

MCA
Summary of Legislation
January 2016

Talks Resume to End Budget Stalemate; Governor to Unveil Next Budget February 9

After a month long holiday break, the House and Senate leaders resumed discussions on how to finish the historic FY 2015/16 budget process. To recap, last June the General Assembly passed a budget bill that the Governor found largely deficient in meeting his stated goals and campaign pledges, so he vetoed the entire bill, rather than bluelining chunks and sending it back to the General Assembly for more work, as nearly every Governor preceding him had done at some point. The debate took many turns before and after that point, with the discussion at times being over whether the spending plan or the revenue plan to pay for the spending needed to be passed first. This circular debate led to many votes on various portions of the budget, some resulting in 0 affirmative votes, others falling largely on party lines. In December, the House Republican leadership offered Gov. Wolf a chance to round up the votes for higher spending, after the Senate had sent a package that mostly reflected a “framework” supposedly agreed to by three of the four legislative caucuses and the Governor, but just as it appeared the Governor might actually have the vote needed, the House Republican caucus pulled the plug, and sent a no-tax increase budget back to the Senate. An exasperated Senate, rather than holding the members in Harrisburg any closer to Christmas than they already had, and hearing the panicked calls from school districts and human service organizations who were on the verge of closing without SOME funding, voted for the House Republican budget, and sent it to the Governor, and went home. The Governor this time took out his blue pen and sliced significant portions of funding for essential programs, including public schools, prisons, and, not ironically, the legislature.

Talks resumed in January, though the blizzard light legislative schedule and the opening of candidate petition filing for the 2016 elections made the possibility of any final resolution moot. Threats of primary challengers for any members who voted for tax increases blunted the ability of leaders to get to the votes needed to restore funding. Individual “supplemental appropriations” bills restoring the Governor’s cuts in piecemeal fashion were introduced and moved into place, some perhaps to be available for further amendments should an agreement be reached. But none has made it to the Governor, for fear of another veto.

So, on February 9, despite the absence of a completed 2015/16 budget, Gov. Wolf will present his 2016/17 budget request. Since a vast majority of any budget is locked in to some degree by federal laws, state statutes and court decisions, it will likely look very similar to the one that has been fought over for the past year, perhaps with some concessions or policy shifts to accommodate discussions, finalize the current budget and move the state forward to a final budget for next year, in an election year. After his presentation, the House and Senate will recess for several weeks of public hearings by the respective Appropriations Committees, with each department, the state-related universities and independent agencies parading through to defend their funding requests. They are a chance for some of the legislators who are not involved in the direct negotiations of the budget to understand agency by agency what they plan to do with their money, and to ask questions and make statements to and about those agencies and the Administration. How this plays out remains to be seen. Stay tuned.

House Professional Licensure Committee to Hold Hearing on Plumbers Licensure

After months of kicking around the General Assembly, legislation providing for the statewide licensure of plumbers will get its “day in court”, so to speak, on February 11, when the House Professional Licensure Committee finally holds its oft-postponed public hearing on Rep. Jim Christiana’s [HB 1357](#). The hearing will be held in Room 205 Ryan Office Building at the capitol, or can be streamed live on the House Republican Caucus website: <http://www.pahousegop.com/>

More Members Announce Intentions to Retire From State Legislature As Candidates Circulate Petitions

The final week of January marked the beginning of the official 2016 campaign, as incumbents and challengers sought signatures on nominating petitions across the state. As we reported last month, several veteran legislators

have announced their retirements at the end of the 2015-16 legislative session, and will not seek re-election. January saw several more long-sitting legislators decide to move on to other challenges. Democrat **Reps. Peter Daley (D-Washington), Nick Kotik (D-Allegheny), Ted Harhai (D-Westmoreland) and Dwight Evans (D-Philadelphia)** will leave after decades in the House, as will Republican **Reps. John Payne (R-Dauphin), Mauree Gingrich (R-Lebanon), and Mike Vereb (R-Montgomery)**. Evans appears to be the frontrunner to unseat troubled **Congressman Chaka Fattah**.

In addition, long-time Philadelphia State Sen. Shirley Kitchen will also retire in November, opening her seat for a contested primary in a heavily Democrat seat. **Sharif Street**, son of former mayor John Street, and nephew of former Sen. T. Milton Street, who previously held Kitchen's current seat, is the early frontrunner for this seat.

We anticipate more such announcements as the nominating process proceeds into February. The primary election is April 26. Due to the current district configurations, in most districts the primary is generally the race that matters. Some believe that this fact has contributed to the budget stalemate, particularly in the House, where Republican members have been threatened by outside groups with primary opponents if they vote for any tax increases. Similar threats on the left have had some Democrat legislators scrambling as well.

Legislators not seeking re-election:

- Sen. Patricia Vance (R-Cumberland)
- Rep. Bill Adolph (R-Delaware)
- Rep. Julie Harhart (R-Northampton)
- Rep. Sandra Major (R-Susquehanna)
- Rep. Peter Daley (D-Washington)
- Rep. John Payne (R-Dauphin)
- Rep. Dwight Evans (D-Philadelphia)
- Sen. Shirley Kitchen (D-Philadelphia)
- Rep. Nick Kotik (D-Allegheny)
- Rep. Mauree Gingrich (R-Lebanon)
- Rep. Mike Vereb (R-Montgomery)
- Rep. Ted Harhai (D-Westmoreland)

UCC Reg Not Considered By IRRC

The Independent Regulatory Review Commission met on January 21 to review several Regulations from various departments. The one regulation of interest to the construction industry, Reg. No. 3127 Department of Labor and Industry #12-101: Uniform Construction Code (Final-Omit), was removed from the agenda. IRRC will next meet on Thursday, February 18, 2016, at 10:00 a.m., on the 14th floor of 333 Market Street, Harrisburg.

Legislative Activity

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

BIDDING / CONTRACTING

[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.

Amended on House floor, read second time and rereferred to House Appropriations Committee, 1/27/2016

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.

Re-reported on concurrence as amended from House Rules Committee, 1/11/2016

House concurred in Senate amendments as amended by the House, 1/12/2016

Received as amended in Senate and rereferred to Senate Rules and Executive Nominations Committee, 1/19/2016

ENVIRONMENTAL BUILDING STANDARDS

[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.

Removed from the table, 1/25/2016

LOCAL/STATE GOVERNMENT/REGULATIONS

[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, 1/25/2016

Amended on House floor, read second time and rereferred to House Appropriations Committee, 1/26/2016

Reported as committed from House Appropriations Committee, read third time, and passed House, 1/27/2016 (164-25)

LIABILITY

NONE

PROFESSIONAL LICENSURE

NONE

LOCAL/PROPERTY TAX REFORM

NONE

MANDATE WAIVERS

NONE

MECHANIC'S LIEN

NONE

SCHOOL CONSTRUCTION

NONE

TRANSPORTATION

NONE

WORKER'S COMP

NONE

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/>

WEDNESDAY- 2/10/16

Delaware River Basin Commission

1:30 PM, Washington Crossing Historic Park Visitor Center, 1112 River Road, Washington Crossing

The Delaware River Basin Commission will hold a **public hearing on Wednesday, February 10, 2016**; and a **business meeting will be held on Wednesday, March 16, 2016**. The hearing and business will be held at the Washington Crossing Historic Park Visitor Center, 1112 River Road, Washington Crossing. The public hearing on February 10, 2016, will begin at **1:30 p.m.** Specifically, hearing items will include: draft dockets for the withdrawals, discharges and other water-related projects subject to the Commission's review; and resolutions. Written comment on items scheduled for hearing may be delivered by hand at the public hearing or in advance of the hearing, either by hand, United States Mail or private carrier to the Commission Secretary, PO Box 7360, 25 State Police Drive, West Trenton, NJ 08628, fax (609) 883- 9522, or e-mail paula.schmitt@drbc.nj.gov. If submitted by e-mail, written comments on a docket should also be sent to William J. Muszynski, Manager, Water Resources Management, william.muszynski@drbc.nj.gov.

THURSDAY - 2/11/16

House Professional Licensure

9:30 a.m., Room 205, Ryan Office Building

Public hearing on: [HB 1357](#) (Christiana) - Act providing for licensure of plumbing contractors, master plumbers, journeyman plumbers & apprentice plumbers; est. the State Board of Plumbing Contractors; imposing duties on the Department of Labor & Industry, etc.

MONDAY - 2/29/16

Senate Appropriations Committee

1:00 p.m., Hearing Room 1, North Office Building

Budget Hearing - Department of Transportation

TUESDAY - 3/1/16

House Appropriations Committee

3:00 p.m., Room 140 Main Capitol

Budget Hearing - Department of Transportation

THURSDAY - 3/17/16

House Labor and Industry Committee

9:00 a.m., Room G-50, Irvis Office Building

Public hearing on: [HB 1800](#) (Mackenzie) - Amends the Workers' Compensation Act, in interpretation & definitions, further providing for definitions; in liability & compensation, for schedule of compensation; &, in procedure, for investigations & peer review.

2016 House and Senate Session schedule

2016 SENATE SESSION SCHEDULE

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

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>