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# INSIDE THE SENATE

*A special report from*  
**State Senator Pat Browne**

June 2006 • 16th Senatorial District

Dear friend,

In this edition of "Inside the Senate," we look at a couple of new laws that protect private property and personal identity, provide intervention for "at risk" children and measures that will help Pennsylvania's veterans and active members of the armed services.

As always, if you have questions about any state issue, call my Allentown District Office at (610) 821-8468, my Northampton County Office at (610) 502-1567, or my Monroe County District Office at (570) 402-1499. Or, visit my website at [www.senatorbrowne.com](http://www.senatorbrowne.com).

Regards,

*Pat Browne*  
Pat Browne

## Eminent Domain Reform Enacted

I am pleased to report that we recently approved eminent domain reform legislation, which I co-sponsored, to protect Pennsylvania homeowners, small businesses, farms and churches from land seizures for private development.

Senate Bill 881, the Property Rights Protection Act, was recently signed into law as Act 35 of 2006. It prohibits the use of eminent domain for taking private property for commercial purposes without a finding of blight.

Other specific points in the new law include:

- Prohibiting any government/condemner from using eminent domain to take private property

in order to use it for private enterprise, with certain exceptions.

- When acquiring a single unit of property by eminent domain, a government may declare it to be blighted only if the property meets specific criteria.
- When acquiring multiple units of property by eminent domain, a government can declare an area to be blighted only if a majority of the units of property meet requirements and represent a majority of the geographical area.
- No political subdivision could exercise eminent domain authority against land that is situated in another political subdivision without approval.

SB 881 was introduced in

response to last year's U.S. Supreme Court decision, *Kelo v. City of New London*, which ruled that governments can seize property to make room for private development projects that promise to boost the local economy. That ruling made it clear that we, as lawmakers, had to act to modernize Pennsylvania's laws and provide greater protection to owners of private property from governmental authorities who could abuse their eminent domain powers.

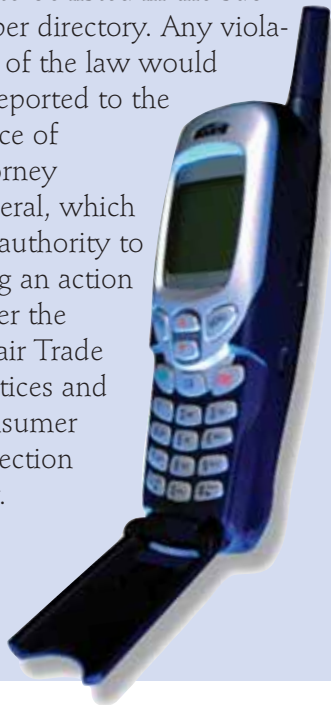
Act 35 allows cities in Pennsylvania to retain flexibility in blighted areas, as well as continuing the longstanding ability to condemn abandoned, dangerous or severely tax-delinquent properties.

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## Combating Identity Theft

**G**overnor Rendell recently signed into law a bill that prohibits wireless phone companies from publishing customer names and telephone numbers without explicit customer consent.

Under Act 32 of 2006, wireless phone companies are also prohibited from charging a fee to their customers who choose not to be listed in the subscriber directory. Any violation of the law would be reported to the Office of Attorney General, which has authority to bring an action under the Unfair Trade Practices and Consumer Protection Law.



## Eminent Domain Reform Enacted

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The measure had wide-spread support, including the endorsement of the Pennsylvania Farm Bureau, the Pennsylvania League of Cities and Municipalities, the National Federation of Independent Business, the Pennsylvania Family Institute and the Pennsylvania Builders Association.

## “Ounce of Prevention” Bill becomes Law

**G**overnor Ed Rendell recently signed into law legislation that will provide in-home help for at-risk parents.

Under Act 23 of 2006 (House Bill 200), also known as the “Ounce of Prevention Act,” new parents will be able to receive counseling and guidance on a voluntary basis. I was the author of and Republican prime sponsor of Senate Bill 732, which mirrored the language of HB 200.

I am very pleased that the General

Assembly approved this important bill and the Governor expeditiously signed it into law. It is generally recognized that early home visitation programs provide significant benefits to young families. Helping these families learn good parenting skills will hopefully enable them to avoid future problems. Home visits help to ensure families’ social and medical needs are met and that children grow in a safe home that prepares them for success in school.

## Serving Pennsylvania’s Service Members

**T**he Senate recently approved three bills aimed at helping Pennsylvania’s current and former service members. We approved **Act 24 of 2006** in response to jurisdictional questions that arose after last year’s hurricanes in the Gulf. This measure amends Pennsylvania’s Military Affairs laws to specifically expand the definition of “active duty” to include cases when the Pennsylvania National Guard aids other states as part of the Emergency Management Assistance Compact.

Previously, state law specified only “in-state” response for active state duty for emergencies, which created some confusion when the Pennsylvania Guard responded to the Hurricane Katrina disaster last year.

Another bill recently signed into law, **Senate Bill 1081**, allows members of the National Guard who have been honorably discharged for disability incurred in the line of duty after Sept. 11, 2001, to participate in the Educational Assistance Program (EAP), provided that the medical disability was incurred in the line of duty and was not the result of misconduct; the medical condition did not exist prior to entering the Pennsylvania National Guard; and the medical disability was not incurred in basic training, advanced individual training or other initial training. Participants must start a course of study within two years and must complete that course of study no more than six years following the date of the medical discharge.

Responding to protests and harassment at military funerals in Pennsylvania, the Senate recently approved **Senate Bill 1150**, legislation that would limit the scope of such activity and protect the rights of grieving military families.

This legislation would require protesters to remain 500 feet from any funeral, memorial service or memorial procession beginning one hour before and ending one hour after the event. Violators would be charged with a third-degree misdemeanor.

The pickets, which have turned up across Pennsylvania and the nation, target grieving family members with vulgar language and other harassment to protest social and political issues. Wisconsin, Indiana and South Dakota have recently enacted laws limiting protests at funerals, and at least 12 other states are considering similar legislation. The legislation is supported by the American Legion, the Pennsylvania Fraternal Order of Police and the Pennsylvania War Veterans Council and other organizations.

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