

**MCA**  
**Summary of Legislation**  
**April 2016**

### **School Construction Reimbursement to be Examined**

Now that the current Commonwealth budget is officially done, work on the upcoming budget can begin. One issue that has been thorny in recent years is how to help local school districts pay for school construction. Pennsylvania's reimbursement program is referred to as PLANCON and it has been under duress for some time. There have been moratoriums on new projects allowed into the funding queue, discussion of changing the overly complicated process that districts must comply with to get the money and questions about whether the state should fund the program at all. Contained in the recently enacted fiscal code bill was a provision that creates an advisory committee to examine how the state funds school construction. The committee will be comprised of individuals appointed by the Governor and legislative leaders as well as representatives from school boards and school business officials. Ultimately it will make recommendation on funding options for construction and reconstruction and lease of public school buildings. The committee is to issue a report not later than May 15, 2017.

### **New Faces Coming to Harrisburg: Three New members Elected to State House; Killion Wins Senate Special Election**

While the Presidential primary season finally, mercifully, winds down to what now appears to be an inevitable conclusion – Clinton vs. Trump in November, Pennsylvania also chose their candidates for the November “down-ballot” elections on April 26. As has been the pattern over the past several elections, there will be fairly large freshman classes in the state House and Senate in January, 2017. Sixteen state House members chose not to run for re-election, and four more were defeated in their primary contests. Several others will have significant challenges in November from the opposing party. While it doesn't appear that any sitting State Senators lost their primary (the votes were still being counted at press time for this article in the Sabatina-Boyle race in Northeast Philadelphia, but it appears Sabatina has held on), there will be new faces in the Senate next year as well, and they were largely determined this past month. That list begins with newly-elected **Sen. Tom Killion**, who won a special election to succeed former Senate Majority Leader Dominic Pileggi, now a Delaware County judge. Killion will resign his House seat in May, and that likely will be filled in another special election later this year.

Also in the Senate, Democrat **Sharif Street**, son of former Philadelphia mayor John Street, easily won the primary to succeed retiring Sen. Shirley Kitchen in the 3<sup>rd</sup> Senatorial district seat that was once held by Street's uncle, T. Milton, in the 1980s. State Rep. **Mike Regan** won a heated, four-way Republican primary to succeed retiring Sen. Patricia Vance (R-31). Since no Democrat filed, Regan will be elected Senator in November. Lancaster state Sen. **Lloyd Smucker (R-13)** won a primary contest to fill the seat of outgoing Congressman Joe Pitts. Smucker will be favored to defeat Democrat **Christina Hartman** in November. Smucker's seat will be filled by either Republican **Scott Martin**, who won a three-way primary, or Democrat **Gregory Paulson**, in a heavily Republican district.

Two veteran Democrat state House members were successful in their attempts to have their party's nomination to move up to Congress. Bucks County Rep. **Steve Santarsiero** (D-31) will face Brian Fitzpatrick, brother of departing incumbent Cong. **Mike Fitzpatrick** in November, while former House Appropriations Chairman **Dwight Evans** (D-203) defeated embattled long-time Cong. **Chaka Fattah** in the Democrat primary in Philadelphia, virtually assuring Evans' move to Washington next year. Two other incumbent Democrats, Philly Democrat **Mark Cohen**, the longest-serving member of the House of Representatives, and Lackawanna County Rep. **Frank Farina** were both unseated by men they beat in 2014.

Three Special elections were held in March to fill unexpired terms of departing House members. **Tonyelle Cook-Artis**, longtime chief of staff to former State Rep. Cherelle Parke, whom she succeeds, defeated Republican Latryse McDowell to win the 200th District seat. Cook-Artis then lost her primary election on April 26 to **Christopher Rabb**, who will take over the seat in January. **Lynwood Savage**, a Democratic committeeman in the 34th Ward, defeated Republican Robert David Bedford Jr., a college student, and Leon Williams, a lawyer running as a third-party candidate, in the 192nd District. Former State Rep. Louise Williams Bishop, who held the 192nd District seat

for 14 terms, resigned after pleading no contest in December to a misdemeanor charge after she and other legislators were caught on tape accepting cash from a lobbyist in a sting investigation. Savage then promptly lost his primary election to **Morgan Cephas**, a City Council staffer and activist.

Indiana University of Pennsylvania professor **Eric Nelson** has won a special election to fill the unexpired term of former Republican state Rep. Tim Krieger, who resigned his 57th Legislative District seat after winning election to the Westmoreland County Common Pleas Court in November. Nelson will again face Democrat Linda Iezzi in November.

## **Wolf Allows 2015-16 Fiscal Code Bill Become Law; 2016-17 Budget Bill introduced**

Gov. Tom Wolf followed his announcement that he would allow the supplemental budget bill to become law without his signature with a similar move with regard to the companion bill amending the Fiscal Code, to provide detail to the spending plan for the current fiscal year, 2015/16. Facing veto-proof majorities in the House and Senate on [HB 1589](#), Wolf decided to call an end to the 9-month long Chinese water torture process that the 2015-16 budget impasse had become, and let the bill become law without signature. The move sets the platform and framework for the impending 2016-17 budget debate, which also began in earnest in April with the House introducing and forwarding a new budget bill, [HB 1999](#). The bill at this point is only a “vehicle”, moving up in the process while the bones of the new spending plan are negotiated. It is virtually identical to the current budget, and does not reflect any new initiatives, or additional revenue, nor cuts, which will inevitably have to happen, to address the nearly \$2 billion structural deficit facing lawmakers in the coming fiscal year. Get ready for another bumpy ride, as election years are rarely the time when major funding initiatives are passed.

## **IRRC Approves UCC Reg**

The Independent Regulatory Review Commission met on March 31, 2016, and approved the following regulation: Department of Labor and Industry #12-102: Uniform Construction Code. Regulatory Analyst James Smith explained the Pennsylvania Construction Code Act mandates that the Department of Labor and Industry (L&I) promulgated regulations updating accessibility standards under Chapter 3, by adopting Chapter 11 and Appendix E of the International Building Code of 2012. He continued the statute does not give the department discretion in adopting those standards. He said the final regulation fulfills the statutory mandate and will affect local governments, third parties, inspection agencies enforcing Pennsylvania's Uniform Construction Code, ski lift operators, and the department. He added that the Pennsylvania Association of Building Code Officials commented in full support of the regulation, and the respective House and Senate committees deemed the regulation approved.

## **Legislative Activity**

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

### **Bidding / Contracting**

[SB 344](#) RE: Duty of Prime Contractor (by Sen. John Eichelberger et al)

Amends the Public Works Contractors' Bond Law further providing for duty of prime contractor to provide financial security in certain contracts involving public works and public improvements by requiring a contractor to furnish performance bond, payment bond, irrevocable letters of credit, or escrow account.

**Laid on the table, 4/13/2016**

[SB 1206](#) RE: Use of Union Labor (by Sen. John Eichelberger, et al)

Amends Title 62 (Procurement), in contracts for public works, providing for specifications for contracts. The bill states a specification for a contract awarded under this chapter may not require: (1) a successful bidder or subcontractor to utilize only workers who are represented by a designated labor organization or referred by a designated labor organization; (2) a successful bidder's work force or any of its subcontractors' work forces to affiliate with or pay dues to a labor organization; or (3) a successful bidder or any of its subcontractors to recognize a labor organization as the exclusive representative of any of its employees on the project. Discrimination is prohibited.

**Introduced and referred to Senate State Government Committee, 4/20/2016**

## Budget Related Bills

[HB 928](#) RE: RACP Caps (by Rep. Steven Mentzer, et al)

In capital facilities, further providing for appropriation for and limitation on redevelopment assistance capital projects and for administration of redevelopment assistance capital projects. Beginning July 1, 2018, and each July 1 thereafter until the sum of the outstanding obligations for redevelopment assistance capital projects equals \$2,950,000,000, the sum of the maximum amount of outstanding obligations for redevelopment assistance projects shall be decreased by \$50,000,000. Grant agreements shall include a signed affidavit stating that the applicant will hold at least one public informational meeting for the project and an additional public informational meeting as necessary, as required by the bill.

**Read second time, 4/5/2016**

[HB 930](#) RE: RACP Debt Ceiling (By Rep. Tarah Toohil, et al)

Amends the Capital Facilities Debt Enabling Act reducing the Redevelopment Assistance Capital Projects (RACP) Debt ceiling by \$475 million. Adds language providing that the maximum amount of additional public improvement projects released for funding by the Commonwealth in a fiscal year shall not exceed \$350 million and the maximum amount of additional redevelopment assistance capital projects released for funding by the Commonwealth in a fiscal year shall not exceed \$125 million. Also provides for carry-forward.

**Read second time, 4/5/2016**

[HB 1589](#) RE: Fiscal Code Amendments (by Rep. Martin Causer, et al)

Amends the Fiscal Code, in financially distressed municipalities, providing for financial recovery; in oil and gas wells, providing for the Environmental Stewardship Fund; in tax credits, providing for Department of Community and Economic Development; in special funds, further providing for funding, for State Workers' Insurance Board, for expiration and for other grants; in additional special funds, further providing for use of the Tobacco Settlement Fund and for distributions from the Pennsylvania Race Horse Development Fund and providing for miscellaneous limitations and transfers and for the Natural Gas Infrastructure Development Fund; in general budget implementation, further providing for the Department of General Services, providing for the Pennsylvania Gaming Control Board, further providing for the **Department of Human Services**, for the Pennsylvania State Police and providing for the Commonwealth Financing Authority; for school district debt refinancing bonds; providing for 2015-2016 budget implementation; and making editorial changes. Effective immediately.

**Read second time, and rereferred to House Appropriations Committee, 4/4/2016**

**Rereported from as amended from House Appropriations Committee, 4/5/2016**

**Read third time, and passed House, 4/6/2016 (176-11)**

**Received in the Senate and referred to Senate Appropriations Committee, 4/7/2016**

**Reported as committed from Senate Appropriations Committee, and read first time, 4/11/2016**

**Amended on Senate floor, and read second time, 4/12/2016**

**Read third time and passed Senate, amended, 4/13/2016 (37-11)**

**Received as amended in House and rereferred House Rules, re-reported on concurrence as committed from House Rules Committee, and House concurred in Senate amendments, 4/13/2016 (149-45)**

**Became law without Governor's signature 4/25/2016 (Act No. 25 of 2016)**

[HB 1999](#) RE: General Appropriation Act of 2016 (by Rep. Bill Adolph)

Provides provide 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, 2016, to June 30, 2017, 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, 2016; 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, 2016, to June 30, 2017; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2016, to June 30, 2017, 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 and Judicial Departments of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2016.

**Introduced and referred to House Appropriations committee, 4/12/2016**

**Reported as committed from House Appropriations Committee, read first time, and laid on the table, 4/13/2016**

## **Environmental Building Standards**

[HB 1325](#) RE: Storm Water Management (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 shall consider providing exemptions and credits for properties that have already installed and are maintaining storm water facilities. Restricts storm water fees assessed by a township to the amount necessary to meet the necessary requirements of the Federal Water Pollution Control Act and requires townships to consider and provide appropriate exemptions or credits for properties which have installed and are maintaining storm water facilities that meet best management practices and are approved or inspected by the township.

**Reported as amended from Senate Local Government Committee, and read first time, 4/12/2016**

[HB 1394](#) RE: Storm Water Facilities (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 borough shall consider providing exemptions and credits for properties that have already installed and are maintaining storm water facilities. Restricts storm water fees assessed by a borough to the amount necessary to meet the necessary requirements of the Federal Water Pollution Control Act and requires boroughs to consider and provide appropriate exemptions or credits for properties which have installed and are maintaining storm water facilities that meet best management practices and are approved or inspected by the borough.

**Reported as amended from Senate Local Government Committee, and read first time, 4/12/2016**

[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. 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 shall consider providing exemptions and credits for properties that have already installed and are maintaining storm water facilities. Restricts storm water fees assessed by a township to the amount necessary to meet the necessary requirements of the Federal Water Pollution Control Act and requires townships to consider and provide appropriate exemptions or credits for properties which have installed and are maintaining storm water facilities that meet best management practices and are approved or inspected by the township.

**Reported as amended from Senate Local Government Committee, and read first time, 4/12/2016**

## **Local/State Government/Regulations**

[HB 1409](#) RE: Change of Code Administrator (by Rep. Kathy Rapp, et al)

Amends the Pennsylvania Construction Code Act, in adoption and enforcement by municipalities, further providing for administration and enforcement by adding that in the case of a change of code administrator with jurisdiction

over a project, subsequent code administrators shall be subject to decisions previously rendered on the project by the board of appeals.

**Removed from the table, 4/4/2016**

[HB 1543](#) RE: Uniform Construction Code (by Rep. David Maloney, et al)

Amends the Pennsylvania Construction Code Act, in Uniform Construction Code, further providing for revised or successor codes; and, in training and certification of inspectors, further providing for education and training programs. The bill adds that the department may contract with the ICC to establish and publish code manuals that contain the standards of the Uniform Construction Code. The department shall require in any such contract that the standards be made available on the department's website.

**Voted favorably as amended from House Labor and Industry Committee, 4/13/2016**

### **Liability**

NONE

### **Prevailing Wage**

NONE

### **Professional Licensure**

[SB 703](#) RE: Plumbing Contractors Licensure Act

creates a state plumbers licensing program; establishes minimum standards that individuals must meet in order to obtain a state license, and a plumbing contractors licensure board within the Department of Labor and Industry to issue licenses, develop regulations, and administer the provisions of the Act. Provides for other guidelines including reciprocity with other states, renewals, violations and penalties. Section 501 shall take effect in one year and the remainder of the act shall take effect in 60 days.

**Rereferred to Senate Appropriations Committee, 4/11/2016**

### **Local/Property Tax Reform**

NONE

### **Mandate Waivers**

NONE

### **Mechanic's Lien**

NONE

### **School Construction**

NONE

### **Transportation**

NONE

### **Worker's Comp**

NONE

### **Workforce Development**

[HB 1600](#) RE: Veteran-Owned Small Business Fee Exemptions (by Rep. Ryan Mackenzie, et al)

Amends Titles 51 (Military Affairs), in veteran-owned small businesses, further providing for definitions, for regulations, for participation goal, and providing for business fee exemption. Further provides a veteran-owned small business shall be exempt from the payment of a business fee, which is defined as a fee required to be paid to

the Commonwealth or an instrumentality of the Commonwealth for starting or opening a business within this Commonwealth.

**Removed from the table, read second time, and rereferred to House Appropriations Committee, 4/5/2016**

**Reported as committed from House Appropriations Committee, 4/6/2016**

**Amended on House floor, 4/12/2016**

**Read third time and passed House, 4/13/2016 (195-0)**

[HB 2017](#) RE: Minimum Wage Act (by Rep. Mark Cohen, et al)

Amends the Minimum Wage Act increasing the minimum wage incrementally to \$15 an hour in four years and tying it to the consumer price index thereafter; requiring the department to collect and publish on its website information regarding violations; and repealing preemption provision.

**Introduced and referred to House Labor and Industry Committee, 4/22/2016**

[SB 1197](#) RE: Second Chance (by Sen. Scott Wagner, et al)

Amends Title 18 (Crimes and Offenses), in dissemination of criminal history record information, further providing for general regulations and for order for limited access, providing for clean slate for convictions of misdemeanors and summary offenses, for charges not leading to convictions and for records of juvenile delinquency and for effects of expunged offenses and offenses provided limited access and further providing for use of records by licensing agencies.

**Introduced and referred to Senate Judiciary Committee, 4/20/2016**

## 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/>

### 2016 SENATE SESSION SCHEDULE

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

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>