

MCA
Summary of Legislation
January 2012

House Passes LEED Legislation

On January 25th the Pennsylvania House passed legislation that would require state buildings to comply with energy and environmental standards referenced in the bill. The “High Performance, State Buildings Standards Act” would require building projects larger than 20,000 gross square feet to be designed to achieve energy star ratings. Similar legislation passed the House last legislative session but did not advance in the Senate. House Bill 193 passed 170 to 18 and has since been referred to the Senate Environmental Resources and Energy committee. Quick action is not expected in the Senate.

Environmentalists Group Files Right to Know Request regarding Guaranteed Energy Savings Program

Environmental group PennFuture announced that it is filing a Right to Know Request with the Department of General Services (DGS), requesting any and all records pertaining to the claims made by DGS Secretary Sheri Philips that the Guaranteed Energy Savings Act (GESA) program was flawed and not returning value to the taxpayers.

Christina Simeone, Director of the PennFuture Energy Center, said the GESA was established by law in 2004 “to allow state government agencies, municipalities, and school districts to save money and energy without investment risk.” She said the program “allowed government agencies to use private companies to install energy conservation technology and retrofits, and to pay for those capital improvements through the energy saved.” She explained that earlier in 2011 the program was “put on review” and the Energy Management Office within the Department of General Services was “basically closed down.”

Simeone said that on December 2, 2011, the administration proposed changes to GESA “based on the results of the review and evaluation that they had undertaken” but, she argued, PennFuture believes the changes “will be detrimental to the program.” She emphasized “we don’t think we can provide adequate public comment without DGS’ evaluation of the program be made public which is prompting our Right to Know request.”

George Jugovic, Jr., Senior Attorney for PennFuture, said DGS “did not provide the public with any of these underlying evaluations and studies and audits that have led to these changes, those are the types of documents that we’re seeking in our Right to Know request.” He expressed concern about the public comment period for the changes which ends on January 18, 2012. “We are asking them to consider extending the comment deadline beyond January 18 so we can disseminate the documents to members of the public once we get them and have those documents considered for public comment,” he added.

When asked what changes to the program are troubling, Simeone stated “things like the prequalified list of ESCO companies, prior DGS came up with a process for prequalifying all of the energy service companies to make sure that they had all the technical, managerial, financial ability to do this type of work. Based on our understanding of the comments that this prequalified list is no longer going to exist and that contractors will be approved on an as-needed basis, we believe that poses some problems.

Court Throws Out State Redistricting Plan

By a 4-3 vote the Pennsylvania Supreme Court threw out the redistricting plan approved late last year by the bipartisan Legislative Reapportionment Commission (LRC). The reversal means the boundaries for the state’s 203 House districts and 50 Senate districts must be redrawn. The Court also ordered the current boundaries – drawn in 2001 – to remain in effect until replaced. Together, that has thrown the state’s Primary Election campaign into disarray. Several districts, including two that were vacated by sitting House members who won local offices in the 2011 elections (the 22nd House District in Allegheny County that was moved to Allentown and remade into a majority-Latino district and the new 169th House seat that moved from NE Philadelphia to the Hanover area in York County) were moved in the struck down redistricting plan. The new 45th state Senate seat, moved from Allegheny County and centered in Monroe County, had enticed a local state Representative, Mario Scavello, to announce he would run for that seat, rather than his own.

House Speaker Sam Smith has filed a federal lawsuit to reverse the Supreme Court’s decision. If the Court’s objections are upheld, that would result in another redraw that could force the 2012 legislative races (and the special elections) to be run on the current 2001 boundaries and put off the new districts until the 2014 elections.

More Retirements Announced

There have been a few additions to the list of legislators who will not be seeking re-election since the last report. Those names are in bold-face in the list below.

In The Senate: Sen. Jeffrey Piccola, R-Dauphin
Sen. Jane Earll, R-Erie
Sen. Mary Jo White, R-Venango
Sen. John Pippy, R-Allegheny

In The House:

Rep Jennifer Mann, D-Lehigh
Rep. John Evans, R-Erie
Rep. Ed Staback, D-Lackawanna
Rep. Scott Boyd, R-Lancaster
Rep. Ron Buxton, D-Dauphin
Rep. Tom Creighton, R-Lancaster
Rep. Curt Schroder, R-Chester
Rep. Doug Reichley, R-Lehigh (resigned because of local election win)
Rep. Josh Shapiro, D-Montgomery (resigned because of local election win)
Rep. Chelsa Wagner, D-Allegheny (resigned because of local election win)
Rep. Jewell Williams, D-Philadelphia (resigned because of local election win)
Rep. Dennis O'Brien, R(ish)-Philadelphia (resigned because of local election win)
Rep. Kenyatta Johnson, D-Philadelphia (resigned because of local election win)
Rep. Camille "Bud" George, D-Clearfield
Rep. Lawrence Curry, D-Montgomery
Rep. John Myers, D-Philadelphia
Rep. Dante Santoni, D-Berks

Legislative Activity

The following bills were acted on by the General Assembly this month.

BIDDING / CONTRACTING

[HB 2147](#) RE: Contractors' and Subcontractors' Payment Obligations (by Rep. Jake Wheatley, et al)
Amends Title 62 (Procurement) further providing for contractors' and subcontractors' payment obligations.

Filed, not yet referred, 1/30/2012

[SB 405](#) RE: Mercantile or Business Privilege Taxes (By Sen. Pat Browne, et al)

Amends the Local Tax Enabling Act to limit a local taxing authority's ability to levy a mercantile or business privilege tax to only where such transactions take place. A taxpayer may exclude such gross receipts from any tax on or measured by such gross receipts which is imposed by a jurisdiction in which the taxpayer maintains a base of operations. Where a business has more than one base of operations, the taxes collected by a local jurisdiction may be only for the local base of operations. Pertinent definitions are provided.

Removed from the table, 1/24/2012

EMPLOYMENT

[HB 2157](#) RE: Pennsylvania Fair Employment Opportunity Act (by Rep. Brendan Boyle, et al)

Provides definitions and makes it unlawful for employers to consider an applicant's lack of employment when determining whether to hire them. Also prohibits publication of a job vacancy stating unemployment disqualifies a person for the job. Similar restrictions are placed on employment agencies. Does not prohibit merely hiring a person from within an existing company workforce for a job in that organization or reviewing and making employment determinations based on employment history. Enforcement and penalties are provided for. Prohibits retaliation.

Introduced and referred to House Labor and Industry Committee, 1/31/2012

ENVIRONMENTAL BUILDING STANDARDS

[HB 193](#) RE: High-Performance, State Buildings Standards Act (By Rep. Kate Harper, et al)

Provides for the creation of high-performance building standards. All projects in facilities owned by a Commonwealth agency shall meet or exceed the prescribed level of achievement under the high-performance

building standard. The Department of General Services shall promulgate rules and regulations for compliance and shall report annually to the legislature.

Removed from the table, 1/17/2012

**Amended on House floor, read second time, and rereferred to House Appropriations Committee, 1/24/2012
Reported as committed from House Appropriations Committee, read third time, and passed House, 1/25/2012
(170-18)**

[HB 490](#) RE: Green Roof Tax Credit (by Rep. Matt Smith, et al)

Amends the Tax Reform Code establishing a green tax roof credit of up to \$100,000 in any fiscal year. "Green roof" is defined as an addition to a roof that supports living vegetation and includes a synthetic, high-quality waterproof membrane, drainage layer, soil layer and lightweight medium plants. The credit would be available to individuals and businesses that provide the Department of Revenue with certain required information. A business or individual that has received and taken the credit must repay the credit to the Commonwealth if it fails to maintain the green roof in accordance with the provisions of the commitment agreement.

Reported as committed from House Finance Committee, read first time, and laid on the table, 1/18/2012

[HB 1855](#) RE: Water Well Construction Standards (By Rep. Ron Miller, et al)

Amends Title 27 (Environmental Resources) adding a new chapter authorizing the Environmental Quality Board to establish water well construction standards through the adoption of rules and regulations by the Department of Environmental Protection. Provides for water well construction standards; decommissioning of abandoned wells; water well completion reports; and inspections. Also provides for the powers and duties of the EQB and DEP under this new chapter and for penalties for violations of this new chapter.

Public hearing held in House Consumer Affairs Committee, 1/10/2012

HEALTH CARE REFORM

NONE

LOCAL/STATE GOVERNMENT/REGULATIONS

[HB 2031](#) RE: Carbon Monoxide Alarm Standards Act (By Rep. Frank Farry, et al)

Requires a carbon monoxide detector to be installed in each existing residential building having a fossil fuel-burning heater or appliance, fireplace or an attached garage at the time of sale. Carbon monoxide detectors must be installed within one year in multifamily dwellings. The bill provides for occupant responsibilities in rental units and for penalties.

Public Hearing held in House Consumer Affairs Committee, 1/31/2012

PREVAILING WAGE

[HB 1271](#) RE: "Public Work" Definition (by Rep. Ron Marsico, et al)

Amends the Pennsylvania Prevailing Wage Act by adding that "public work" includes maintenance/rehabilitation/reconstruction road projects on existing alignment in which non-maintenance items exceed fifteen percent of the total project cost; and "maintenance work" includes the following actions taken on roads: (1) replacement in kind, or compliance with current Department of Transportation design criteria and standards, of guide rails, curbs, pipes, line painting and other related road equipment; (2) repair of pavement service by laying bituminous material up to 3.5 inches thick or up to 420 pounds per square yard on asphalt pavement, cement concrete or other hard surface, including associated milling, and related work raising existing paved shoulders to new grade; or patching of cement concrete surface to include joint spalling and repair work; (3) widening of existing alignment which does not result in additional lanes or new shoulders; and (4) bridge cleaning, washing, resurfacing with blacktop, minor non-structural repairs or improvements and painting except when combined with complete bridge rehabilitation.

Laid on the table, Removed from the table, 1/23/2012

[HB 1543](#) RE: "Public Work" Definition (By Rep. Duane Milne, et al)

Amends the Pennsylvania Prevailing Wage Act to exclude work on land held or owned by nonprofit historical organizations or land conservancies from the definition of "public work."

House Labor and Industry Committee meeting cancelled for 1/23/12

H House Labor and Industry Committee meeting set for Off the Floor, Room 205, Ryan Office Building, 2/6/2012

TRANSPORTATION

[HB 3](#) RE: Public-Private Transportation Partnerships (By Rep. Rick Geist, et al)

Amends Title 74 (Transportation) adding a chapter providing for public-private transportation partnerships and making a related repeal.

Laid on the table, Removed from the table, 1/17/2012

UNEMPLOYMENT/WORKERS COMP NONE

Other Bills of Interest

Upcoming meetings of Interest

MONDAY - 2/6/12

House Labor and Industry Committee

Off the Floor, Room 205, Ryan Office Building

To consider:

[HB 1543](#) (Milne) - Amends Pennsylvania Prevailing Wage Act further providing for definitions.

[SB 1375](#) (Gordner) - Amends the Unemployment Compensation Law further providing for definitions.

2012 SPRING SENATE SESSION SCHEDULE

February	6, 7, 8
March	5, 6, 7, 12, 13, 14, 26, 27, 28
April	2, 3, 30
May	1, 2, 7, 8, 9, 21, 22, 23
June	4, 5, 6, 11, 12, 13, 18, 19, 20, 25, 26, 27, 28, 29

**** Budget Hearings: February 13, 14, 15, 16, 21, 22, 23, 27, 28, 29 and March 1st.**

2012 SPRING HOUSE SESSION SCHEDULE

February	6, 7, 8, 13, 14, 15
March	12, 13, 14, 26, 27, 28
April	2, 3, 4, 30
May	1, 2, 7, 8, 9, 21, 22, 23
June	4, 5, 6, 11, 12, 13, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29

**** Budget Hearings: February 21, 22, 23, 24, 27, 28, 29 and March 1, 2, 5, 6, 7, 8, 9**

Copies of all bills of interest can be accessed via the Internet at:

<http://www.legis.state.pa.us/WU01/LI/BI/billroom.htm>