



Legislative Report

WINTER 2012



From State Senator Pat Vance

Some Synthetic Drugs Become Illegal

In 2011 the Legislature took steps to ban synthetically designed drugs that mimic the effects of other illegal drugs. Unfortunately, manufacturers continue to change their products to skirt the law.

Act 7 of 2011 added the herb salvia, synthetic marijuana, a hallucinogenic compound called 2C, and synthetic cocaine/heroin, more commonly referred to as concentrated bath salts, to the list of Schedule I controlled substances. The bill also outlawed chemical compounds that are analogous to the listed substances.

The chemicals found within these drugs are very powerful and can have life threatening consequences for users and those around them. Salvia has been shown to be a powerful hallucinogen. Bath salts and synthetic marijuana mimic the effects of powerful drugs. This law would treat these substances the same as other Schedule I Controlled Substances and would carry the same penalties as other non-narcotic Schedule I offenses.

While it was hoped that Act 7 would address this serious risk, law enforcement indicates new and equally dangerous substances with slight chemical changes have already come to market. As a result of the quickness with which individuals find ways to bypass the law, the Legislature needs to provide the Pennsylvania Department of Health with the ability to respond to each new compound as it emerges. Either through legislation or regulation, it is essential the Commonwealth act quickly to protect its citizens.

Vance Continues Practice of Returning COLA

With the continuing economic struggles and belt-tightening by state government, I have again returned the recent automatic cost-of-living allowance (COLA) to the Commonwealth's Treasury.

In 1995, I opposed the law that authorized the COLA and would support a repeal. Unfortunately, the Legislature has not been able to muster the needed votes to make this possible.



The Warrior Ride visited Central Pennsylvania in mid-June. One of its stops was at the Capitol Building where Sen. Vance spoke to the participants. The three-day rehabilitative and recreational biking event for wounded service members takes place at locations around the United States annually.

Texting While Driving Ban to Start in March

Drivers soon will be prohibited from sending, reading or writing text messages on an interactive wireless communication device while operating a motor vehicle under legislation passed by the General Assembly last fall.

Act 98 of 2011 makes texting while driving a primary offense, which means

a police officer may stop a driver if texting is suspected. The law defines texting as sending or reading a text message, instant message email or other written communication composed or received on an interactive wireless communication device. Those caught violating the law face a \$50 fine.

The law goes into effect March 8.

Revenue Collections Continue to Fall Short of Budget Expectations

At the Governor's mid-year budget briefing, the Commonwealth's Budget Secretary painted a bleak picture, which will require freezing some Commonwealth spending for the remainder of the budget year. The Governor's office is projecting a \$500 million shortfall by June 30.

Through December, General Fund revenue collections are \$486.8 million or 4 percent below estimates. Corporate tax collections are short by about \$259.3 million or 17.6 percent. Personal Income Tax (PIT) collections and Sales Tax collections are below estimate by \$165.9 million and \$23.3

million, respectively.

For the coming Fiscal Year another tough budget is expected as mandatory spending for such things as Medicaid, state employee pensions and debt service is expected to grow by \$800 million and result in a \$750 million budget gap.

While I'm proud the 2011-12 budget was delivered on time, balanced, and adhered to fiscal discipline and limited government, we must continue to look for savings.

Welfare Funding Challenges Ahead

The Department of Public Welfare (DPW) continues to face budgetary hurdles in operating the Commonwealth's social services programs. As a result, DPW has implemented a thorough review of all programs in search of efficiencies and to ensure that only eligible recipients are enrolled.

Additionally, DPW was given expedited rulemaking authority in June, for a period of one year, to ensure all programs could be managed within the appropriations allocated. This authority allows them to make changes, as long as they are in compliance with federal and state law, to control escalating costs without going through a lengthy regulatory process. While DPW has not yet used the authority, recent Commonwealth revenue figures indicate it is highly likely that the department will find it necessary to implement further changes to rein in spending.

If changes are warranted, it is vitally important to look at the effect of any cost-saving opportunities on the system as a whole. Often, shortsighted changes result in long-term ramifications, and as the majority of DPW's budget goes to serving the elderly and the disabled, it is imperative to be thoughtful and cautious. As chair of the Senate Public Health and Welfare Committee, I will be working closely with DPW to implement any necessary revisions and to ensure that the Commonwealth preserves the safety net for our most vulnerable populations.



Silver Spring Township dedicated its Veterans Memorial on Nov. 11. Sen. Vance is pictured at the dedication with two Marine Corps veterans from the township. From left, are Lloyd Clements, 87; Vance; and Albert Gaskin, 97.



The Northern Baseball Team captured the school's first state championship in any sport last spring. The team beat Tunkhannock High School 6 to 3 for the 2011 PIAA State Class AAA Baseball title. Sen. Vance honored the team at the Capitol and presented a Senate citation to mark the achievement.



A large crowd of registered nurses gathered at the Capitol in May to mark Nurses Week in Pennsylvania. Sen. Vance, a nurse herself, thanked the nurses for their work.

General Assembly Redistricting Plans Up In the Air

In late January, the Pennsylvania Supreme Court threw out the 2012 state Senate and House districts drawn by the Legislative Reapportionment Commission. It is uncertain at this time what the revised maps will look like and when they will be available. The 2001 maps remain in effect until a new plan is approved.

The commission, consisting of the four caucus leaders and a chairman selected by the Pennsylvania Supreme Court, drafted the maps per the Constitution of Pennsylvania, which requires that the districts for the state Senate and House be redrawn every decade following the census.

Due to population increases, my Senatorial District requires modifica-

tion. Cumberland County gained 21,732 residents during the past 10 years and the York County portion of my district increased by 4,962 residents. While the new boundaries are not my decision, I welcome the opportunity to continue to serve some of my existing constituents and meet new ones.

Congressional Redistricting Splits Cumberland County

According to the 2010 Census, Pennsylvania showed slower growth than other states over the past decade. As a result, one seat in the U.S. House of Representatives was lost.

This reduction in the Congressional delegation from 19 to 18 seats made redistricting difficult and resulted in a different division of Cumberland County for the coming decade. The eastern portion of the county will now be part of the 4th Congressional District, parts of which are currently held by U.S. Rep. Todd Platts, 19th. The central to western part of the county will now be a portion of the 11th Congressional District, parts of which are currently held by U.S. Rep. Lou Barletta. These changes go into effect after the 2012 General Election.

I did not support the Congressional redistricting legislation as I had concerns regarding the shape of the 11th

district, which stretches from Wyoming County in northeastern Pennsylvania to its southern tip in western Cumberland County. The geography of this district makes it difficult for one person to

address the many different interests and issues effectively. In addition, the quick vote after the map unveiling unfairly diminished the opportunity for public comment.

4th District (parts of which are currently held by U.S. Rep. Todd Platts, 19th District)

- ★ **Cumberland County Townships** – East Pennsboro, Hampden, Lower Allen, Silver Spring and Upper Allen Precincts 1-5, 7-8 and 10.
- ★ **Cumberland County Boroughs** – Camp Hill, Lemoyne, Mechanicsburg Ward 2 (Division 2), New Cumberland, Shiremanstown and Wormleysburg.
- ★ All of **Adams** and **York counties** and a small portion of **Dauphin County**.

11th District (parts of which are currently held by U.S. Rep. Lou Barletta)

- ★ **Cumberland County Townships** – Cooke, Dickinson, Hopewell, Lower Frankford, Lower Mifflin, Middlesex, Monroe, North Middleton, North Newton, Penn, Shippensburg, South Middleton, South Newton, Southampton, Upper Allen Precincts 6 and 9, Upper Frankford, Upper Mifflin and West Pennsboro.
- ★ **Cumberland County Boroughs** – Carlisle, Mechanicsburg Wards 1, 2 (Division 1) and 3-5, Mt. Holly Springs, Newburg, Newville and Shippensburg.
- ★ All of **Columbia, Montour** and **Wyoming counties**.
- ★ Portions of **Carbon, Dauphin, Luzerne, Northumberland** and **Perry counties**.

Marcellus Shale Legislation Work Continues

During the past year, the General Assembly has worked to craft Marcellus Shale legislation that adequately regulates the industry and imposes a much needed impact fee.

While I supported passage of Senate Bill 1100 and House Bill 1950 in order to move the process forward, my vote is not necessarily an endorsement of all components of the bills.

The House, Senate and Governor remain in disagreement on the specifics of the legislation, including the amount of an impact fee, who should collect it and who should be charged with creating zoning and environmental regulations.

I am hopeful the Governor and Legislature can come to a resolution of the issue this year.

Legislation to Expand Crimes Requiring Forfeiture of Public Employee Pensions

Charges brought against individuals participating in the state employee retirement system highlighted shortcomings in the Public Employee Pension Forfeiture Law.

Currently, public officials and public employees only forfeit the employer-paid portion of their pensions if they are convicted of crimes directly related to their job performance or qualifications. Convictions for a number of very serious felonies have no effect on the ability to collect. As a result, I will soon be introducing legislation to more closely align the forfeiture of pensions in this law with the forfeiture provisions, which

apply in the judicial system.

This legislation will require that public officials and public employees forfeit their pensions if convicted of any infamous crime. Infamous crime is a term used in the Pennsylvania Constitution, which bars an individual from running for public office and has been interpreted by the courts to mean a felony conviction. The use of this term will permit some flexibility and allow for a common sense approach to each unique situation. It is my hope the Legislature will act upon this measure before the end of the session.

Transportation Funding Needs Addressed

Despite a report by Governor Corbett's Transportation Funding Commission this past summer, finding the resources to complete necessary improvements to the state's transportation infrastructure continues to remain elusive.

The chairs of the Transportation Committees in the General Assembly are waiting for Governor Corbett to signal what efforts he will support.

Delayed action on this issue only makes the situation worse. This past fall, the weight limit for the bridge crossing the Conodoguinet Creek on Orrs Bridge Road in Hampden Township was reduced from 30 to 21 tons after an inspection showed deficiencies. Snowplows and fire trucks now need special permits to use this bridge.

The commission's report found the Commonwealth needs \$3.5 billion to rehabilitate roads and bridges. It suggests a number of funding proposals including tying vehicle and driver fees to inflation, increasing fines for moving violations, eliminating vehicle registration stickers, consolidating driver license centers, installing red-light-running cameras, and placing speed enforcement cameras in work zones.

As of October, PennDOT District 8, which includes Cumberland, York, Adams, Perry, Dauphin, Lancaster and Lebanon counties, has scheduled \$210 million in projects on the Transportation Improvement Program (TIP) for south central Pennsylvania. You can view the current schedule of District 8 projects at <http://www.dot.state.pa.us/pennDOT/districts/district8.nsf/D8Roadwork?OpenFrameSet>.



As a member of the Senate Appropriations Committee, Sen. Vance participated in a series of hearings across the Commonwealth last fall focused on higher education. One of the hearings was at Millersville University. Pennsylvania State System Higher Education chancellor John Cavanaugh and presidents of various PASSHE institutions discussed a range of topics related to their universities, including the impact of the state budget on funding decisions. Executive Director of the Senate Appropriations Committee, Greg Jordan, is pictured to the left of Vance.

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