

# Legislative Update

From the Buchanan Ingersoll & Rooney State Government Relations Group

**Buchanan Ingersoll & Rooney PC**  
Attorneys & Government Relations Professionals

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Governor Tom Corbett is scheduled to deliver his first Budget Address to the General Assembly on Tuesday, March 8, 2011

## Powelson Named PUC Commissioner



Robert F. Powelson

Governor Tom Corbett appointed Robert F. Powelson of Chester County to serve as chairman of the Pennsylvania Public Utility Commission (PUC). Powelson has served as a PUC commissioner since June 2008.

Powelson's appointment to chairman does not require confirmation by the Senate. He was first nominated by former Governor Rendell to a one-year term on the PUC and was unanimously confirmed

by the Senate on June 30, 2008. He was renominated for a five-year term on February 12, 2009, and was again unanimously confirmed on April 22, 2009. His term expires on April 1, 2014.

Powelson was recently appointed as co-vice chair of the National Association of Regulatory Utility Commissioners (NARUC) Committee on Water. In addition, he has been appointed to represent that committee on NARUC's Task Force on Climate Policy. He is also a member of the NARUC Committee on Critical Infrastructure and a member of the NARUC Subcommittee on Nuclear Issues-Waste Disposal.

## Introducing...

The Pennsylvania General Assembly convened for its 2011-2012 session on January 4, 2011, welcoming one of the largest freshmen classes in recent history. The following is the second in

a series of articles designed to introduce Buchanan's clients and friends to the Legislature's newest members in both the House of Representatives and the Senate.

## Rosemary M. Brown (R) 189th House District (Monroe)



Rosemary Brown

Rosemary Brown defeated incumbent John Siptroth (D). Brown is the first female state representative from Monroe County. She is a graduate of East Stroudsburg High School and

earned a degree in communications from the University of Scranton. After college she completed the executive management training program with Macy's. Brown had a career in retail before moving on to the pharmaceutical industry where she was an executive manager and sales representative.

Introducing, *continued on page 2*

## Introducing continued

Rosemary and her husband Joe, her high school sweetheart, have three children Kennedy, Carter and Reagan.

Committee Assignments: Children and Youth; Commerce; Human Services; Tourism and Recreational Development (*Subcommittee on Arts and Entertainment – chair*)

### Joe Hackett (R)

#### 161st House District (Delaware)



Joe Hackett

Joe Hackett, 50, replaces Representative Brian Lentz (D) who retired to run for Congress. Hackett is a 26-year veteran of law enforcement, having worked as a police officer and detective with the Ridley Township

Police Department for more than 20 years. Most recently he served as a detective in Delaware County's Criminal Investigations Division. He was named the Delaware County Police Emerald Society's Man of the Year and the Delaware County Law Enforcement Man of the Year.

Hackett is a graduate of Cardinal O'Hara High School and the Delaware County Community College Municipal Police Academy. He co-founded and served as president of the Delaware County Law Enforcement Memorial Foundation and co-founded the Reunion Cup, an annual golf outing that has raised more than \$100,000 for local charities. Hackett is also active in local youth sports.

He and his wife Maureen have two sons, Joseph and Shawn.

Committee Assignments: Aging and Older Adult Services; Gaming Oversight; Urban Affairs (*Subcommittee on Cities, Counties - First Class – chair*); and Veterans Affairs and Emergency Preparedness

### Brandon Neuman (D)

#### 48th House District (Washington)



Brandon Neuman

Brandon Neuman, 29, replaces Representative Tim Solobay (D) who was elected to the State Senate. Neuman served as an intern for Solobay. He is an attorney at Robert Pierce & Associates. Neuman

received his J.D. from Duquesne University School of Law and received

a master's degree from University of Pittsburgh School of Law. He received his bachelor's degree from University of Richmond, where he played football.

Two days prior to being sworn in, Neuman proposed to girlfriend Carrie Sechler, 24.

Committee Assignments: Aging and Older Adult Services; Agriculture and Rural Affairs (*Democratic secretary*); and Consumer Affairs.

## Introducing continued

### Justin Simmons (R) 131st House District (Lehigh)



Justin Simmons

Justin Simmons, 24, defeated incumbent Rep. Karen Beyer (R) in the primary before going on to win the general election. Simmons was the district director for Senator Bob Mensch and worked for

Senator Rob Wonderling. He was an intern for then-U.S. Representative Pat Toomey.

Simmons is a graduate of Southern Lehigh High School and received his bachelor's degree from St. Joseph's University.

Committee Assignments: Education; Human Services; Insurance; Urban Affairs (*secretary*)

### Dan Truitt (R) 156th House District (Chester)



Dan Truitt

Dan Truitt, 41, defeated incumbent Barbara McIlvaine Smith (D). Truitt is the owner of Truitt Engineering. He graduated cum laude with a bachelor of science in electrical engineering from Villanova University

and a master of science in computer science from West Chester University.

Truitt attends St. Peter and Paul Church in East Goshen Township and was an Eagle Scout.

Truitt and his wife Michele, a radiology technician at Paoli Hospital, have two sons, Daniel and Mark.

Committee Assignments: Commerce; Education; Local Government (*secretary*); and Urban Affairs

## Legislative Leaders Certified as Members of the 2011 Legislative Reapportionment Commission

Senate President Pro Tempore Joe Scarnati (R-Jefferson) and Speaker of the House Sam Smith (R-Jefferson) announced that they have officially certified the four caucus floor leaders to serve on the 2011 Legislative Reapportionment Commission (LRC). Those leaders are: Senate Majority Leader Dominic Pileggi (R-Delaware), House Majority Leader Mike Turzai (R-Allegheny), Senate Democratic Leader Jay Costa (D-Allegheny) and House Democratic Leader Frank Dermody (D-Allegheny).

The LRC is a five-member panel responsible for redrawing the boundaries for state Senate and

state House districts. Article II, Section 17, of the state constitution names the four caucus floor leaders as members of the Commission. They are to choose a fifth member, who serves as chair of the LRC. The deadline for that selection is 45 days from certification, or April 4.

In January, the four caucus leaders announced that they are seeking applications from individuals interested in serving as chair of the LRC. The leaders indicated that at least one public hearing will be held in March to interview applicants.

## Insurance Issues May Be First Focus of New Department of Drug and Alcohol Programs

Insurance issues related to drug and alcohol addiction and treatment became one focus at a recent House Human Services Committee hearing on Act 50 of 2010.

Act 50 of 2010 creates the Department of Drug and Alcohol Programs. This new executive branch department will be chaired by a cabinet secretary and have its own budget, staff and offices. The new agency's initial focus will be to consolidate various state agencies, committees, bureaus and programs dealing with drug and alcohol abuse and addiction under the umbrella of one state agency.

Deb Beck, president of the Drug and Alcohol Service Providers Organization of Pennsylvania, testified that implementation will include pulling drug and alcohol prevention and treatment programs and functions out of the Department of Welfare. Additionally, Beck testified that her organization would like to:

- See the new department work toward a comprehensive and organized effort to enforce Act 106 of 1989 requiring that insurers provide for the treatment of addiction.
- Pull the Bureau of Managed Care in the Department of Health into the enforcement effort and ensure that sample benefit booklets and consumer materials accurately reflect the terms of the law.
- Coordinate efforts with the Department of Public Welfare to provide a comprehensive review

and enforcement of Act 152 of 1988, requiring Medicaid to provide treatment for addiction in licensed residential treatment programs.

- Coordinate the interplay and intersection between various state and federal laws and regulation.
- Coordinate and organize statewide expansion of criminal justice treatment programs.

Beck also testified that within a year and a half of the establishment of the new department she would like to see the agency address several insurance issues, provide additional guidance to insurance subscribers and implement prescription drug monitoring.

According to Beck, the current Bureau of Drug and Alcohol Programs administers between \$100 and \$120 million in federal and state moneys. That bureau and the licensing bureau are expected to be transferred into the new department and an additional ten new staff are expected to be hired. The fiscal note on the legislation passed last year was \$1.4 million.

Testimony from the Pennsylvania Association of County Drug and Alcohol Administrators and the Pennsylvania Recovery Organizations Alliance called the new department a reason to hope as it will bring a strategic and comprehensive plan to the current system's "hodgepodge" existence. Provisions of the current law must also be fully enforceable, they said.

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## Democrats Present adultBasic Fix

Senate Democrats announced a plan to allow the state to continue to run the adultBasic health insurance program. The proposal, however, has not received support from Republican leaders or the Corbett administration. The adultBasic program, which provides health insurance to 41,000 poor adults, is out of funding and expired on Monday, February 28.

Senate Democratic Leader Jay Costa (D-Allegheny) said that they presented a "shared responsibility" funding plan to the state's Blue Cross/Blue Shield companies and for-profit insurance companies that would pay the \$54 million needed to keep the program alive through the remainder of the fiscal year. It would be funded with \$25 million from the state, \$25 million

*Democrats Present, continued on page 5*

## Committee Meeting Calendar

**Editor's Note:** For the most up-to-date listing of the standing committee meeting schedule, please contact Buchanan Ingersoll & Rooney's State Government Relations Center at 717 237 4800 or log on to <http://www.legis.state.pa.us/cfdocs/legis/home/session.cfm>.

### Wednesday, March 2

#### House Consumer Affairs Committee

9 a.m., Room B31 Main Capitol

The committee will hold an informational meeting to provide a general overview of the water and waste-water industry and a summary of current issues facing the industry.

#### House Education Committee

9 a.m., Room G-50, Irvis Office Building

The committee will hold a public hearing on economic teacher furlough legislation.

#### House Tourism and Recreational Development Committee

9 a.m., Room 39, East Wing

The committee will hear a presentation on the state's initiatives to commemorate the 150th anniversary of the Civil War.

#### Senate Labor and Industry Committee

9 a.m., Hearing Room 1, North Office Building

The committee will hold an informational hearing on workforce development issues.

#### House Aging and Older Adult Services Committee

9:30 a.m., Room 205, Ryan Office Building

The committee will hear an introduction to the aging network by the Pennsylvania Area Agencies on Aging and the various programs and services available.

#### House State Government Committee

9:30 a.m., Room 60, East Wing

The committee will consider **H.B. 370** (amends the Third Class City Code to further provide for sales of personal property) and **H.B. 488** (authorizes Venango County to convey certain Project 70 lands in Oakland Township, Venango County, free of restrictions imposed by the Project 70 Land Acquisition and Borrowing Act).

*Committee Meeting, continued on page 6*

## Democrats Present continued

from insurers and \$4 million from increased premiums.

State funding could come from the legislative caucuses' reserve accounts or a portion of the \$265 million surplus in the general fund, Costa said.

Senate Democrats said they asked the state's insurers to respond by Friday, February 25 on whether they would be willing to financially support the plan.

Sam Marshall, president of the Insurance Federation of Pennsylvania, said the fix would be "a temporary buy-in to a

program that has some structural problems" and said that a better option would be to continue to transition enrollees to the Special Care program.

Pennsylvania's Blue Cross and Blue Shield health insurers have been the primary contributors to the program since 2005, supplying more than \$500 million of the program's funding in its five-year agreement with the state.

## Liquor Store Privatization Revenue Potential Debated

With the privatization of the state's Wine & Spirits stores considered one of Governor Corbett's priorities, the Senate Law and Justice Committee held a hearing where experts disputed the initiative's revenue potential for the state.

Jim Sgueo of the National Alcohol Beverage Control Association testified that states that have privatized their wine and spirits sales have had a hard time maintaining state revenues. Those revenues are a combination between taxes, fees and sales profits. He also questioned whether the estimated

revenues from the one-time sale of the state's 750 licenses would be as high as has been predicted.

The Commonwealth Foundation's Nathan Benefield said that one-time revenues of \$1 billion to \$2 billion are "reasonable." He noted that in addition to the sale of licenses, revenues would also come from the sale of state-store real estate, inventories and wholesale operations.

Additional hearings on the issue of privatization of the state wine and spirit stores are expected.

## IRRC Sets Next Meeting

The Independent Regulatory Review Commission (IRRC) will hold its next public meeting on Thursday, March 17, 2011 at 10 a.m., 14th Floor Conference Room, 333 Market Street, Harrisburg.

During the meeting, the commission is expected to consider regulation No. 2873 Pennsylvania Gaming Control Board #125-129, Gaming Junket Amendments.

## Legislative Actions

For the latest information regarding the status of bills and resolutions, please contact Buchanan Ingersoll & Rooney's State Government Relations Center at 717 237 4800.

### H.B. 38 (Caltagirone, D-Berks)

Amends Title 42 (Judiciary and Judicial Procedure) to align the filing fees with the jurisdictional limits for the Philadelphia Municipal Court and the Magisterial District Judges. The bill passed the House by a vote of 197 to 0 and has been referred to the Senate Judiciary Committee.

### H.B. 143 (Major, R-Susquehanna)

Amends the Pennsylvania Farmland and Forest Land Assessment Act of 1974 to allow small non-coal mining

on Clean and Green program lands. The bill passed the House by a vote of 148 to 52 and has been referred to the Senate Agriculture and Rural Affairs Committee.

### H.B. 262 (Vereb, R-Montgomery)

Provides for the transfer of the Bureau of Investigations and Enforcement from the Pennsylvania Gaming Control Board to the Office of Attorney General. The bill passed the House by a vote of 126 to 72 and has been referred to the Senate Community, Economic and Recreational Development Committee.

## Committee Actions

For the latest information regarding the status of bills and resolutions, please contact Buchanan Ingersoll & Rooney's State Government Relations Center at 717 237 4800.

### Private Transfer Fee Obligations

The House Urban Affairs Committee reported **H.B. 442** (Helm, R-Dauphin) which amends Title 68 (Real and Personal Property) to prohibit private transfer fee obligations. The bill received first consideration in the House and is on the House tabled bill calendar.

### K2 – Synthetic Marijuana

The House Judiciary Committee reported **H.B. 176** (Mann, D-Lehigh) which amends The Controlled Substance, Drug, Device and Cosmetic Act to add synthetic marijuana. The bill received first consideration in the House and is on the House tabled bill calendar.

### Benevolent Gesture or Admission

The House Judiciary Committee reported **H.B. 495** (Gillespie, R-York) which amends Title 42 (Judiciary and

Judicial Procedure) to make a benevolent gesture or admission by a health care provider inadmissible as evidence of liability or as an admission against interest. A similar provision is included for officers and employees of assisted care residences and personal care homes. The bill is scheduled to be voted this week.

### Land Utilization

The House Agriculture and Rural Affairs Committee reported **H.B. 144** (Pickett, R-Bradford) which amends the Pennsylvania Farmland and Forest Land Assessment Act to add corrective language regarding when roll-back taxes are due on an oil/gas well drilled on Clean and Green program land. The bill is scheduled to be voted this week.

### Air Pollution Fines

The Senate Environmental Resources and Energy Committee reported **S.B. 151** (Pileggi, R-Delaware) which amends the Air Pollution Control Act to require 25 percent of the sum collected for fines over \$50,000 to be returned to the municipality in which the incident occurred for parks, recreation projects, trails, or open space.

Committee Actions, continued on page 7

Committee Meeting, continued from page 5

### Senate Communications and Technology Committee

9:30 a.m., Room 8E-B, East Wing

The committee will hold a public hearing to review existing health information exchanges.

### House Professional Licensure Committee

10 a.m., Room G-50, Irvis Office Building

The committee will hold a briefing with the Bureau of Professional and Occupational Affairs on their duties.

### Senate Aging and Youth Committee

10:30 a.m., Room 461 Main Capitol

The committee will consider **S.B. 449** (amends the Public School Code to provide for child abuse recognition and reporting training) and **S.B. 639** (amends the Family Caregiver Support Act to further provide for intent, for definitions, for caregiver support program, for reimbursements and for entitlement not created).

### House Health and Senate Public Health and Welfare Committees

2 p.m., Hearing Room 1, North Office Building

The committees will hold a joint public hearing on the Department of Health's oversight of abortion clinics.

### Thursday, March 3

#### House Education Committee

9 a.m., Room B31 Main Capitol

The committee will hold a public hearing on school construction legislation and Intermediate Unit transparency legislation.

#### House Transportation Committee

9:30 a.m., Room G-50, Irvis Office Building

The committee will consider: **H.B. 3** (amends Title 74 (Transportation) to provide for public-private transportation partnerships) and **H.B. 208** (amends Title 75 (Vehicles) to further provide for duties of drivers in accidents involving death or personal injury).

#### House Human Services Committee

10 a.m., Room 140 Main Capitol

The committee will hold an informational meeting on county human services.

Committee Meeting, continued on page 7

*Committee Meeting, continued from page 6*

### House Democratic Policy Committee

*10 a.m., Room 148, Main Capitol*

The committee will hold a public hearing on health care.

### Monday, March 7

#### Joint Legislative Conservation Committee

*12 p.m., Room G-50, Irvis Office Building*

The committee will hold an environmental issues forum including a presentation on green building, with a special emphasis on the role the forest products industry can play in green building standards.

### Tuesday, March 8

#### House Urban Affairs Committee

*9:30 a.m., Room 60, East Wing*

The committee will hold an informational meeting on the Philadelphia Parking Authority.

#### Senate State Government Committee

*9:30 a.m., Hearing Room 1, North Office Building*

The committee will hold a public hearing on **S.B. 247** (amends the Right-to-Know Law to further provide for definitions; for Pennsylvania Interscholastic Athletic Association; for access, requests, record, public record exceptions, for agency response and filings and for the Office of Open Records).

#### House Human Services Committee

*10 a.m., Room B31 Main Capitol*

The committee will consider: **H.R. 42** (a resolution urging the Department of Health to revise its disease monitoring practices); **H.B. 272** (establishes a task force on Lyme disease and related maladies); **H.B. 486** (changes the name of the Department of Public Welfare); and **H.B. 152** (amends the Public Welfare Code to further provide for registration certificate application, issuance of certificate and records and to provide for disclosure and for emergency disclosure).

### Thursday, March 10

#### House Liquor Control Committee

*10:30 a.m., Room 205, Ryan Office Building*

The committee will hold a public meeting with the Liquor Control Board to discuss their duties.

## Committee Actions continued

The bill is on second consideration on the Senate calendar.

### Gas Well Spacing

The Senate Environmental Resources and Energy Committee reported **S.B. 265** (M. White, R-Venango) which amends the Coal and Gas Resource Coordination Act to provide for spacing requirements for gas wells. The bill is on second consideration on the Senate Calendar.

### Hazardous Sites Cleanup

The Senate Environmental Resources and Energy Committee reported **S.B. 303** (M. White, R-Venango) which amends the Hazardous Sites Cleanup Act to require assessed penalties to be deposited in the Hazardous Sites Cleanup Fund. The bill is on second consideration on the Senate calendar.

### Air Pollution

The Senate Environmental Resources and Energy Committee reported **S.B. 304** (M. White, R-Venango)

which amends the Air Pollution Control Act to require proposed and final state implementation plans to be published on the internet and to be provided to the chair and minority chair of the House and Senate Environmental Resources and Energy Committees. The bill received first consideration in the Senate and was re-referred to the Senate Appropriations Committee.

### Pipeline Operators

The Senate Consumer Protection and Professional Licensure Committee reported **S.B. 325** (L. Baker, R-Luzerne) which creates the Gas and Hazardous Liquids Pipelines Act to provide the Public Utility Commission with gas safety jurisdiction over gas and hazardous liquid pipeline operators who are not public utilities. The bill is on second consideration on the Senate Calendar.

## Executive Nominations and Appointments

The Senate Environmental Resources and Energy Committee will hold a confirmation hearing to consider the nomination of **Michael Krancer** as Department of Environmental Protection Secretary on Wednesday, March 2 at 9:00 a.m. in Room 156 of the Main Capitol.

The Senate Law and Justice Committee will hold a confirmation hearing to consider the nomination of **Frank Noonan** as Commissioner of the State Police on Wednesday, March 2 at 10 a.m., Room 8E-B, East Wing.

The Senate Education Committee will hold a confirmation hearing to consider the nomination of **Ronald Tomalis** as Department of Education Secretary on Monday, March 7 at 12:30 p.m. in Room 8 E-B, East Wing.

Governor Tom Corbett nominated **Linda Kelly** of Edgewood as Attorney General. Her confirmation requires a two-thirds vote by the Senate.

**Lawrence J. Tabas** of Penn Valley was named by Governor Corbett as his appointee on the Independent Regulatory Review Commission.

Governor Tom Corbett has named his regional office directors. **Mary Ann Eisenreich** of McCandless, Allegheny County will lead the Southwest office; **Harry Forbes** of Milford Township, Pike County will head the Northeast office; **Adam Gattuso**, of Hatfield, Montgomery County will take the reins of the Southeast office; and **David Mitchell** of Corry, Erie County, will serve as director of the Northwest office.

## Political Grapevine

The Republican Party of Pennsylvania endorsed **Vic Stabile** of Cumberland County for Superior Court and **Anne Covey** of Bucks County for Commonwealth Court.

Stabile is a partner with Dilworth, Paxton, LLP in Harrisburg, where he practices complex civil and commercial litigation. He resides in Carlisle, Cumberland County, Pennsylvania with his family.

In 2002, Covey was appointed by Governor Mark Schweiker to serve as the first female member of the Pennsylvania Labor Relations Board. She is the owner of Covey & Associates, P.C. where she practices in all areas of labor and employment law. She currently resides in New Hope, Bucks County, Pennsylvania with her family.

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