

MCA
Summary of Legislation
July 2013

Transportation Funding Bill Collapses

By now most everyone in the transportation sector knows that the transportation funding legislation didn't make it through the House before the General Assembly adjourned for the summer. While there is talk about the issue being taken up again in the fall, the lack of action in June can only be viewed as a huge disappointment. It's hard to understand how the Senate could pass the bill by a vote of 45 to 5 yet the House couldn't find a bare majority. Perhaps more than any other single factor, the House's efforts to tie transportation funding to the effort to privatize the state liquor system created too much drag and politics. If the issue is indeed revived when the Legislature returns to voting session in September, delinking the two issues would make passage of transportation funding immediately more viable.

But there are other hurdles to clear in addition to that. The House also seems reluctant to endorse the full 2.5 billion dollar funding mechanisms contained in the Senate passed legislation. The industry coalition supports the full \$2.5 billion level of funding and the House Democrats also claim that they won't support anything less. That leaves the majority Republican caucus in the House with the difficult challenge of finding enough votes in what has become an increasingly conservative group of legislators. For now, the dust is settling in the state Capitol, but serious work to resurrect the issue will begin in earnest before the House and Senate return for the fall voting session.

Legislative Activity

The following bills of interest to the construction industry were acted on by the General Assembly in the past month.

BIDDING / CONTRACTING

HB 784 RE: Development Permit Extension Act (by Rep. Eli Evankovich, et al)

Provides for existing permit extension approvals that are to be automatically suspended if they were in effect between the date of an extension and July 2, 2013. The suspension period shall last until July 2, 2016. The bill provides for different suspension requirements for Philadelphia and provides for limitations on the suspension power. The legislation provides for the effect of subsequent changes in law and their effect on the permits and for agency verification of enumerated information. The bill also provides for exceptions, fees, and notice requirements. The legislation provides for automatic suspension of expiration dates when approval by a government agency is granted for or in effect during the extension period.

Approved by the Governor, 7/9/2013 (Act No. 54 of 2013)

SB 583 RE: Bid Amount Thresholds for Authorities (by Sen. John Eichelberger, et al)

Amends the Economic Development Financing Law establishing bid amount thresholds for authorities operating under the Act. The legislation ensures that the base amount is tied to the consumer price index.

Approved by the Governor, 7/2/2013 (Act No. 44 of 2013)

BUDGET RELATED BILLS

HB 1598 RE: Transportation Funding (by Rep. Mike Hanna, et al)

Amends Titles 58 (Oil and Gas), 74 (Transportation) and 75 (Vehicles). In Title 58, the bill removes provisions relating to the expiration of the unconventional gas well fee. In Title 74, the legislation adds a chapter outlining the organizational structure of the Department of Transportation, requires diverse business participation in department contracting, depositing \$450 million annually from the Public Transportation Trust Fund through FY 2020-2021 and then stopping deposits and provides a funding formula in case there are no funds to replace the lost transfers, providing for fund transfers and waiver requirements, further providing for and consolidating municipal transportation organizations, establishing the Shared Ride Community Transportation Service Delivery Pilot Program, establishing the Alternative Energy Capital Investment Program, adding a chapter providing for fair share funding for transportation, adding a chapter providing for multi-modal transportation funding, adding a chapter providing for traffic signals, and adding a chapter providing for a bridge building program. The bill amends Title 75 to allow a person to pay a \$500 civil fine in lieu of license suspension. A person is allowed to do this only once during a 12-month period. The bill further amends Title 75 to provide a formula for the disbursement of fines and

fees collected, the amounts of which are to automatically adjusted every four years based on the consumer price index. The legislation further provides for increase in fees for identification cards, certificates of title, manufacturer's or dealer's notification, security interests, copies of certain records, and certificates of inspections. The bill further increases the wholesale tax on gasoline between 2013 and 2015 to \$3.11 and provides a county allocation supplement for the repair of certain enumerated local roads and a formula for the disbursement of the additional revenues. The bill also provides a refund to the Pennsylvania Fish and Boat Commission while also providing for definitions and related repeals. The addition of 74 Pa.C.S. Ch. 16 and the addition of 74 Pa.C.S. Ch. 59 Subch. C. shall take effect immediately, and the remainder of this act shall take effect in 30 days.

Introduced and referred to House Transportation Committee, 7/1/2013

[SB 591](#) RE: Fiscal Code Budget Implications (by Sen. Randy Vulakovich,, et al)

Amends the **Fiscal Code**, providing for the elements necessary for implementation of the General Fund budget; requiring electronic filing of taxes except personal income taxes if the amount is more than \$1,000; requiring the filing of certain tax documents; repealing the Corporate Loan Tax imposed on nonresident corporations whose treasurer lives in Pennsylvania; repealing outdated provisions enacted in the time before computers; permitting the Commonwealth to impose a fee on delinquent accounts; and preventing any surplus revenue for FY 2012-2013 from being transferred to the Rainy Day Fund.

Reported as amended from House Appropriations Committee, read third time, and passed House, 7/1/2013 (104-98)

Received as amended in Senate and rereferred Senate Rules and Executive Nominations Committee, re-reported on concurrence as amended from Senate Rules and Executive Nominations Committee, and Senate concurred in House amendments as further amended by the Senate, 7/3/2013

Received as amended in House and rereferred to House Rules Committee, 7/8/2013

Re-reported on concurrence as committed from House Rules Committee, and House concurred in Senate amendments to House amendments, 7/15/2013

Approved by the Governor, 7/18/2013 (Act No. 71 of 2013)

[SB 1002](#) RE: Capital Budget Act of 2013-2014 (by Sen. Jake Corman, et al)

Provides for the capital budget totaling \$1,275,000,000 for the fiscal year 2013-2014.

Reported as committed from House Appropriations Committee, read third time, and passed House, 7/1/2013 (189-14)

Approved by the Governor 7/9/2013 (Act No. 69 of 2013)

ENVIRONMENTAL BUILDING STANDARDS

[HB 1325](#) RE: Anti-Degradation Requirements (by Rep. David Maloney, et al)

Amends the Pennsylvania Sewage Facilities Act adding language providing provide that onlot systems approved by DEP under current Act 537 requirements meet anti-degradation requirements of The Clean Streams Law and the regulations promulgated under that Act.

Approved by the Governor 7/2/2013 (Act No. 41 of 2013)

[SB 1061](#) RE: State Building Design Standards (by Sen. John Rafferty, et al)

Requires the design, construction and renovation of certain State buildings to comply with specified energy and environmental building standards. The Department of General Services (DGS) and Department of Environmental Protection (DEP) are required to develop regulations and adopt high-performance building standards, which will apply to any new construction projects in which the building is larger than 10,000 square feet.

Introduced and referred to Senate Environmental Resources and Energy Committee, 7/19/2013

LOCAL/STATE GOVERNMENT/REGULATIONS

[SB 351](#) RE: Stormwater Management (By Sen. Ted Erickson, et al)

Amends Title 53 (Municipalities), in municipal authorities, to allow municipal authorities to engage in stormwater planning, management and implementation as defined in the articles of incorporation by the governing body. Authorities already in existence and already operating storm water controls as part of a combined sewer system, sanitary sewer system or flood control project may continue to operate those projects.

Approved by the Governor 7/9/2013 G (Act No. 68 of 2013)

LIABILITY

NONE

MANDATE WAIVERS**NONE****MECHANIC'S LIEN****NONE****MINIMUM WAGE****NONE****PLUMBERS LICENSING****NONE****PREVAILING WAGE****NONE****TRANSPORTATION****NONE****UNEMPLOYMENT/WORKERS COMP****NONE****Upcoming meetings of Interest****TUESDAY - 8/6/13****House Labor and Industry Committee****1:00 p.m., Room 60, East Wing**

Public hearing on: [HB 1209](#) (Harkins) - Amends the Pennsylvania Construction Code further providing for definitions for Uniform Construction Code Review and Advisory Council and for revised or successor codes.

2013 HOUSE SESSION SCHEDULE

September	23, 24, 25, and 30
October	1, 2, 15, 16, 17 (Non-Voting), 21, 22, and 23
November	12, 13, 18, 19, and 20
December	9, 10, 11, 16, 17, and 18 (Non-Voting)

2013 SENATE SESSION SCHEDULE

September	23, 24, 25, 30
October	1, 2, 15, 16, 21, 22, 23
November	12, 13, 18, 19, 20
December	3, 4, 9, 10, 11

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

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