

**MCA**  
**Summary of Legislation**  
**December 2007**

**Holidays Interrupt Slow Legislative Pace**

The Pennsylvania State legislature broke for its holiday recess without finishing many of the objectives it had hoped to accomplish. Open records, healthcare reform and any number of issues of interest to the construction industry were set aside as the House dealt with multiple long floor debates involving dozens of amendments. The pace of legislation is being slowed by the new rules that were adopted earlier this year as part of its good government reform efforts. The on going investigation of staff bonuses that led to the termination of many of the House majority's senior staff has also impacted the flow of legislative activity.

The legislature is on break until January 14 of next year. No floor votes will occur in either chamber until then.

**Legislative Activity**

**HB 1589 RE:** Capital Budget Project Itemization Act of 2007-2008 (by Rep. Dwight Evans, et al) Provides for the capital budget for the fiscal year 2007-2008; itemizes public improvement projects, furniture and equipment projects, transportation assistance projects, redevelopment assistance capital projects, flood control projects, and various other projects throughout state government, states the estimated useful life of the projects; provides an exemption; provides for limitation on certain capital projects, for special provisions for certain redevelopment assistance capital projects and for preemption of local ordinances for Department of Corrections projects; and makes appropriations.

**Reported as amended from Senate Appropriations Committee, 12/4/2007**

**Recommitted to Senate Appropriations Committee, 12/5/2007**

**HB 1600 RE:** Supplemental Homeowner Property Tax Relief Act (By Rep. David Levdansky, et al)

Establishes the Personal Income Tax Surcharge Fund. The bill would charge a surtax equal to 0.5% imposed on the purchase price of property and services subject to taxation. There would also be a surtax equal to 0.22% imposed on the taxable income of resident and nonresident individuals. The department would calculate the State allocation pursuant to this chapter for each school district and each year, in which a school district receives a local property tax reduction allocation pursuant to this act, the school district would calculate a homestead and farmstead exclusion. **This bill may be the vehicle for other tax reform proposals to be voted on the House floor, including another proposal to expand the sales tax to most all items and professional services. This vote did not happen in December.**

**Removed from the table and Rereferred to House Appropriations, 12/5/2007**

**HB 1821 RE:** New Home Construction Consumer Protection Act (by Rep. Frank Andrews Shimkus, et al)

Provides for the regulation of home construction contracts and for the registration of certain home builders; prohibits certain acts; provides for penalties; establishes the Home Builder Guaranty Fund; and provides for claims against the fund.

**House Consumer Affairs Committee Hearing set for 1:00 p.m., Ramada Inn, 820 Northern Blvd., Clarks Summit, 1/16/2007**

**HB 1889 RE:** Prototypical School Facility Plan Clearinghouse (by Rep. David Kessler, et al)

Amends the Public School Code establishing a prototypical school facility plan clearinghouse, for use by school entities as a reference guide in the design and construction of new facilities.

**Removed from the table and rereferred to House Appropriations Committee, 12/5/2007**

**SB 1 RE:** Right-To-Know Law (by Sen. Dominic Pileggi, et al)

States a Commonwealth agency, local agency, legislative agency or judicial agency would provide public records in accordance with this act unless otherwise provided by law. Agencies may not deny a requester access to a public record due to the intended use of the public record by the requester unless otherwise provided by law. The bill states that a record in the possession of a Commonwealth agency, local agency or legislative records and financial records would be presumed to be a public record unless: (1) the record is exempt under section 708 (which lists 28 exceptions); (2) the record is protected by a privilege; or (3) the record is exempt from disclosure under any other federal or state law or regulation or judicial order or decree. Under the bill, all information related to the development of Gaming Control Board policies, regulations, procedures or any other recommendations regarding implementation of 4 Pa.C.S. 1212 or 1325 would be considered a public record and subject to disclosure. The bill clarifies that a record containing all or part of a person's Social Security number; date of birth; driver's license number; personal financial information; telephone numbers; personal e-mail addresses; employee numbers; or other confidential personal identification numbers are exempt from access. The legislation also requires that DCED post on its website a list of community revitalization grants by legislative and senatorial districts. Nothing in this act would supersede or modify the public or confidential nature of a record or document established in Federal or State law, regulation or judicial order or decree. The bill provides for access to autopsy records and law enforcement records. A court may impose a civil penalty if an agency denied access to a public record in bad faith. Lastly, the Pennsylvania Public Records Office would be established in the State Ethics Commission, which would assist residents seeking public records and create a uniform appeals process for people who are denied access to records.

**Reported as committed from House Appropriations Committee, read first time, laid on the table, and removed from the table, 12/3/2007**

**18 Floor amendment(s) adopted on House floor and read second time, 12/10/2007**

**Read third time and passed House, 12/12/2007 (191-0)**

**Received as amended in Senate and rereferred Senate Rules and Executive Nominations Committee, 12/12/2007**

#### **New Bills Introduced**

**HB 2026 RE:** Mini-COBRA Small Employer Group Health Policies (by Rep. Tina Pickett, et al)

Amends The Insurance Company Law by providing for Mini-COBRA Small Employer Group Health Policies. The bill states that a group policy delivered or issued for delivery in PA by an insurer which insures employees or members and their eligible dependents for hospital, surgical or major medical insurance on an expense-incurred or service basis would provide that employees or members whose coverage under the group policy would otherwise terminate because of termination of employment or membership would be entitled to continue their coverage, including coverage for their eligible dependents. Continuation would only be available to an employee or member who has been continuously insured under the group policy during the entire three-month period ending with the termination. If employment is reinstated during the continuation period, then coverage under the group policy must be reinstated. The employee or member must request the continuation in writing within 31 days of the date coverage would otherwise terminate and must pay to the group policyholder the amount of contribution required to continue the coverage.

**Referred to House Insurance Committee, 12/6/2007**

**HB 2028 RE:** Health Care Cost Containment and Comparison Council (By Rep. Jerry Stern, et al)

Amends Health Care Cost Containment Act by renaming the Council as the Health Care Cost Containment and Comparison Council. The bill states under the declaration section that the continuing escalation of health care costs is attributable to a number of interrelated causes, including the need for consumers of health care to have access to charge information from physicians for common services and treatments. The Council would compile and establish an Internet database for the general public showing physician charge comparisons for common services and treatments. The bill states the Council's data abstraction and technology work group would develop a system of data collection and analysis on physician charges for common services and treatments working with council staff and outside third-party vendors as needed and authorized by the council. The physician charge comparison would contain data on reimbursement rates for adultBasic, CHIP, Medicaid, medical assistance, Medicare and insurer reimbursement rates by insurer. The physician charge comparison would be available to consumers by January 1, 2009. Lastly, the bill extends the expiration date of the act to June 30, 2011.

**Referred to House Insurance Committee, 12/6/2007**

**HB 2112 RE:** Health Emergency Preparedness (By Rep. Paul Costa, et al)

Amends Title 35 (Health and Safety) creating an intrastate mutual aid system to provide for mutual assistance among the participating political subdivisions in the prevention of, response to and recovery from threats to public health and safety that are beyond the capability of an affected community to respond. Further provides for mutual cooperation among the participating subdivisions in conducting exercises, test or other training activities. Also establishes the Intrastate Mutual Aid Committee providing for its membership and its duties.

**Referred to House Veterans Affairs & Emergency Preparedness Committee, 12/13/2007**

**HB 2113 RE:** Industrialized/Modular Buildings (by Rep. Marc Gergely, et al)

Amends the PA Construction Code Act authorizing the Department of Labor and Industry to promulgate regulations and enter into a multi-state agreement for the purpose of regulating industrialized/modular buildings. Also provides for a definition of industrialized/modular building.

**Referred to House Labor Relations Committee, 12/13/2007**

**HB 2128 RE:** Stormwater Management Permitting Efficiency Act (by REP. Doug Reichley, et al)

Requires the Department of Environmental Protection to develop and implement a system of streamlining the permit review process for the national Pollutant Discharge Elimination System (NPDES) postconstruction stormwater permits. The bill outlines program minimums. The department would also develop and implement a process that utilizes a simultaneous review process for erosion and sediment control and postconstruction stormwater plan review, which would eliminate redundant reviews, garner commitment from developers, engineers and contractors and improve compliance. Additionally, DEP would provide an expedited permit review in circumstances when an applicant has municipal or county conservation district approval of a postconstruction stormwater management plan (PCSM) plan and the plan has been sealed by a qualified licensed professional who has attended Best Management Practices manual training. The bill provides for permits and third party assistance and requires DEP to annually report to the chairmen of the House and Senate Environmental Resources and Energy Committees.

**Referred to House Environmental Resources and Energy Committee, 12/13/2007**

**H Res. 531 RE:** Delaware Riverbed Riparian Rights (by Rep. Mike O'Brien, et al)

A Concurrent Resolution (Must pass both House and Senate) urging the Governor, the Department of General Services and the Attorney General to ask for an injunction restraining construction on riparian lands of the Commonwealth and urging the Attorney General to appeal a submerged lands license issued by the Department of Licenses and Inspection of the City of Philadelphia.

**Referred to House Urban Affairs Committee, 12/7/2007**

### **Upcoming Meetings of Interest**

#### **WEDNESDAY - 1/16/08**

#### **House Consumer Affairs Committee**

**1:00 p.m., Ramada Inn, 820 Northern Blvd., Clarks Summit**

Public hearing on: **HB 1821** – provides for the regulation of home construction contracts & for registration of certain home builders; prohibiting certain acts; providing for penalties; establishing the Home Builder Guaranty Fund; & providing for claims.

### **2008 HOUSE SPRING SESSION SCHEDULE**

**The House has announced the following session days for Spring 2008, subject to change**

<b>January</b>	<b>1 (Non-voting), 14, 15, 16, 28, 29, and 30</b>
<b>February</b>	<b>4, 5, 6, 11, 12, and 13</b>
<b>March</b>	<b>10, 11, 12, 17, 18, and 31</b>
<b>April</b>	<b>1, 2, 7, 8, and 9</b>
<b>May</b>	<b>5, 6, 7, 12, 13, and 14</b>
<b>June</b>	<b>2, 3, 4, 9, 10, 11, 16, 17, 18, 23, 24, 25, 26, 27, 28, 29, and 30</b>

### **2008 SENATE SPRING SESSION SCHEDULE**

**The Senate has announced the following session days for Spring 2008, subject to change**

<b>January</b>	<b>1, 14, 15, 16, 28, 29, 30</b>
<b>February</b>	<b>4, 5, 6, 11, 12</b>

<b>March</b>	<b>10, 11, 12, 17, 18, 31</b>
<b>April</b>	<b>1, 2, 7, 8, 9, 28, 29, 30</b>
<b>May</b>	<b>5, 6, 7, 12, 13, 14, 19, 20, 21</b>
<b>June</b>	<b>2, 3, 4, 9, 10, 11, 16, 17, 18, 23, 24, 25, 26, 27, 30</b>

*Copies of all bills of interest can be accessed via the Internet at:*  
<http://www.legis.state.pa.us/WU01/LI/BI/billroom.htm>.