

MCA
Summary of Legislation
November 2016

PLANCON Advisory Committee Hears Testimony from Contractor

Earlier this year, the legislature created a committee to study the Commonwealth's role in funding school construction. Recently, the **PLANCON Advisory Committee** held hearings in both Philadelphia and Delaware County to gather input from interested and knowledgeable parties. On November 22nd, **Jim Gaffney, Vice President of Goshen Mechanical Contractors, Inc.**, testified on behalf of The Mechanical Contractors Association of Eastern Pa and the Concerned Contractors of Pennsylvania at Coeburn Elementary School in Delaware County. PLANCON (Planning and Construction Workbook) is a set of forms and procedures used to apply for Commonwealth reimbursement. School districts that undergo major construction projects typically seek out reimbursement from the Commonwealth. Gaffney stated that the PLANCON system should be maintained and funding should be continued.

"It is a fair and transparent process, each entity is required to do its due diligence from beginning to end of the process, the taxpayer and state are aware of projects and cost long before the review is complete, and every step of the process must be completed before any project is approved."

Gaffney stated that a change in the PLANCON process could hurt local contractors and school districts in ways the average person cannot see. School construction is hard construction. "Each company must supply a bond that requires their business to be financially sound at all times. Members of families have their homes on the line with bonding companies. Because of this, many projects need to be completed in a very short amount of time and not all firms can handle the rigorous schedule. Some companies are leaving the market because of this," said Gaffney. Gaffney suggests bringing the industry back to where it was with funding the way it was originally set up. He concluded by saying that PLANCON is good for the Commonwealth because it betters the schools, students, workers and local tax authority.

2016 PA Election Summary: Republican Majorities Grow in House and Senate; Dems Win Row Offices, Lose President and US Senate Races

Pennsylvania saw mixed results in the statewide elections with Republican's **Donald Trump** and **Senator Patrick Toomey** both winning the Commonwealth. Trump's success is the first time a Republican candidate for President has won Pennsylvania since 1988 in a surprising result where Hillary Clinton was expected to win the state. Sen. Toomey barely squeaked by Katie McGinty winning by less than 2% of the vote, but his win also allowed Republicans to keep the majority in the US Senate.

However, Democrat Candidates for Attorney General, Auditor General and Treasurer all won their statewide campaigns. Montgomery County Commissioner **Josh Shapiro** won for Attorney General with 51% of the vote over **State Senator John Rafferty**, **Eugene DePasquale** retains his position as Auditor General with 50% of the vote to challenger John Brown's 45%. **Joe Torsella** easily won for State Treasurer with 51% of the vote over Otto Voit who received 45%.

As of January the State Senate will have a 34 seat (veto-proof) majority for the Republicans. Republican Senator **Tom Killion (Delaware)** won a rematch over challenger Marty Malloy in a repeat of a Special Election earlier this year to replace former Senator Dominic Pileggi. Incumbent Democrat Senators **Rob Teplitz (Dauphin)** and **Sean Wiley (Erie)** lost to their Republican challengers John DiSanto and Dan Laughlin, respectively. Also, an open seat to replace Democrat **John Wozniak** was won by Republican **Wayne Langerholc** over Democrat Ed Cernic of Cambria County.

Other new faces in the Senate include **Mike Regan (R-Cumberland)** replacing Republican Sen. Pat Vance, **Sharif Street (D-Phila)** replacing **Shirley Kitchen**, and **Scott Martin (R-Lancaster)** replacing **Lloyd Smucker** who

successfully ran for a seat in the US House of Representatives, succeeding retiring Cong. Joe Pitts. All of the other PA Congressional delegation won re-election.

Pending a potential re-count in Chester County, Republicans in the State House also saw their majority increase to 122 with Republicans winning two open seats that were vacated by incumbent Democrats not seeking re-election. Republicans also defeated Democrat incumbents **Jarret Gibbons (D-Lawrence)** who will be replaced by Republican Aaron Bernstine, and **Tim Mahoney (D-Fayette)** who lost to Republican Matthew Dowling. **Rep David Parker** was the lone House Republican to lose re-election, losing a rematch with his 2014 opponent, Democrat Maureen Madden.

Leadership Elections

The House and Senate were in Harrisburg only a couple of days this month, to clean up a few pieces of legislation, but primarily to elect their new leaders for the 2017-18 legislative session. There were few contested elections, and only a couple of changes in the leadership rosters of the four caucuses, mostly due to retirements, and mainly in the House Republican delegation. State Representative **Stan Saylor (York)** was elected Majority Appropriations Chairman, to replace retiring Bill Adolph; **Marcy Toepel (Montgomery)** becomes Majority Caucus Chair, succeeding Sandra Major, and **Kurt Masser (Northumberland)** as Caucus Administrator, replacing Rep. Brian Ellis. Current Senate Democrat Caucus Administrator, Sen. John Yudichak (D-Luzerne) was not renamed to the post as of Wednesday. The position is appointed by the Minority Leader. Of note, Sen. Yudichak challenged Sen. Farnese for his role as Caucus Secretary.

New Senate Republican Leadership

President Pro Tempore-designee: Joe Scarnati (R-Jefferson)
Leader: Jake Corman (R-Centre)
Appropriations Chairman: Patrick Browne (R-Lehigh)
Whip: John Gordner (R-Columbia)
Caucus Chair: Bob Mensch (R-Montgomery)
Caucus Secretary: Richard Alloway (R-Franklin)
Caucus Administrator: Chuck McIlhinney (R-Bucks)
Policy Chair: David Argall (R-Schuylkill)

New Senate Democratic Leadership

Leader: Jay Costa (D-Allegheny)
Appropriations Chairman: Vincent Hughes (D-Philadelphia)
Whip: Anthony Williams (D-Philadelphia)
Caucus Chair: Wayne Fontana (D-Allegheny)
Caucus Secretary: Larry Farnese (D-Philadelphia)
Caucus Administrator: Has Not Yet Been Appointed
Policy Chair: Lisa Boscola (D-Northampton)

New House Republican Leadership:

Speaker-designee: Mike Turzai (R-Allegheny)
Leader: David Reed (R-Indiana)
Appropriations Chairman: Stan Saylor (R-York)
Whip: Bryan Cutler (R-Lancaster)
Caucus Chair: Marcy Toepel (R-Montgomery)
Caucus Secretary: Donna Oberlander (R-Clarion)
Caucus Administrator: Kurt Masser (R-Northumberland)
Policy Chair: Kerry Benninghoff (R-Centre)

New House Democratic Leadership:

Leader: Frank Dermody (D-Allegheny)
Appropriations Chairman: Joe Markosek (D-Allegheny)
Whip: Mike Hanna (D-Clinton)
Caucus Chair: Dan Frankel (D-Allegheny)

Caucus Secretary: Rosita Youngblood (D-Philadelphia)
Caucus Administrator: Neal Goodman (D-Schuylkill)
Policy Chair: Mike Sturla (D-Lancaster)

Legislative Activity

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

Bidding / Contracting

[HB 2113](#) RE: Public-Private Partnership (P3) Pilot Program (By Rep. Eli Evankovich, et al)
Amends Title 62 (Procurement) establishing the Public-Private Partnership (P3) Pilot Program and the State Public-Private Partnership Board, tasked with overseeing the development and implementation of P3s in Pennsylvania. Provides for 16 authorized pilot projects outlined in the bill Further provides that approved pilot projects are exempt from the Pennsylvania Separations Act and associated statutes. The addition of 62 Pa.C.S. 4701 and 4702 are effective immediately; the remainder of the bill is effective in 90 days.

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Budget Related Bills

NONE

Environmental Building Standards

NONE

Local/State Government/Regulations

NONE

Professional Licensure

NONE

Organizational Structure

[HB 1398](#) RE: Partnerships and LLC's (by Rep. Adam Harris, et al)
This legislation replaces existing law on general partnerships, limited partnerships and limited liability companies with the most recent revisions of three acts promulgated by the Uniform Law Commission (ULC): the Uniform Partnership Act (UPA), the Uniform Limited Partnership Act (ULPA) and the Uniform Limited Liability Act (ULLA)..

Approved by the Governor 11/21/2016 (Act No. [170](#) of 2016)

Local/Property Tax Reform

NONE

Mandate Waivers

NONE

Mechanic's Lien

NONE

School Construction

NONE

Transportation

NONE

Worker's Comp

NONE

Unemployment Comp

NONE

Worker's Comp

NONE

Workforce Development

[HB 1952](#) RE: Apprenticeship and Training Supervision (by Rep. Steven Mentzer, et al)
Amends the Apprenticeship and Training Act further providing for administration; providing for supervision; and abrogating a regulation. Regulations may not require more than one supervisor for each apprentice or trainee.
Removed from the table, Laid on the table, 11/14/2016

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/>

The 2015-16 Legislative Session officially ended on November 30. Any bills that did not make it to the Governor's desk died, and must be reintroduced next session.

2017 SENATE SESSION SCHEDULE

January	3, 23, 24, 25, 30, 31
February	1, 6, 7, 8
March	20, 21, 22, 27, 28, 29
April	17, 18, 19, 24, 25, 26
May	8, 9, 10, 22, 23, 24
June	5, 6, 7, 12, 13, 14, 19, 20, 21, 22, 26, 27, 28, 29, 30

2017 HOUSE SESSION SCHEDULE

January	3, 23, 24, 25
February	6, 7, 8
March	13, 14, 15, 20, 21, 22
April	3, 4, 5, 18, 19, 24, 25, 26
May	8, 9, 10, 22, 23, 24
June	5, 6, 7, 12, 13, 14, 19, 20, 21, 22, 26, 27, 28, 29, 30

Note: the Governor will make his 2016-17 Budget Address on February 7, then the House and Senate will recess for budget hearings during February and March. The schedule of hearings will be announced later.

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

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