

MCA
Summary of Legislation
December 2015

Stopgap Budget Lands On Governor's Desk, But Gov. Wolf Line-Item Vetoes Key Portions, Keeping the Process Unfinished

Even though school districts are now receiving long awaited state funds and social service agencies are also getting paid, the Commonwealth budget is not finished. Governor Wolf vetoed selective parts of a budget that was not the compromise package he had negotiated with 4 of the 5 legislative caucuses. The good news is that the immediate funding crisis is averted for many of those about to run out of money. But that might also be the bad news as there is now even less pressure on negotiators to find common ground and resolve the missing elements of the budget.

Even though the legislature delivered a budget spending plan to the Governor, it did not send him the "fiscal code" bill that normally accompanies the budget bill. The fiscal code includes where the money is coming. Even a pared down budget is expected to require more revenue than what is anticipated under current law. That need to raise more revenue (a.k.a. "taxes") was a major stumbling block for getting the compromise budget passed in the House. Add to that the lack of agreement on pension reform as well as liquor privatization and you have a recipe for more gridlock.

So for now, many budget lines and the corollary bills needed to complete the budget (Fiscal Code, Welfare Code, School Code, and the non-preferred appropriations bills for the state-related universities) are not finished. The Governor's 2016-2017 budget proposal will take place in early February despite the fact that the 2015-2016 budget still doesn't have the finish line in sight.

PA Department of L&I UCC Regulation to Be Considered by IRRC

The Department of Labor and Industry has filed a final-omitted regulation titled "Uniform Construction Code" (#12-101 / IRRC # 3127). The purpose of these regulations is to adopt recognized international standards for accessible and usable buildings and structures, as directed by Act 1 of 2011. The regulation brings Pennsylvania's standards for accessible and usable buildings to the current state of the art and conforms to standards issued by the United States Department of Justice under the Americans with Disabilities Act (42 U.S.C. §12101-12213). The Department's justification for utilizing the final-omitted rulemaking process, rather than a traditional proposed regulation, is that the only changes being made are updates of the regulations to the latest standards as mandated by the PCCA. These regulations will be effective upon publication in the Pennsylvania Bulletin.

This regulation will be considered at IRRC's January 21 public meeting. You can get a copy of the Department's submittal, as well as related information, from IRRC's website at:

<http://www.irrc.state.pa.us/regulations/RegSrchrslts.cfm?ID=3138>

Several Members Announce Intentions to Retire From State Legislature

Leading what could look like a parade of retiring legislators this session, long-time Reps. **Bill Adolph (R-Delaware)**, **Julie Harhart (R-Northampton)**, and **Chris Ross (R-Chester)** as well as **Cumberland County Republican Sen. Patricia Vance** have announced they will not run for re-election in 2016. As nominating petitions begin circulating at the end of January, we expect a large number of veteran legislators to opt for "more time with the family," and decline another run.

Adolph, who currently serves as House Appropriations Committee Chair, was first elected to the House in 1988. He will leave as one of the most respected members of the Republican Caucus, especially after managing the Committee during the contentious, and still unfinished, 2015-16 budget saga.

Harhart is serving her 11th term representing the 183rd District in the state House. She currently serves as Chair of the House Professional Licensure Committee.

Sen. Vance was elected to the Senate in 2004, after serving 14 years in the House of Representatives. She currently serves as Chair of the Senate Public Health & Welfare Committee, bringing her life experience as a registered nurse to the table. She is well respected on health care issues in the General Assembly. Several candidates have already emerged to run for her seat, including **state Rep. Mike Regan (R-Dillsburg)**.

In addition to the above announcements, **State Rep. Tim Kreiger (R-Westmoreland)** and **Sen. Dominic Pileggi (R-Delaware)** have left the General Assembly after winning judgeships, **Rep. Cherelle Parker (D-Philadelphia)** stepped down to join the Philadelphia City Council, and Philadelphia **Rep. Louise Bishop** resigned after accepting a plea bargain in a corruption case. State **Sen. Lloyd Smucker (R-Lancaster)** will also not defend his seat, opting to run instead for the open seat in Congress being vacated by **Rep. Joe Pitts**, and **state Rep. Tom Killion (R-Delaware)** has announced he'll run instead for the state Senate seat that Pileggi is vacating. Killion is the presumptive front-runner to win the special election to the Pileggi's unexpired term, probably to be held on primary day in April, as well as the favorite to win the full term in November.

More on these vacancies as they develop. Normally most incumbents have announced their intentions one way or the other by now, but the unfinished budget debate has delayed many announcements, if not their decisions. **Delaware County State Rep. Thaddeus Kirkland** won a 2015 race to be Chester City's mayor, but has delayed resigning from the House until at least after a "final" budget is passed and signed.

Legislative Activity

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

BIDDING / CONTRACTING

[HB 1653](#) RE: Diverse and Disadvantaged Businesses (by Rep. Donna Oberlander, et al)

Amends Title 62 (Procurement) adding a chapter providing for diverse and disadvantaged businesses. "Diverse and disadvantaged businesses" is defined as a minority-owned business, a woman-owned business, or a veteran-owned business. The department shall establish a process to verify a diverse or disadvantaged business as Pennsylvania home state-certified for the purpose of other state of national disadvantaged business programs. The department shall also verify a business that has been certified as a diverse or disadvantaged business by a third party organization. Requires the department to compile, maintain and make available source lists of businesses verified by the department as a diverse or disadvantaged business for the purpose of encouraging procurement from those businesses.

Reported as amended from House Veterans Affairs & Emergency Preparedness Committee, read first time, and laid on the table, 12/9/2015

Removed from the table, 12/10/2015

Amended on House floor, read second time, and rereferred to House Appropriations Committee, 12/13/2015

Reported as committed from House Appropriations Committee, read third time, and passed House, 12/14/2015 (197-0)

Received in the Senate and referred to Senate State Government Committee, 12/22/2015

[SB 316](#) RE: Service Contracts Terms (by Sen. Mike Folmer, et al)

Amends Title 62 (Procurement), in general provisions, providing for public access to procurement records; and, in source selection and contract formation, further providing for sole source procurement and for emergency procurement. Records concerning a procurement shall be made public, consistent with the Right-to-Know Law. The bill stipulates that procurement documents shall be posted on the purchasing agency's website. For certain procurements over \$250,000, the determination shall be signed by the head of the purchasing agency. Two quotes shall be solicited for emergency procurement; no written contract may be required. Lays out guidelines for legal services contracts.

Laid on the table, removed from the table, 12/7/2015

Laid on the table, removed from the table, 12/24/2015

BUDGET RELATED BILLS

[HB 1327](#) RE: Fiscal Code Amendments (by Rep. Mike Peifer, et al)

Amends the Fiscal Code to provide for implementation of the 2015-2016 General Appropriations Act. Provides for transfers from the Tobacco Settlement Fund and the Race Horse Development Fund. Makes changes to the General Budget Implementation language. Increases a retailer's presumptive minimum cost of selling cigarettes from 6 percent to 7 percent and reduces the transfer from the Oil & Gas Lease Fund to the Marcellus Legacy Fund by \$15 million. Establishes the Natural Gas Infrastructure Development Fund and transfers excess funds from the Dormitory Sprinkler System account to the General Fund. Re-authorizes the State Workers' Insurance Fund through June 30, 2018. Provides \$4 million in reimbursement to the Philadelphia Convention Center Visitors Bureau for expenses incurred during the papal visit.

Read second time, and rereferred to Senate Appropriations Committee, 12/4/2015

Reported as amended from Senate Appropriations Committee, 12/9/2015

Read third time, and passed Senate, 12/10/2015 (50-0)

Sen. Corman motion to reconsider vote by which HB 1327 was passed - Agreed to, and passed Senate, 12/10/2015 (48-2)

Received as amended in House and rereferred to House Rules Committee, 12/13/2015

Re-reported on concurrence as amended from House Rules Committee, 12/21/2015

Recommitted to House Rules Committee, and re-reported on concurrence as amended from House Rules Committee, 12/22/2015

Recommitted to House Rules, 1/5/2016

[HB 1460](#) RE: General Appropriation Act of 2015 (By Rep. Bill Adolph, et al)

Provides from the General Fund for the expenses of the Executive and Judicial Departments, the State Government Support Agencies and the General Assembly of the Commonwealth, the public debt and the public schools for the fiscal year July 1, 2015, to June 30, 2016, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2015; to provide appropriations from the State Lottery Fund, the Tobacco Settlement Fund, the Aviation Restricted Account, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Account Guaranteed Savings Program Fund, the Banking Fund, the Firearm Records Check Fund, the Ben Franklin Technology Development Authority Fund, the Oil and Gas Lease Fund, the Home Improvement Account, the Cigarette Fire Safety and Firefighter Protection Act Enforcement Fund, the Insurance Regulation and Oversight Fund and the Pennsylvania Racehorse Development Restricted Receipt Account, to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2015, to June 30, 2016; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2015, to June 30, 2016, for the proper operation of several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2015. General Appropriations under the legislation total \$30,508,007. Effective immediately.

Reported as amended from House Appropriations Committee, 12/7/2015

Read third time and passed House, 12/8/2015 (115-86)

Received in the Senate and referred to Senate Appropriations Committee, reported as amended from Senate Appropriations Committee and read first time, 12/8/2015

Read second time, 12/9/2015

Sen. Corman motion to revert to prior printer number, PN 2626 passed, read third time and passed Senate, 12/23/2015 (33-17)

Approved with Governor's Line Item Veto, 12/29/2015 (Act No. 10A of 2015)

[HB 1743](#) RE: Severance Tax for Education Fund (by Rep. James Santora, et al)

Amends Title 58 (Oil and Gas) establishing a tax of 4 percent of the gross value of natural gas units severed at the wellhead in the commonwealth, the proceeds of which are directed to the Severance Tax for Education Fund, newly established under the bill.

Introduced and referred to House Environmental Resources and Energy Committee, 12/6/2015

[HB 1812](#) RE: General Appropriation Act of 2015 (by Rep. Stephen Bloom, et al)

Provides from the General Fund for the expenses of the Executive and Judicial Departments, the State Government Support Agencies and the General Assembly of the Commonwealth, the public debt and the public schools for the fiscal year July 1, 2015, to June 30, 2016, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2015; to provide appropriations from the State Lottery Fund, the Tobacco Settlement Fund, the Aviation Restricted Account, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Account Guaranteed Savings Program Fund, the Banking Fund, the Firearm Records Check Fund, the Ben Franklin Technology Development Authority Fund, the Oil and Gas Lease Fund, the Home Improvement Account, the Cigarette Fire Safety and Firefighter Protection Act Enforcement Fund, the Insurance Regulation and Oversight Fund and the Pennsylvania Racehorse Development Restricted Receipt Account, to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2015, to June 30, 2016; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2015, to June 30, 2016, for the proper operation of several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2015.

Introduced and referred to House Appropriations Committee, 12/16/2015

[SB 811](#) RE: Capital Budget Act of 2015-2016 (By Sen. Vincent Hughes, et al)

Provides for the capital budget for the fiscal year 2015-2016. Appropriations total \$1,290,000,000. Effective July 1, 2015, or immediately, whichever is later.

Reported as committed from House Appropriations Committee, read first time, laid on the table and removed from the table, 12/2/2015

Read second time and Rereferred to House Appropriations Committee, 12/3/2015

Reported as committed from House Appropriations Committee, 12/21/2015

[SB 1000](#) RE: Stopgap General Appropriation Act of 2015 (by Sen. Patrick Browne, et al)

Provides from the General Fund for the expenses of the Executive and Judicial Departments, the State Government Support Agencies and the General Assembly of the Commonwealth, the public debt and the public schools for the fiscal year July 1, 2015, to June 30, 2016, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2015; to provide appropriations from the State Lottery Fund, the Tobacco Settlement Fund, the Aviation Restricted Account, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Account Guaranteed Savings Program Fund, the Banking Fund, the Firearm Records Check Fund, the Ben Franklin Technology Development Authority Fund, the Oil and Gas Lease Fund, the Home Improvement Account, the Cigarette Fire Safety and Firefighter Protection Act Enforcement Fund, the Insurance Regulation and Oversight Fund, the Pennsylvania Racehorse Development Restricted Receipt Account, the Justice Reinvestment Fund and the Multimodal Transportation Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2015, to June 30, 2016; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2015, to June 30, 2016, for the proper operation of several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund money; and to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2015.

Laid on the table (Pursuant to Senate Rule 9), 12/7/2015

[SB 1001](#) RE: Fiscal Code Amendments (by Sen. Patrick Browne, et al)

Amends The Fiscal Code, in special funds, further providing for funding, for State Workers' Insurance Board and for expiration; in the Tobacco Settlement Fund, further providing for use; in the Pennsylvania Race Horse Development Fund, further providing for distribution; in general budget implementation, further providing for the Department of Community and Economic Development and for the Pennsylvania State Police; providing for 2015-2016 budget implementation and for 2015-2016 restrictions on appropriations for funds and accounts; and making related repeals.

Laid on the table (Pursuant to Senate Rule 9), 12/7/2015

[SB 1073](#) RE: General Appropriation Act of 2015 (By Sen. Patrick Browne, et al)

Provides from the General Fund for the expenses of the Executive and Judicial Departments, the State Government Support Agencies and the General Assembly of the Commonwealth, the public debt and the public schools for the fiscal year July 1, 2015, to June 30, 2016, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2015; to provide appropriations from the State Lottery Fund, the Tobacco Settlement Fund, the Aviation Restricted Account, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Account Guaranteed Savings Program Fund, the Banking Fund, the Firearm Records Check Fund, the Ben Franklin Technology Development Authority Fund, the Oil and Gas Lease Fund, the Home Improvement Account, the Cigarette Fire Safety and Firefighter Protection Act Enforcement Fund, the Insurance Regulation and Oversight Fund, the Pennsylvania Racehorse Development Restricted Receipt Account and the Justice Reinvestment Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2015, to June 30, 2016; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2015, to June 30, 2016, for the proper operation of several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund money; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2015; and to provide for the additional appropriation of Federal and State funds from the General Fund and the State Lottery Fund for the Executive Department of the Commonwealth for the fiscal year July 1, 2014, to June 30, 2015, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2014. The bill is retroactive to July 1, 2015 and effective immediately.

Rereferred to Senate Appropriations Committee, 12/5/2015

Reported as amended from Senate Appropriations Committee, 12/6/2015

Read third time and passed Senate, 12/7/2015 (43-7)

Received in the House and referred to House Appropriations Committee, 12/8/2015

Reported as amended from House Appropriations Committee, laid on the table, and removed from the table, 12/21/2015

Rep. Taylor motion to revert to prior printer number, PN 1459 passed, and read second time, 12/22/2015

ENVIRONMENTAL BUILDING STANDARDS

[HB 48](#) RE: Water Well Construction Standards (by Rep. Bob Godshall, et al)

Amends Title 27 (Environmental Resources) providing for the adoption of National Groundwater Association standards. 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 Environmental Quality Board (EQB) and Department of Environmental Protection (DEP) under this new chapter and for penalties for violations of this new chapter. Requires the EQB to promulgate rules and regulations adopting the construction and decommissioning standards recommended by the American National Standards Institute/National Groundwater Association.

Laid on the table, removed from the table, 12/17/2015

[HB 1103](#) RE: High Tunnels (by Rep. David Zimmerman, et al)

Amends the Storm Water Management Act defining "high tunnel" and exempting high tunnels from the act. A municipality that has adopted a watershed storm water plan or enacted a local ordinance or regulation that regulates high tunnels prior to the effective date shall amend the plan, ordinance or regulation in order to comply.

Reported as committed from House Environmental Resources and Energy Committee, read first time, and laid on the table, 12/18/2015

LOCAL/STATE GOVERNMENT/REGULATIONS

[HB 1325](#) RE: Storm Water Fees (by Rep. Mark Mustio, et al)

Amends the Second Class Township Code, authorizing a township to assess reasonable and uniform fees for storm water management activities and facilities without the need to establish a municipal authority. Also authorizes the enactment and enforcement of ordinances to govern and regulate the planning, management, implementation,

construction and maintenance of storm water facilities. Provides for any of the assessment to be collected by the treasurer and requires the municipalities to specify in the ordinance the frequency of the payments. A township may consider providing exemptions and credits for properties that have already installed and are maintaining storm water facilities.

Removed from the table, 12/2/2015

Amended on House floor, read second time, and rereferred to House Appropriations Committee, 12/4/2015

Reported as committed from House Appropriations Committee, 12/5/2015

Read third time, and passed House, 12/9/2015 (150-47)

Received in the Senate and referred to Senate Local Government Committee, 12/17/2015

[HB 1394](#) RE: Storm Water Fees (by Rep. Mark Mustio, et al)

Amends Title 8 (Boroughs & Incorporated Towns) authorizing a borough to assess reasonable and uniform fees for storm water management activities and facilities without the need to establish a municipal authority. Also authorizes the enactment and enforcement of ordinances to govern and regulate the planning, management, implementation, construction and maintenance of storm water facilities. regulate the planning, management, implementation, construction and maintenance of storm water facilities. Provides for any of the assessment to be collected by the treasurer and requires the municipalities to specify in the ordinance the frequency of the payments. A township may consider providing exemptions and credits for properties that have already installed and are maintaining storm water facilities.

Removed from the table, 12/2/2015

Amended on House floor, read second time, and rereferred to House Appropriations Committee, 12/4/2015

Reported as committed from House Appropriations Committee, 12/5/2015

Read third time, and passed House, 12/9/2015 (152-45)

Received in the Senate and referred to Senate Local Government Committee, 12/17/2015

[HB 1661](#) RE: Storm Water Management Plans (by Rep. Mark Mustio, et al)

Amends the First Class Township Code adding an article providing for storm water management plans and facilities. The board of commissioners is authorized to plan, design, construct, assemble, install and alter facilities to manage surface water runoff.

Removed from the table, and laid on the table, 12/10/2015

[SR 238](#) RE: Use of Unmanned Drones (by Sen. Anthony Williams, et al)

A Resolution directing the Joint State Government Commission to conduct a study regarding the use of unmanned drones by State and local agencies, including law enforcement agencies. Provides the commission solicit input from all key stakeholders, including, but not limited to, all State agencies authorized under the executive branch, all county and municipal agencies including law enforcement agencies and school districts. Requires the commission to submit its findings to the General Assembly by January 1, 2017.

Adopted, 12/9/2015 (50-0)

Transmitted as directed 12/10/2015

LIABILITY

NONE

PROFESSIONAL LICENSURE

[HB 802](#) RE: CE Carryover (by Rep. Harry Readshaw, et al)

Amends the act entitled, "An act empowering the General Counsel or his designee to issue subpoenas for certain licensing board activities; providing for hearing examiners in the Bureau of Professional and Occupational Affairs; providing additional powers to the Commissioner of Professional and Occupational Affairs; and further providing for civil penalties and license suspension," adding that in addition to disciplinary powers and duties, boards and commissions shall have the power to provide for the carryover of any continuing education credits in excess of the number required for biennial renewal. The carryover shall be valid for one biennial renewal term only.

Removed from the table, 12/9/2015

LOCAL/PROPERTY TAX REFORM

NONE

MANDATE WAIVERS

NONE

MECHANIC'S LIEN

NONE

SCHOOL CONSTRUCTION

NONE

TRANSPORTATION

NONE

WORKER'S COMP

[HB 1800](#) RE: Workers Comp Panels (by Rep. Ryan Mackenzie, et al)

Amends the Workers Compensation Act to require that all reasonable and necessary treatments, services, products, or accommodations be consistent with treatment guidelines selected by the Department of Labor and Industry. Provides for a panel of medical providers, selected by the L&I Secretary, to review and propose amendments to adopted guidelines. Provides for appeals. Effective in 60 days.

Introduced and referred to House Labor and Industry Committee, 12/18/2015

Upcoming meetings of Interest

THURSDAY - 1/21/16

Independent Regulatory Review Commission

10:00 a.m., 14th Floor Conference Room, 333 Market St., Harrisburg

To consider the following regulation:

Reg. No. 3127 Department of Labor and Industry #12-101: Uniform Construction Code (Final-Omit)

And others

2016 House and Senate Session schedule

2016 SENATE SESSION SCHEDULE

January 5, 19, 20, 25, 26, 27

February 8, 9, 10

March 14, 15, 16, 21, 22, 23

April 4, 5, 6, 11, 12, 13

May 9, 10, 11, 16, 17, 18

June 6, 7, 8, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30

2016 HOUSE SESSION SCHEDULE

January 11, 12, 25, 26, & 27

February 8, 9, & 10

March 14, 15, 16, 21, 22, & 23

April 4, 5, 6, 11, 12, & 13

May 2, 3, 4, 16, 17, 18, 23, 24, & 25

June 6, 7, 8, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 & 30

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

<http://www.legis.state.pa.us/cfdocs/legis/home/session.cfm>