



# — PA — Capitol Digest

*A Unique View  
Inside State  
Government*

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By Holston & Crisci, Harrisburg, Pennsylvania

April 25, 2005

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## Court Turns Down Delay of Act 72 Opt-In

The State Supreme Court turned down a request by school districts in Western PA to delay the May 30 opt-in date for slots-funded property tax reform. The lawsuit by the PA School District Association is still pending, but this might be a hint of things to come.

According to news accounts, 7 school districts (of 501) have now opted in. That's up three since Gov. Rendell started his around the state opt-in campaign.

**NewsClip:** [Top Court Denies Schools' Extension Request on Slots](#)  
[Court Denies Bid for Act 72 Hearing](#)  
[Barnes Stumping for Act 72 Not His Style](#)  
[Editorial: Rendell's pitch on Act 72 weak](#)

## Session Schedule

The House and Senate return to voting session May 2.

## Political Notes

Let's go to the numbers....

**Santorum/Casey:** State Treasurer Robert Casey has a 49 - 35 percent lead over incumbent Republican U.S. Sen. Rick Santorum in the 2006 Senate race, according to a Quinnipiac University poll released this week. This compares to a 46 - 41 percent Casey lead in a February 16 poll. 38 percent of those surveyed said they don't know enough to form an opinion.

Meanwhile, 38 percent say they are less likely to vote for Santorum because of his support for Bush's Social Security proposal. 14 percent of Pennsylvania voters are more likely to vote for Santorum because of his highly visible role in the Terri Schiavo case.

**Swann/Piccola/Scranton:** Former Pittsburgh Steeler Lynn Swann is the choice of 25 percent of Pennsylvania Republican voters as the best challenger to face Gov. Rendell next year, followed by former Lt. Gov. Bill Scranton with 21 percent and Senator Jeff Piccola with 6 percent, according to the Quinnipiac poll. But 47 percent of Republicans are undecided, not a surprise at this early date.

**Rendell Approval:** Gov. Rendell has a 49 - 34 percent approval rating, compared to 51 - 33 percent in a February 17 poll. Rendell also has a strong early lead over possible Republican challengers: 48 - 35 percent over Swann; 49 - 34 percent over Scranton; and 54 - 27 percent over Piccola. Voters polled say Rendell deserves to be reelected 48 - 38 percent.

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**Bush & Social Security:** Voters reject by 55 - 37 percent, President Bush's plan to privatize Social Security.

**NewsClip:** [Poll Sets Benchmarks for GOP Candidates for Governor](#)  
[Casey Holds 14 Point Lead Over Santorum](#)  
[Santorum Vulnerable, Poll Shows](#)  
[GOP ATM Blank Rome Charts New Direction](#)  
[Boscola Considering Joining GOP](#)  
[Heinz won't run for Hart seat](#)  
[Philly's Major Does Not Stink](#)  
[Casey Walks Line Between Abortion and Part Support](#)  
[Reiger Can't Hide Behind Ignorance](#)

### Budget Clock Ticking

- 20 voting days are scheduled through the June 30 budget deadline in the House
- 20 voting days in the Senate

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- **Please check upcoming meetings carefully, lots of activity**

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## On the Hill

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### On the Agenda for Action in the Senate and House

Neither the Senate nor House will be in voting session next week, that resumes May 2, but House and Senate Committees have a number of hearings and informational meetings set.

The House and Senate Liquor Control Committees will start a series of statewide hearings on underage drinking April 25, The House Professional Licensure Committee holds a hearing on [House Bill 957](#) related to the working hours of nurses, the House Democratic Policy Committee is in Philadelphia to hear about how Pennsylvania licenses

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foreign trained nurses and the House Consumer Affairs Committee has an informational meeting on identify theft.

On April 25, PA Gaming Control Board chair Thomas Decker speaks at Press Club luncheon.

### Action in the Senate This Week

The Senate was in voting session this week and passed and moved a variety of bills. Here's a quick rundown.

**Marital Property:** [Senate Bill 124](#) (Greenleaf-R-Montgomery) relating to the division of marital property was passed by the Senate

**Property Conveyances:** [Senate Bill 248](#) (Gordner-R-Columbia) extending the date for validation of certain conveyances and other instruments was passed by the Senate.

**Lobbyist Disclosure:** [Senate Bill 1](#) (Jubelirer-R-Blair) lobbyist disclosure requirements passed the Senate.

**Senate Budget Bills:** [Senate Bill 608](#) (Thompson-R-Chester) appropriation for Public Employees Retirement Fund, [Senate Bills 609](#) (Thompson) appropriation for Public School Employees Retirement Fund, [Senate Bill 610](#) (Thompson) Professional Licensure budget, [Senate Bill 611](#) (Thompson) Workmens' Compensation budget, [Senate Bill 612](#) (Thompson) Public Utility Commission budget, [Senate Bill 613](#) (Thompson) Office of Attorney General and Consumer Advocate budgets and [Senate Bill 614](#) (Thompson) Office of Small Business Advocate budget were all passed by the Senate as budget vehicles.

**Health Savings Accounts:** [Senate Bill 300](#) (Armstrong-R-Lancaster) exempting contributions to Health Savings Accounts from personal income tax passed the Senate.

**Liquor Code:** Senate Law & Justice Committee reported out [Senate Bill 462](#) (D.White-R-Indiana) relating to importing distributors accepting cash after being amended to include second class counties (Allegheny) and was put on Senate Calendar.

Rep. Cawley (D-Lackawanna) again introduced his legislation to put additional taxes on cigarettes, liquor and malt beverages to pay for flood protection and mitigation projects – [House Bill 1451](#) and [House Bill 1452](#).

**Fix to Municipal Services Tax:** The Senate Finance Committee amended and reported out [Senate Bill 157](#) (Armstrong-R-Lancaster) to fix the \$52/head Emergency Municipal Services Tax and then it was re-referred to Senate Appropriations.

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**Price Gouging:** [Senate Bill 450](#) (M.White-R-Venango) providing penalties for price gouging during an emergency declared by the Governor was reported out of the Senate Consumer Protection and Professional Licensure Committee.

**Watershed-wide Zoning:** [Senate Bill 291](#) (Conti-R-Bucks) authorizing watershed-wide zoning by municipalities was referred to Senate Appropriations.

### Left on the Senate Calendar

**Landfill Permitting:** [Senate Bill 197](#) (Rafferty-R-Montgomery) providing DEP with additional authority to enforce landfill requirements and consider past violations in permit decisions.

**Legal Notices:** [Senate Bill 392](#) (Greenleaf-R-Montgomery) changing requirements for publishing notices of incorporation and bankruptcy.

**Capital Budget:** [Senate Bill 607](#) (Thompson-R-Chester) establishing the 2005-06 Capital Budget.

### Committee Action In the House

The House was not in voting session, but, instead, Committees were busy with hearings and informational meetings. Here's a sampling of what went on.

**Food Purveyor Liability:** The House State Government Committee held a hearing on [House Bill 670](#) (Reichley-R-Lehigh) providing food purveyor immunity. The Pennsylvania Food Processors Association, Knouse Foods, the Pennsylvania Trial Lawyers Association, the Pennsylvania Restaurant Association, Grouse Hunt Farms and Sheetz Inc. provided testimony on the issue of individuals filing lawsuits against food makers and purveyors for making them fat or causing other "health related" problems.. *(Detailed summary available.)*

**NewsClip:** [Bill would ban suing restaurants over obesity](#)

**Local Tax Collection:** The House Finance Committee held an informational meeting on the Department of Community and Economic Development's recent report on efficiencies in collecting local earned income taxes across the state. Committee chair Rep. Leh (R-Berks) said he anticipated moving legislation that would make local tax collection more uniform across the state and possibly having the Department of Revenue take over those functions to reduce costs. *(Detailed summary available.)*

Rep. Denlinger (R-Lancaster) introduced [House Bill 1427](#) (not yet online) this week aimed at making local collection of earned income taxes more standardized across the state.

**Escheat Law and Gift Certificates:** The House Finance and Consumer Protection Committees held a second informational meeting on Escheat law and gift certificates at which the State Treasurer's Office, the PA Restaurant Association, Auntie Anne's, Inc.,

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PA Retailers Association and the Pennsylvania Public Interest Research Group testified. *(Detailed summary available.)*

**Teacher Annuitant Organizations:** The House State Government Committee held an information meeting [House Bill 339](#) (Kenney-R-Philadelphia) regarding teacher annuitant organizations. Rep. Clymer (R-Bucks) Committee Chair indicated he would work out some additional safeguards for information shared with annuitant organization before bringing the bill up for a vote in the Committee.

**30 and Out for School Employees:** [House Bill 130](#) (Daley-D-Washington) providing incentives for teachers and school employees with 30 years of service to retire was discussed in the House State Government Committee this week. After discussing the pros and cons, the bill sponsor suggested they direct the Joint Legislative Budget and Finance Committee to study the issue when the House returns to session in May.

### **Bill Would Make PA Off Limits to Meth Labs**

Sen. Kasunic (D-Somerset) this week introduced legislation that would strictly limit the sale of products that contain ingredients used to produce the illegal drug methamphetamine.

Under the Kasunic legislation (Senate Bill 638, not yet online), the sale of products containing ephedrine and pseudoephedrine (often used in cold remedy medications) would be restricted to no more than nine grams per month. Such products could only be sold behind the counter or through restricted access. In addition, the purchaser would be required to show photo identification proving they are at least 18. The retailer, in turn, would be required to keep a sales log with the purchaser's name, address, date of sale, and amount sold.

Liquid and gel capsule forms of these products would be exempt from the law since meth producers cannot extract the compounds from liquid or gel capsules.

Kasunic noted that when Oklahoma enacted similar legislation, meth lab incidents dropped by 80 percent -- but increased by an alarming amount in neighboring Missouri.

Apart from the danger of the drug itself, Kasunic said meth labs are rife with dangerous fumes that can easily cause fires and explosions. Following arrests, cleaning up the labs can be very costly and dangerous.

### **Clymer Wants Monthly Win/Loss Statements for Gaming Rewards Cards**

Rep. Clymer (R-Bucks) announced the introduction of [House Bill 1245](#), which would require licensed casinos to issue monthly win/loss statements to patrons that sign up for casino reward cards.

Rep. Clymer was joined by Thomas Shaheen, Vice President for Policy at the PA Family Institute; Dianne Berlin, Vice Chairman of the National Coalition Against Legalized Gambling; and Bill Kearney, a former gambling addict who gave Rep. Clymer the idea for the legislation.

**NewsClip:** [Casino Win-Loss Statement Proposed](#)

### Senate and House Panels Kick Off Statewide Underage Drinking Hearings

Members of the Senate Law and Justice Committee and House Liquor Control Committee will meet April 25 in Philadelphia to kick off a series of statewide hearings on the growing problem of underage drinking, according to Senator John Rafferty (R-Montgomery), chairman of the Senate Law and Justice Committee.

Among those scheduled to testify are representatives of Mothers Against Drunk Driving, the Pennsylvania State Police, the Pennsylvania Liquor Control Board and the Beer Institute. Committee members will also hear from a DUI victim, members of Bryn Mawr Rehab Hospital's "Cruising Not Boozing Program," and administrators from Temple University.

### Weeks Ahead

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- **April 25** – House Liquor Control and Senate Law & Justice Committees hearing on underage drinking - Philadelphia.
- **April 25** – PA Gaming Control Board chair Thomas Decker speaks at Press Club luncheon.
- **April 28** – House Professional Licensure Committee hearing on [House Bill 957](#) (Hasay-R-Luzerne) on working hours of nurses.
- **April 28** – House Democratic Policy Committee hearing on PA's licensing of foreign trained nurses – Philadelphia.
- **April 29** - House Consumer Affairs informational meeting on identity theft – Philadelphia.
- **May 12** – House Insurance Committee public hearing on [House Bill 503](#) (Gannon-R-Delaware) relating to managed care plans and physicians.
- **May 17** – Special Election for Sen. Schwartz's old seat in Philadelphia.
- **May 17** – Special Election for Sen. Wagner's old seat in Allegheny County.

[Senate Committee Schedule](#) [House Committee Schedule](#)

### Other News

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#### Campaign Started for Voter Approval of Growing Greener Bond Issue

Gov. Rendell, environmental groups and former environmental agency Secretaries who served Republican and Democratic Governors kicked off an effort to urge voters to approve the \$625 million bond issue on the May 17 ballot.

The question would authorize state funding for Pennsylvania's three largest environmental problems— acid mine drainage pollution, loss of farmland and open space and cleaning up rivers and streams.

The ballot question does not indicate how the bond issue will be paid for, which is the case for most ballot initiatives. Those decisions will be made in separate legislative if the bond issue passes.

*(For more information visit [PA Environment Digest](#).)*

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### Gaming Board Formally Publishes Draft Temporary Regulations

The PA Gaming Control Board this week formally published its [draft temporary rules for practice and procedure](#) before the Board in the April 23 Pennsylvania Bulletin. Comments are due May 3.

### Unemployment Rate Increases Slightly in March

Pennsylvania's seasonally adjusted unemployment rate rose to 5.4 percent in March, up 0.1 of a percentage point from the February rate of 5.3 percent. The rate was down 0.1 of a percentage point from a year ago. Pennsylvania's unemployment rate was two-tenths of a percentage point above the United States' rate of 5.2 percent.

Pennsylvania's seasonally adjusted civilian labor force -- the number of people working or looking for work -- rose by 4,000 in March to 6,337,000. The March labor force total was just 1,000 below the record high set in January 2005. The number of working Pennsylvanians fell by 6,000 individuals from last month, while resident unemployment rose by 10,000.

Over the past year, the civilian labor force increased by 92,000 persons, with employment gains accounting for virtually all of the increase.

The seasonally adjusted number of nonfarm jobs in Pennsylvania rose by 7,000 in March. The current total of 5,680,500 was the highest job total for the state since June 2001, a span of 45 months. Service providing industries accounted for most of the monthly gain, led by education and health services, up 2,900.

Pennsylvania added a total of 57,300 jobs over the past year, an increase of 1.0 percent. Nationally, jobs were up 2,140,000 (1.6 percent) over the past 12 months.

### About PA Capitol Digest

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