

State Senator MARY JO WHITE



Reports to You

21ST DISTRICT • FALL 2011

A MESSAGE FROM SENATOR MARY JO WHITE

It has been quite a while since my last newsletter and this seems like a good time to catch up. We are already into a new administration so we are working with a new Governor and new cabinet secretaries. We take for granted that we live in a country where the orderly exchange of power takes place as a matter of routine after an election. Not everyone in the world is as fortunate. We completed the 2011-2012 budget on time and without a tax increase. Since we faced a \$3 billion dollar shortfall in revenues, it is not without pain.

I have been blessed during my legislative career with wonderful staff and little turnover, but 2011 brought some changes. Judie Moore of the Butler office retired after 21 years of constituent service, having previously worked for Rep. Pat Carone. Patrick Henderson, who joined me right out of college, and who was executive director of my Environmental Resources and Energy Committee, has been tapped by Governor Corbett to be his energy policy executive. We wish them well. We have downsized our Butler office and moved to 110 E. Diamond Street, across from the courthouse.

The district offers many entertaining fairs and festivals throughout the summer and fall months. A new one joined the roster this year: Butler's Bantam Jeep celebration. The event featured decorated jeep cutouts throughout the city that is the birthplace of the famous wartime vehicle, and attracted 1,200 jeep owners and thousands

of spectators. Kudos to Jack Cohen and his staff for their creativity. Put it on your schedule for next year.

This summer's earthquake and hurricane Irene remind us of the importance of preparedness for natural disasters. Emergency planners and responders, as well as utilities, worked hard to minimize the impact of these events. Now is the time to consider having an emergency kit and family action plan for future incidents. Useful information is on line at www.ready.gov sponsored by the Federal Emergency Management Agency. It is on my "to do" list.

I recently had my annual meeting with PennDOT officials to review the list of projects in the district. Despite tight budget constraints, there are a lot of improvements and repairs on the drawing board. (My personal favorite is the just-completed removal of the dangerous curves on Rt. 322 at Hall's Run in Venango County where I totaled my SUV on the way to Harrisburg a few years ago.) Pennsylvania is one of the few states that does not use state general fund money for road and bridge maintenance. Unfortunately our needs have outstripped our resources, and a study commission has recommended a number of proposals designed to increase revenues. You can see the report at www.tfac.pa.gov.

I appreciate the privilege of representing you and look forward to the challenges of the remainder of the legislative session.

PUC Considering 814 Area Code Split

After hearing from scores of consumers and business owners, the Pennsylvania Public Utility Commission is taking a second look at its decision to split the 814 area code.

In December, the PUC approved a plan allowing residents in State College, Johnstown, Altoona and surrounding

areas to keep 814 while creating a new area code for Erie and surrounding counties, due to a dwindling supply of telephone numbers. Under the PUC plan, a new area code number would have been implemented on February 1, 2012.

I joined more than 40 petitioners calling for further review of the deci-

sion and for the PUC to hold additional public hearings to gather more information in the case, and in January the PUC agreed with our request. At a hearing in Oil City, an administrative law judge heard testimony from local residents opposing the split, alleging that it will impose significant costs and potential lost customers for small businesses.

I am hopeful the PUC will consider new data released after the Commission made its December decision. At that time, the order noted that the 814 area code was expected to exhaust its supply of telephone numbers in the first quarter of 2013. More recent data provided to the PUC by the Pennsylvania Office of Consumer Advocate indicates the 814 area code may have adequate capacity until September 2031.

This Jeep display was donated by Joan Chew and Van Peterson in honor of veterans such as Abie Abraham, 98, a resident of VA Butler Healthcare. The Jeep was painted by Diane Smith and depicts the Bataan Death March, which Abie survived.



2011-2012 State Budget

The 2011-12 General Fund budget approved by the General Assembly, on time, reduces state spending and maintains most state services and programs without a tax increase.

As amended in the Senate, the budget represents a **\$1.1 billion reduction in spending** from the previous budget and does not increase taxes. Beyond the General Fund budget, the total state operating budget

was reduced for the first time in at least 40 years to \$64 billion – more than \$2 billion less than the previous fiscal year.

The measure increased basic education spending by more than \$250 million from Governor Corbett's request. Basic education subsidies, which provide direct funding for Pennsylvania's K-12 public schools, were increased by \$128 million over the Governor's request. The budget provides \$100 mil-

lion for Accountability Grants and restores the Social Security Reimbursement to local school districts that was eliminated in the governor's request.

The budget also provides substantial restorations in funding for higher education. The Senate increased funding for Pennsylvania's 14 State System of Higher Education universities by \$180 million and funding for the four state-related schools (Pitt, Penn State, Temple, and Lincoln) by \$224 million.

Expanded Public Access to Spending Data

A government "of the people, by the people, for the people" needs to make important information available to the people.

Toward that end, the General Assembly recently approved legislation that will create and maintain a searchable budget database-driven website that the public can access by the end of 2012.

Under the Pennsylvania Web Accountability and Transparency Act (**PennWatch**), the new website will provide annual information on funding and spending of all Commonwealth agencies. The website will identify vendors, the amount of funds they received, and the state agency initiating the funding action or expenditure.

The information will include:

- Unrestricted state revenue that has been received and deposited in the General Fund and Motor License Fund for every month starting December 31, 2012.
- Links to each Commonwealth agency Internet website where available by December 31, 2012.
- The total number of individuals employed by each Commonwealth agency on a monthly basis starting September 1, 2013.
- The name, position title and annualized salary of each individual employed by each Commonwealth agency.

View Lobbyist Reports

A list of lobbyists, their spending and issues is posted on the Pennsylvania State Senate website, www.pasen.gov, under "Topics of Special Interest."

Higher Ed Mandate Relief

One way to address the escalating cost of higher education is to identify and eliminate costly, unnecessary mandates.

For example, State System of Higher Education universities currently cannot modify, repair or renovate any facility erected by the state Department of General Services without prior consent from the Department.

Since DGS does not use the facilities, their understanding of the needs and priorities of each university is limited. Giving each university the

option to control construction and renovation projects on their campus would allow for better communication and more timely completion of the projects. I have introduced legislation to provide that option.

A university may still choose to allow DGS to take charge of these projects, but Senate Bill 1211 provides flexibility to those institutions that wish to manage and control the construction and renovation projects on their campus. It is part of a package of bills targeting unnecessary mandates burdening the State System of Higher Education.

Fair Share Act Brings Lawsuit Reform to PA

In late June, the Senate passed the "Fair Share Act" which limits the liability of defendants to ensure they do not pay a disproportionate share of the damages for negligence that are awarded in civil court cases.

Previous law stated that all guilty defendants are potentially liable for 100 percent of damages – regardless of their actual percentage of fault – if their co-defendants could not pay for the negligence resulting in death or injury to a person or property. Unfortunately, this

practice allowed lawyers to drag a deep-pocketed company or even a small business owner, with minimal connection to the negligent act, into the case because of their ability to pay the bill.

Under the new law, defendants found to be less than 60 percent at fault would not have to pay more than their share of the damages, except for awards in circumstances including intentional misrepresentation, an intentional act, an environmental crime or a liquor law violation.



In August I visited the Butler County Fair and met this adorable calf, "Harold," who was born the previous day.

Responsible Natural Gas Production

Two recent studies, one by professors at Penn State and another by the U. S. Department of Energy, indicate that Marcellus shale natural gas could become the dominant U. S. supply within the decade, making Pennsylvania a major gas exporter. This is good news for our economy but it raises major challenges for policy makers.

While there are significant benefits in developing this cleaner, reliable and domestic energy, it is important that we protect our local communities and natural resources. Pennsylvania has had 150 years of oil production and drilling legislation has been in place for

decades. The size and scope of the current enterprise demands that we revisit these laws.

We raised the permit fees last session to cover the cost of doubling the number of inspectors to ensure compliance during the drilling and completion of the well. New wastewater and well construction standards were implemented, that are perhaps the strictest in the nation. More standards, including increased bonding, are on the drawing board and will be taken up this fall.

I chair the Environmental Resources and Energy Committee, which recently approved proposed legislation that would impose an impact fee, with

Search State Contracts

Taxpayers can search state contracts worth \$5,000 or more via a database at www.patreasury.org under "Investments and Transparency" and "e-Contracts."

the revenue used to defray costs incurred by local governing bodies associated with drilling activities. It is important to remember that if any environmental damage is done, costs of remediation are the responsibility of the producer, not the taxpayer.

There has been much debate over whether to enact a severance tax. To me the question is whether we want to grow this fledging industry in Pennsylvania or grow state government. Every dollar paid in taxes is a dollar that doesn't go to landowners, royalty owners, gas production, employees or suppliers of goods and services. Since Governor Corbett has repeatedly stated that he will not sign a new tax, the impact fee appears to be a good starting point for discussion.

Redistricting

It is hard to believe, but it is that time again. **No, not football season – redistricting!** Every 10 years after the U. S. census, states must begin the process of re-drawing the lines of their state and federal legislative districts. My state senate district, the 21st, lost about 10,000 in population since the last census, so the district will have to be geographically larger than the current 3,000+ square miles. There is information on my website and the redistricting commission has its own website which will include information on their hearings and other activities at www.redistricting.state.pa.us.

Speaking of Football...

A recent newspaper article on the Butler Lil' tornado football team made me think about children and sports safety. I recently saw a TV show on concussions in professional sports (think Sidney Crosby) that reminded me of some unfinished business. On June 22, the Senate unanimously passed a bill sponsored by Sen. Pat Browne that **set standards for managing concussions and head injuries to student athletes**. Emerging medical information emphasizes that parents must be particularly vigilant in detecting and responding to concussions. Schools have also focused on better cardiovascular screening of athletes to identify those who may be at risk. Tips for parents include not letting your child play through chest pain, as this can be a warning sign. Teach your child to avoid energy drinks that have high levels of caffeine since this can make the heart race and cause cardiac arrhythmias.

Battle of the Titans

The breakdown in contract renewal negotiations between UPMC and Highmark is causing serious ripples of concern throughout the district. With UPMC being a major provider of medical and hospital services in the district, and Highmark being a dominant health insurer, the prospect of not having

one's health insurance coverage accepted, or "in-network," by a local hospital is frightening. The contract calls for a one-year adjustment period, but, with no adjustments talks in progress, that year will pass quickly. Legislative committees are holding public hearings to see what, if anything, the legislature should do to protect consumers.

Legislation Co-Sponsored by Sen. White

EDUCATION

Senate Bill 159 would authorize Pennsylvania to enter into the Interstate Compact on Educational Opportunity for Military Children to make school transfers more uniform and less stressful. Most military children will attend six to nine different school systems from kindergarten through graduation. The Compact helps streamline the transfer of education records, graduation requirements and more.

FARMERS

Senate Bill 395 would provide liability protections to farm owners who open their land to "agritainment" activities, such as corn mazes, pick-your-own crop harvests, hay rides and farm vacations. Agritainment helps farmers generate revenue and educate the public about agriculture, but under current law farmers face prohibitive liability risks in opening their land to the public.

Senate Bill 390 would allow for the transportation of wider equipment on Pennsylvania roads and permit farm

equipment transportation at night if proper safety precautions are taken. For producers using their own equipment, the legislation would increase the size of implements of husbandry permitted on roads during the day from 14 feet, 6 inches to 16 feet in width.

TRANSPORTATION

Senate Bill 344 would allow Public-Private Partnerships in order to induce the private sector to join with the Commonwealth to provide funding to address transportation and infrastructure deficiencies throughout the state. According to a report by the State Transportation Advisory Committee released last May, Pennsylvania faces a \$3.5 billion shortfall to pay for critical road and bridge projects.

BUSINESS

Senate Bill 433 would create a new class of corporation in Pennsylvania: Benefit Corporations ("B Corps"), which would allow corporation directors to take non-financial interests into consideration when making decisions

for the corporation. With input from Pennsylvania businesses, we can establish a new voluntary class of corporation that would be appealing to investors looking for dividends that go beyond financial to include a host of needs such as education, housing, health and the environment.

COUNTY TAXPAYERS

Senate Bill 1175 would eliminate the mandate that constables be present at polling places on Election Day. Local county officials have informed me that constables are not needed at area polls.

Property Tax/Rent Rebate Applications Available

The state's Property Tax/Rent Rebate program provides rebates on property taxes or rent paid in the previous year for seniors and dis-

abled Pennsylvanians who are living on a fixed income. To be eligible for a rebate, applicants must be Pennsylvania residents age 65 or older, widows and widowers age 50 or older, or individuals with disabilities 18 years or older and meet income eligibility guidelines.

Seniors can receive a rebate of up to \$650 on property taxes paid in 2010 if household income does not exceed \$35,000, not including 50 percent of Social Security payments, Supplemental Security income and Railroad Retirement benefits. Renters can earn up to \$15,000 and still be eligible for the program. The amount of the rebate is determined by household income, with lower-income households receiving larger rebates.

Property Tax/Rent Rebate applications are available at my district offices. District residents can also apply by visiting www.revenue.state.pa.us or by calling toll-free **1-888-222-9190** weekdays between 7:30 a.m. and 5:30 p.m. Applicants who have already signed up for the program and would like to check on the receipt and status of their claim can call toll-free **1-888-PATAxes**.

Greater Say in Property Tax Rates

Act 1 of 2006 was intended to require school districts to let taxpayers vote on whether to raise property taxes above the inflation index.

Unfortunately, districts could sidestep a voter referendum by seeking one of an array of "exceptions." As a result, in the state's 500 school districts, voters were given the chance to vote on property tax increases in only 12 instances.

This year, the General Assembly enacted a new law that removes all but four exceptions: special education, grandfathered debt, electoral debt, or pension costs. In all other cases, if a school district wants to increase property taxes more than the inflation index, it will have to take its case to voters and let them decide.

Equity in Interscholastic Athletics

Studies show that young women who participate in high school athletics are more likely to have better school attendance, get better grades, and graduate.

Two recent studies have found that women athletes' health and economic benefits can be traced well into their forties.

Despite federal law requiring equitable athletic opportunities, barriers still exist. A recent voluntary audit of Pittsburgh public schools found that the district was not providing adequate athletic opportunities for girls.

I've reintroduced legislation this year to help promote athletic opportunities for female students. The Equity in Interscholastic Athletics Act would require schools to submit annual reports on expenditures and participation for grades 7 through 12 to the state Department of Education for posting on their website. Schools could use the information as a benchmark and work to improve if their program falls short.

Last session, the measure received overwhelming support in the Senate but was not taken up by the House. We'll try again in the 2011-12 session.

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On the Web

When you have time, please visit my "virtual office" at senatormjwhite.com. The website features the latest news from the Senate, as well as links to look up legislation and votes. It includes video, bills and testimony from Senate Environmental Resources and Energy Committee hearings, as well as links to other federal, state and local sites of interest.