



April 2009

Dear Friend,

In this edition of *Inside the Senate*, we will look at the bills considered and approved by the Senate during March 2009.

As always, if you have questions about any state issue, call my Indiana Office at 724-357-0151/toll free 866-357-0151, my Kittanning Office at 724-543-3026/toll-free 866-366-

9448 (1-866-DON-WHITE), or my Murrysville Office at 724-327-2422/toll-free 866-736-9448 (1-866-SEN-WHITE), or visit my website senatordonwhite.com.

Sincerely,


Senator Don White

Session Week of March 9

The Senate approved four bills cosponsored by Senator White cracking down on methamphetamine labs during the Session week of March 9.

Senate Bill 124 sets the offense of operation of a methamphetamine laboratory as a second degree felony. The bill also makes it a first degree felony if the chemical reaction occurs within 1,000 feet of schools or child care facilities or within 250 feet of property on which a recreation center or playground is located.

Senate Bill 125 amends the Controlled Substance, Drug, Device and Cosmetic Act by adding that knowingly possessing ephedrine, pseudoephedrine, phenylpropanolamine or a product containing these ingredients, or any of their

salts, optical isomers or salts of optical isomers with the intent to manufacture methamphetamine is prohibited.

Senate Bill 126 would require any person convicted of operating a methamphetamine laboratory to reimburse the appropriate law enforcement agency for the costs of cleaning up the environmental hazards associated with the operation of the laboratory.

Senate Bill 127 makes illegal dumping of methamphetamine waste a third degree felony. The crime would be a first degree felony if a chemical reaction occurs within 1,000 feet of schools or child care facilities, or within 250 feet of property on which a recreation center or playground is located.

The Senate also approved **Senate Bill 73**, a measure that expands and clarifies the provisions prohibiting contraband, including weapons, implements of escape and other dangerous materials, in correctional institutions, youth development centers and mental hospitals.

The legislation increases the penalties for certain offenses: Delivery of a weapon, implement of escape or dangerous material to an inmate and possession by an inmate of a weapon, implement of escape or dangerous material would become second degree felonies. Currently these offenses are first degree misdemeanors. Delivery of money (except through an inmate account) or contraband to an inmate would increase to a first-degree misdemeanor up from the current third degree.

Session Week of March 16

The Senate approved two bills cosponsored by Senator White to protect consumers from fraud perpetrated by unscrupulous mortgage brokers during the session week of March 16.

Senate Bill 170 would prohibit a mortgage broker or originator from being the exclusive recipient of communications to a consumer. The legislation would prevent brokers from withholding information about interest rates, fees or monthly payments, and would ensure that consumers are informed of the terms of their mortgage.

Senate Bill 171 would protect mortgage company employees that report illegal activities or take part in an investigation, hearing or inquiry by preventing employers from taking actions such as reducing an employee's salary or benefits, changing the terms of employment, or firing an employee.

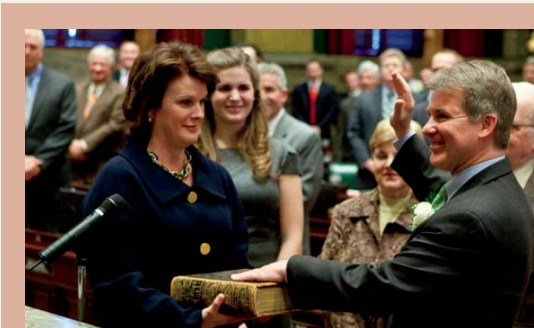
Senate Bills 170 and **171** were approved by the Senate Banking and Insurance Committee chaired by Senator

White at its March 10 meeting.

The Senate also approved **Senate Bill 434**. The measure amends the Domestic Relations Code (DRC) to increase the monetary limits of parental liability for the acts of their children, includes an injury to a person and the theft, destruction or loss of property.

Currently, liability of parents under DRC is limited to \$1,000 for acts suffered by any one person or \$2,500 regardless of the number of persons who suffered. SB 434 increases the limits to \$2,000 for one person and to \$4,000 for more than one person. The amounts were last changed by the General Assembly in 1994.

The Senate approved **Senate Bill 391** which repeals Act 513 of 1862 which gives a judge, mayor, alderman or justice of the peace in the City of Philadelphia the authority to commit orphan, destitute, abandoned or vagrant children to two city orphanages. That antiquated act has been superseded by the Juvenile Act and the Adoption Act.



Senator Argall Sworn In

Senator David Argall (R-29) was sworn into office for his first term representing the 29th Senatorial District on March 17 during a ceremony in the Senate Chamber. Senator Argall replaces Senator James Rhoades who died as a result of a traffic accident last fall.

Prior to his election to the Senate, Senator Argall spent 24 years as a member of the Pennsylvania House of Representative where he served terms as Republican Whip, Appropriations Committee Chairman and Caucus Chairman.

The 29th Senatorial District includes all of Schuylkill County and parts of Berks, Carbon, Lehigh, Monroe and Northampton Counties.

Session Week of March 23

The Senate approved several health care and anti-crime bills during the Session week of March 23.

Senate Bill 89 would re-enact the Health Care Cost Containment Act and re-establish the Health Care Cost Containment Council Act Review Committee with a new sunset date of June 30, 2014.

Senate Bill 189, cosponsored by Senator White, would extend health insurance coverage, at the expense of policyholders, to adult dependent children up to the age of 30 who are not married, have no dependents, are residents of the Commonwealth or enrolled as a full-time student at an institution of higher education and are not provided insurance coverage or eligible for government benefits. Insurers would be able to determine increases in the premium to

cover this additional benefit. The Senate Banking and Insurance Committee approved the bill at its March 10 meeting.

Senate Bill 195, cosponsored by Senator White, would amend the Industrialized Housing Act to regulate the construction of industrialized and commercial modular buildings. The legislation authorizes the Department of Community and Economic Development (DCED) to enter a multistate agreement for the purpose of regulating the construction of components of industrialized and commercial modular buildings. Currently, DCED regulates and provides standards for manufactured housing. Senate Bill 195 would establish a similar program for modular buildings used for industrial and commercial purposes.

Senate Bill 366 would allow for the denial of bail for offenses where the maxi-

mum sentence is life imprisonment or for cases where there are no conditions other than imprisonment that will reasonably protect public safety.

Senate Bill 443, introduced by Senator White, allows insurers to withhold payments in the event of avoidable medical errors and infections. Medicare has already stopped reimbursing providers for the cost of medical-related infections and mistakes. The legislation is intended to reduce health care insurance costs while pushing providers to eliminate mistakes.

Senate Bill 490, cosponsored by Senator White, would transfer \$174 million from the Oil & Gas Lease Fund – raised from Marcellus Shale natural gas permits – to the General Fund to help address the state's \$2.3 billion budget deficit.

Session Week of March 30

As part of its activities during the session week of March 30, the Senate approved legislation barring illegal aliens living in Pennsylvania from receiving public benefits and a bill requiring state agencies to notify the public within one week of data breaches involving personal information.

Senate Bill 9, co-sponsored by Senator White, requires anyone receiving public benefits in the Commonwealth, such as Medicaid, welfare assistance, and in-state college tuition, to provide identification proving they are legal residents. In addition, individuals would be required to sign an affidavit stating they are a United States citizen, or an alien lawfully residing in this country.

The Federation for American Immigration Reform (FAIR) estimates the annual costs of illegal immigration amount to about \$36 billion nationwide. In Pennsylvania, which has more than 100,000 illegal aliens, the current estimated cost is \$285 million. That cost, if unchecked, is expected to grow to \$812 million by the year 2020.

Senate Bill 155 was drafted in the aftermath of three separate thefts of state-owned computers containing personal information in the last half of

2007. In the first two thefts, computers containing the personal information of about 375,000 individuals were stolen from Department of Public Welfare offices in Harrisburg and Philadelphia. In the third incident, a laptop computer issued to a Department of Aging employee was stolen from a private residence. That computer contained the personal information of more than 20,000 individuals. Current law requires public notification of such incidents "without unreasonable delay." Senate Bill 155 places a specific one-week notification requirement for breaches involving state agencies.

Senate Bill 206 prohibits any school official from denying any member of the military entry to school facilities because he or she is wearing a military uniform. Military members would still be expected to comply with a school's visitor policy, but they could not be denied access because of their uniforms. The legislation stemmed from several incidents in which military members visiting friends and former teachers were denied access to school grounds due to their military uniforms.

Senate Bill 299, cosponsored by Senator White, would make it illegal to go phishing in Pennsylvania. Phishing is a crime in which people use e-mail to

falsely claim to be an established enterprise in an effort to lure people to a Web site to collect personal data, such as Social Security, bank account or credit card numbers, or passwords. Often the Web site that people are lured to resembles established Internet enterprises, such as eBay, PayPal, or other online banking institutions. The legislation would make it a felony offense to phish personal information and would carry a fine of \$100,000 for each violation, along with the ability to collect damages up to three times the actual amount, if the court so rules, as well as attorney fees.

Senate Bill 442, introduced by Senator White, amends the Insurance Company Law of 1921 to create a Mini-COBRA Small Employer Group Health Plan. The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) provides former employees, retirees, spouses, former spouses, and dependent children the right to continuation of health coverage at group rates for up to 18 months. However, COBRA benefits only apply to employers with 20 or more employees. SB 442 would extend the COBRA guidelines in Pennsylvania to group plans that employ 2 – 19 employees.

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