

MCA
Summary of Legislation
July 2015

House and Senate Return Briefly, No Progress Made on Budget

The state House and Senate, both controlled by Republicans, returned in mid-July for session days, but as no real progress had been made on resolving the state budget stalemate created by the Governor's veto of the GOP budget passed on June 30, as well as accompanying legislation passed by the General Assembly, they retreated to home after moving just a few unrelated bills and resolutions. Talks between Gov. Wolf and the legislative leaders and staff are on-going, with both sides still dug in to their positions, while those who rely on state contracts wait to see if and for how long they will continue to be paid while the impasse lasts.

The House and Senate announced fall legislative session schedules (see later in this report), but the possibility exists that if a resolution can be found sooner, they could return in August to pass a new, agreed-to budget. To that end, the House Appropriations Chairman, Bill Adolph (R-Delaware) introduced [HB 1460](#), which is identical to the budget that Gov. Wolf vetoed, on July 21, and reported it out of his committee the following day. He did so to have a "vehicle" in place should there be a breakthrough, so the process could be in motion and it could pass quickly. Minority Committee Chair Joe Markosek (D-Allegheny), acknowledged the move, agreeing with the tactic, but asked his members to vote no on the substance of the bill. Consequently, it passed on a party line vote. The House will return the week of August 25, and rumors are that the Senate will as well, though dates have not been announced. Stay tuned.

Governor's Office Publishes Regulatory Agenda

Executive Order 1996-1 requires all agencies under the jurisdiction of the Governor to submit for publication an agenda of regulations under development or consideration. Normally agendas are published on the first Saturdays in February and July. The agendas are compiled to provide members of the regulated community advanced notice of regulatory activity. It is the intention of the Administration that these agendas will serve to increase public participation in the regulatory process. Agency contacts should be contacted for more information regarding the regulation and the procedure for submitting comments. This agenda represents the Administration's present intentions regarding future regulations. The nature and complexity of an individual regulation obviously will determine whether and when any particular regulation listed below (as well as any considered subsequent to publication of this Agenda) is published.

Department of COMMUNITY AND ECONOMIC DEVELOPMENT (DCED)

Minority Business Development Authority 12 Pa. Code Chapter 81 (#4-98)	Fall 2015, as Proposed	Proposed changes to the Minority Business Development Authority regulations seek to eliminate those sections of the existing regulations which impede the Pennsylvania Minority Business Development Authority's ability to be flexible and responsive to its target market by easing loan program requirements, such as requiring loan recipients to commit to "full-time" management of the company, and allowing more flexibility in setting loan amount caps, interest rates, job creation criteria, etc. The regulations were originally submitted on November 5, 2014 as Final-Omitted Regulations. The Final-Omitted Regulations were withdrawn and will be submitted as Proposed Regulations.	Timothy M. Anstine (717) 720-7312
Industrial Housing and Components 12 Pa. Code	Fall/Winter 2015, as Final-Form	Proposed changes to the Industrial Housing and Components regulations have gone through the proposed regulatory process and final regulations are set to be submitted in the spring of 2015. The changes seek to bring the regulations into compliance with a recent	

Chapter 145
 (#4-95)

amendment to the Industrialized Housing Act, which extended the current standards and procedures to include commercial buildings, and to further strengthen and clarify the Department's role in monitoring the production and installation of industrialized housing in the Commonwealth.

As recommended by IRRC in its comments to the proposed rulemaking, an Advanced Notice of Final Rulemaking (ANFR) and Draft Final-Form Rulemaking were delivered to the *Pennsylvania Bulletin* for publication on June 27, 2015 to solicit comments on changes DCED recommends be made to the proposed rulemaking to make clear that the regulation applies to industrialized housing, buildings or housing or building components produced after the effective date of the regulation.

Department of ENVIRONMENTAL PROTECTION (DEP)

Administration of Sewage Facilities Planning and Permitting Programs and Standards for Onlot Sewage Treatment Facilities 25 Pa. Code Chapters 71, 72 and 73	Quarter 2, 2016, as Proposed	This proposed rulemaking is targeted to allow the use of alternate systems at the planning stage for new land development. (Pennsylvania Sewage Facilities Act Clean Streams Law)	Ron Furlan (717) 787-8184 rfurlan@pa.gov
-------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------

Department of GENERAL SERVICES (DGS)

Responsibility 4 Pa. Code Chapter 60 (#8-20)	2015, as Proposed	This chapter will be amended to be consistent with the Procurement Code and to provide for uniform debarment and suspension procedures.	Ken Hess Pamela Cross (717) 214-7739
Committee on Construction Contract Documents 4 Pa. Code Chapter 62 (#8-21)	2015, as Final-Omitted	The Procurement Code repealed the legislation creating this committee, which no longer exists.	Liz O'Reilly (717) 787-7095 Ed Olivieri (717)- 783-3280
Selections Committee 4 Pa. Code Chapter 64 (#8-22)	2015, as Final-Omitted	These regulations should be rescinded since they have been superseded by the Commonwealth Procurement Code.	Liz O'Reilly (717) 787-7095 Ed Olivieri (717)- 783-3280
Emergency Construction Repairs 4 Pa. Code Chapter 67 (#8-23)	2015, as Final-Omitted	These regulations should be rescinded since they have been superseded by the Commonwealth Procurement Code.	Liz O'Reilly (717) 787-7095 Ed

Contract Compliance 4 Pa. Code Chapter 68, Subchapter A Prequalification of Vendors and Non-construction Contractors (#8-24)	2015, as Final- Omitted	These regulations should be rescinded since the subject matter of these rules is now covered by the directives management system.	Olivieri (717)- 783-3280 Liz O'Reilly (717) 787-7095 Ed Olivieri (717)- 783-3280
Methods of Awarding Contracts 4 Pa. Code Chapter 69 (#8-25)	2015, as Final- Omitted	These regulations should be rescinded since they have been superseded by the Commonwealth Procurement Code.	Ken Hess Pamela Cross (717) 214-7739
Surplus State Property 4 Pa. Code Chapters 41, 43, 45 and 47 (#8-26)	2015, as Final- Omitted	These regulations should be rescinded since they are outdated and have been superseded by new Commonwealth procedures as well as the Commonwealth Procurement Code.	Ken Hess Pamela Cross (717) 214-7739

Department of LABOR AND INDUSTRY (L&I)

Boiler and Unfired Pressure Vessel Regulations 34 Pa. Code, Part I, Chapter 3a	Fall 2015, as Proposed	Update regulations based on Act 104 of 2013 and adopt certification standards for third party inspection agencies.	Peter Von Getzie (717) 787- 2705
Flammable and Combustible Liquids 34 Pa. Code, Part I, Chapters 14 and 14a Bureau of Occupational and Industrial Safety	Fall 2015, as Proposed	Update regulations based on Act 144 of 2012 and adopt requirements for storage and dispensing of compressed natural gas as vehicular fuel.	Peter Von Getzie (717) 787- 2705
Uniform Construction Code-Administration 34 Pa. Code, Part XIV, Chapter 403	Fall 2015, as Proposed	Adopt updated accessibility provisions in accordance with Act 1 of 2011.	Karen Galli (717) 783- 6304 Peter Von Getzie (717) 787- 2705
Unemployment Compensation- General Requirements 34 Pa. Code, Part VI, Chapter 101 Unemployment Compensation Board of Review	Fall 2015, as Proposed	Amend telephone regulation regarding distance requirement to conform with Act 6 of 2011.	Gerard Mackarevich (717) 783- 1232
Apprentices 34 Pa. Code, Part IV,	Spring 2017, as Proposed (legislative changes to	Once necessary statutory changes are made to Pennsylvania law to comply with 2008 U.S.	Rich Lengler (717) 787-

Chapters 83 and 84 Bureau of Labor Law Compliance	statute must first be made before regulations can be promulgated)	Department of Labor Federal apprenticeship requirements, corresponding regulatory changes will need to be to Part IV of Title 34.	4186
Employment of Minors 34 Pa. Code Chapter 11 Bureau of Labor Law Compliance	Fall 2015, as Proposed	Revise/update current regulations in light of the new Child Labor Act.	Richard Lengler (717) 787- 4186

Legislative Activity

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

BIDDING / CONTRACTING

[HB 1071](#) RE: Extension of Approvals (by Rep. Ryan Warner, et al)

Amends Development Permit Extension Act by amending the definition of "approval" and adding that for an approval that is granted for or in effect between the beginning of the extension period and July 2, 2013, whether obtained before or after the beginning of the extension period, the running of the period of the approval shall be automatically suspended until July 2, 2016. Further provides that in certain circumstances "approval" includes any authorization to create additional units and common elements out of convertible real estate in a condominium or planned community or otherwise relating to the right to convert convertible real estate or withdraw withdrawable real estate pursuant to Title 68 (Real and Personal Property).

Approved by the Governor, 7/10/2015 (Act No. 31 of 2015)

[SB 953](#) RE: Natural Gas Infrastructure Expansion and Access Act (by Sen. Stewart Greenleaf, et al)

Intends to expand the natural gas infrastructure throughout this Commonwealth through competitive sealed bidding; and provides for powers and duties of the Pennsylvania Public Utility Commission. The commission shall identify and designate corridors for construction of natural gas infrastructure extension and expansion projects to unserved or underserved areas and shall publish as a notice in the Pennsylvania Bulletin a listing of corridors and specifications by which a person, company or natural gas distribution utility may make a competitive sealed bid for one or more of the corridors. Any revenue raised from the bidding of corridors shall be deposited into the General Fund.

Introduced and referred to Senate Environmental Resources and Energy Committee, 7/16/2015

BUDGET RELATED BILLS

[HB 1192](#) 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. ***This bill is the House Republican Budget, not like the Governor's proposal.***

Bill, together with Governor's Veto Message, laid on the table, 7/1/2015

[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. *As introduced, the language is identical to the final version of HB 1192, which Gov. Wolf vetoed on June 30. It is intended as a "vehicle" to be in place when the leaders and Gov. Wolf agree on a budget deal.*

Introduced and referred to House Appropriations Committee, 7/21/2015

Reported as committed from House Appropriations Committee, read first time, and rereferred to House Rules Committee, 7/22/2015

[SB 655](#) RE: Fiscal Code Amendments (by Sen. Pat Browne, et al)

Amends The Fiscal Code establishing the **Non-narcotic Medication Assisted Substance Abuse Treatment Grant Pilot Program**; 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, **for the Department of Public Welfare**, for the Pennsylvania State Police and for the Environmental Quality Board; **providing for 2015-2016 budget implementation**, for 2015-2016 restrictions on appropriations for funds and accounts and for required lapses of money in funds and accounts; and making related repeals.

Bill, together with Governor's Veto Message, laid on table, 7/13/2015

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 and Department of Environmental Protection under this new chapter and for penalties for violations of this new chapter. Certain sections shall take effect after the adoption of regulations and the remainder shall take effect in 30 days.

Reported as committed from House Rules Committee, 7/21/2015

[HB 1433](#) RE: Small Stream Maintenance Permit (By Rep. Martin Causer, et al)

Amends the Dam Safety and Encroachments Act establishing the Small Stream Maintenance Permit and authorizing county conservation districts to issue it at no cost for projects less than one acre in size. Provides for concurrent approvals and stipulates no permits shall be required for maintenance activities conducted 50 feet or less upstream or downstream of a bridge or culvert or the removal of flood-related hazards or related stream clearing activities that are deemed to be an emergency by state, county or municipal authorities or persons engaged in normal agricultural operations where the flood related hazard is located on property owned by the person.

Introduced and referred to House Agriculture and Rural Affairs Committee, 7/6/2015

LOCAL/STATE GOVERNMENT/REGULATIONS

[SB 330](#) RE: Neighborhood Blight Reclamation and Revitalization (by Sen. Kim Ward, et al)

Amends Title 53 (Municipalities Generally), in neighborhood blight reclamation and revitalization, providing for failure to comply with a code requirement. The bill outlines what constitutes noncompliance and grades a second offense as a second-degree misdemeanor and three or more as a first-degree misdemeanor. Repeals the offense of municipal housing code avoidance. Provides for penalties.

Approved by the Governor, 7/10/2015 (Act No. 34 of 2015)

LIABILITY

NONE

LICENSURE

NONE

LOCAL/PROPERTY TAX REFORM

NONE

MANDATE WAIVERS

NONE

MECHANIC'S LIEN

NONE

MINIMUM WAGE

NONE

PREVAILING WAGE

[HB 1453](#) RE: PW Threshold (by Rep. Mike Regan, et al)

Amends the Pennsylvania Prevailing Wage Act raising threshold for public work to \$500,000 as adjusted on March 1 of each year to conform to increases or decreases in the Consumer Price Index.

Introduced and referred to House Labor and Industry Committee, 7/16/2015

SCHOOL CONSTRUCTION

[HB 1443](#) RE: State Public School Building Authority (by Rep. Tom Caltagirone, et al)

Amends the State Public School Building Authority Act to require contracts between the Authority and school districts to be conditioned upon the preparation of general plans for the centralized design of physical plants.

Introduced and referred to House Education Committee, 7/9/2015

TRANSPORTATION

NONE

WORKER'S COMP

NONE

WORKFORCE DEVELOPMENT

Cosponsor memo filed

[SCO1101](#) (Folmer) - Urges the United States Department of Labor (USDOL) to recognize PA's noncompliance with revised standards for apprenticeship programs & take actions to decertify PA's State Apprenticeship Council.

Filed, 7/20/2015

OTHER LEGISLATION OF INTEREST

[HB 874](#) RE: Stalking (by Rep. Ron Marsico, et al)

Amends Title 18 (Crimes and Offenses), in assault, further providing for the offenses of harassment, stalking and threat to use weapons of mass destruction by removing conduct by a party to a labor dispute from each section. Also

provides the legislative intent is to deter and prohibit an individual who is involved with matters relating to labor relations from engaging in harassment, stalking and threats to use weapons of mass destruction and not to modify or repeal an otherwise legal right that an individual who is involved with matters relating to labor relations may otherwise have.

Read second time in Senate, 7/13/2015

Upcoming meetings of Interest

Some House Committee meetings and session can be viewed online at: <http://www.pahousegop.com/>
Senate Committee meetings and session can be streamed at: <http://www.pasenategop.com/>

TUESDAY - 8/4/15

Senate Labor and Industry Committee

9:30 a.m., Tom Ridge Environmental Center, 301 Peninsula Drive, Suite #1, Room 112, Erie

Public hearing on the effects that changes to the unemployment compensation system have on seasonal workers

UPDATED House and Senate Fall Session schedule

The House and Senate are recessed until a resolution of the budget is reached. Tentatively, the bodies are scheduled to return on the following days.

Fall 2015 SENATE SESSION SCHEDULE

September	21, 22, 23, 28, 29, 30
October	13, 14, 19, 20, 21, 26, 27, 28
November	16, 17, 18
December	7, 8, 9

Fall 2015 HOUSE SESSION SCHEDULE

August	25
September	21, 22, 28 (NV), 29, 30
October	5, 6, 7, 19, 20, 21, 26, 27, 28
November	16, 17, 18, 23, 24, 25 (NV)
December	7, 8, 9, 14, 15, 16

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

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