parent or guardian of the child or any person otherwise having the authority to consent.

Subject to approval of the court, an interagency information sharing agreement may be developed in each county between the county agency, juvenile probation department, local law enforcement agencies, mental health agencies, drug and alcohol agencies, local school districts, and other agencies and entities as deemed appropriate. Such agreements would be for the purpose of enhancing the coordination of case management services to and the supervision of children who have been accepted for service by a county agency, who are being supervised under an informal adjustment or consent decree, who have been found to have committed a delinquent act or who have been found to be dependent or delinquent. The agreements could also be used to enhance coordination of efforts to identify children who may be at risk of child abuse, parental neglect or initial or additional delinquent behavior. Any such interagency agreement would have to meet the requirements listed in the bill. **Passed: 49-0.**

Senate Resolution 130 (Hughes) recognizes June 2, 2009 as “AARP Volunteer Recognition Day” in Pennsylvania. **Adopted by Voice Vote.**

Executive Session

Nominations to Various Boards and Commissions. **Confirmed: 49-0.**

Wednesday, June 3, 2009

Senate Bill 81 (Earll) would amend numerous provisions of the Liquor Code. Among other changes, the bill would:

- Amend the term “eligible entity” to allow the use of a special occasion permit by a nonprofit organization which is located in a second class A or a third class county and whose purpose is the education and promotion of American history.

- Add the term “satellite wine store” as a definition to mean a wine kiosk operated by the Pennsylvania Liquor Control Board (PLCB), together with the space in which it is located.
- Expand the powers of the PLCB to permit the establishment and implementation of a customer relations marketing program for the purpose of offering incentives to customers of the PLCB.
- Clarify that an incentive offered to customers of the PLCB under provisions of the Code is not an unlawful act.
- Amend the “Wine Marketing” section to permit the PLCB to participate in and sponsor “spirits” events to educate consumers.
- Exempt wine kiosks from the twenty-five percent limit of state stores that may be open on Sunday.
- Clarify that a member of the governing board of a public authority created under the County Code may have an interest in a distributor or importing distributor license notwithstanding the fact that the public authority has an interest in one or more retail licenses or acts as a landlord for one or more retail licenses.
- Permit an entity to acquire both a manufacturer’s license or limited winery license, and a hotel, restaurant or retail dispenser license for use at the same location.
- Add language to provide for the transfer of limited winery, winery, distillery, transport for hire, and bailee-for-hire licenses to new owners, a new location or both. Also, a license fee of \$550 would be added for a transfer to a new location, \$650 for a transfer to a new person, or \$700 if the transfer is to a new person for use at a new location.

Passed: 36-13.

Senate Bill 89 (Vance) would reenact and amend the Health Care Cost Containment Act which expired on June 30, 2008. The bill would extend the sunset date of the Act to June 30, 2014.

The legislation would also:

- Require meetings held by the Council’s technical advisory group to be open to the public;
- Require that audit results of providers or health care insurers be provided to the audited provider or health care insurer on a timely basis, not exceeding 30 days beyond presentation of audit findings to the Council;
- Create a Payment Data Advisory Group composed of technical experts and individuals knowledgeable in payment systems and discharge claims data to produce recommendations surrounding the collection of payment data, analysis and manipulation of payment data, and the public reporting of payment data;

- Prohibit the Council from requiring any data source to contract with any specific vendor for submission of any specific data elements to the Council;
- Require payor data to be released to individual providers for purposes of verification and validation prior to inclusion in a public report;
- Clarify that payor discounts and allowances are considered confidential proprietary information and are not records subject to public access under the Right to Know Law;
- Establish a 15-member Health Care Cost Containment Council Act Review Committee to study, review and recommend changes to the Health Care Cost Containment Act and submit a report to the General Assembly; and
- Require the Legislative Budget and Finance Committee to conduct a sunset evaluation of the performance of the Council by September 1, 2013. [Concurrence in House Amendments: 49-0.](#)

[Senate Bill 383](#) (Orie) would amend the Judicial Code to permit a court of common pleas and the Municipal Court of Philadelphia to establish one or more problem solving courts which have specialized jurisdiction, including but not limited to, drug courts, mental health courts and driving under the influence courts, whereby defendants are admitted to a court-supervised individualized treatment program. The court could adopt local rules for the administration of the problem solving courts and their related treatment services. The local rules could not be inconsistent with any rules established by the Pennsylvania Supreme Court. The Supreme Court would be authorized to appoint a statewide problem solving courts coordinator. The coordinator could encourage and assist in the establishment of problem solving courts in each judicial district, identify sources of funding for the courts and their related treatment services, provide coordination and technical assistance for grant applications, develop model guidelines for the administration of the courts, and establish procedures for the courts. The Supreme Court could also establish an advisory committee to advise and assist the statewide coordinator.

[Passed: 49-0.](#)

[Senate Bill 829](#) (M. White) would amend the Climate Control Act to extend the submission date of the action plan required under the act from 15 months to 18 months from the effective date of the act. The measure would also require the Department of Environmental Protection to make a draft plan available for public comment for a period of at least 60 days. The Department would be required to review and consider the public comments and prepare and publish a copy of its responses to comments received. [Passed: 49-0.](#)

[Senate Resolution 131](#) (Fontana) congratulates the Pittsburgh Cultural Trust on the occasion of its 125th anniversary. [Adopted by Voice Vote.](#)

[House Bill 84](#) (DeLuca) would create the Preventable Serious Adverse Events Act to permit health insurers to withhold payment to health care providers in the event of a preventable serious adverse event, or services required to correct or treat the problem created by such an event. A health care provider who discovers that payment has unknowingly been sought for a preventable

event or services required to correct or treat it would be required to immediately notify the health payor or patient and to refund any payment received within 30 days. The provisions would apply to a nursing facility upon publication of the preventable serious adverse events bulletin for nursing facilities in the *Pennsylvania Bulletin*. The Department of Health would be responsible for investigating complaints regarding a health care facility that is seeking payment which is prohibited under the legislation. The Department of State would investigate complaints against a health care provider that is not a health care facility. **Passed: 49-0.**

House Bill 1089 (Matzie) would amend the Insurance Company Law of 1921 by adding a section entitled Mini-Cobra Small Employer Group Health Policies. The provisions would apply to employers with two to nineteen employees. (Under federal law (COBRA), terminated employees of employers with 20 or more employees may purchase a continuation of health benefits.)

House Bill 1089 would extend, under certain conditions, the continuation of hospital, surgical or major medical coverage when due to a “qualifying event” a covered employee or their eligible dependents are no longer eligible for the group health policy of the employer. To qualify, the employee or eligible dependent must have been continuously insured under the employer’s group policy during the entire three month period ending with the termination. The continuation would have to include any benefits provided under the group policy. Continuation would not be available for any person covered under the group policy who (1) is covered or is eligible for coverage under Medicare; (2) fails to verify that he is ineligible for employer-based group health insurance as an eligible dependent; or (3) is or could be covered by any other insured or uninsured arrangement which provides hospital, surgical or major medical coverage for individuals in a group and under which the person was not covered immediately prior to such termination.

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

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

In order to continue coverage, the covered employee or eligible dependent would be required to pay to the group policyholder, on a monthly basis, the amount of the contribution

required to continue coverage. The premium amount could not be more than 105 percent of the group rate.

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

- Nine months from the date the coverage would have terminated because of a qualifying event;
- If the employee or member fails to make timely payment of a required premium contribution; or
- The date on which the group policy is terminated. **Passed: 49-0.**

(2009-075)