

MCA
Summary of Legislation
September 2015

Senate Passes Temporary “Stopgap” Measures, House Advances Them As Well, Despite Threat of Veto From Wolf; Wolfs Carries Through with Threat

As the budget “impasse” wears on, Republicans in the Senate made the next move in the dance this month, by introducing and passing a partial budget bill, [SB 1000](#) , which they said would fund numerous essential line items for a period four months, retroactive to July 1, the beginning of the fiscal year. In only three days, the Senate took the bill from introduction to final passage, sending it over to the House, where that chamber promptly set about passing it as well, despite threats from Gov. Wolf to again veto the “half a loaf” effort. Wolf, along with House and Senate Democrats, decried the maneuver as another “gimmick” designed to win public opinion points, while avoiding dealing with the full budget. Republicans countered that these programs are essential to providing services, and drawing down federal money, while the debate among the budget negotiators continues. The Senate passed the bill, and a companion Fiscal Code bill, [SB 1001](#), on September 18, both by straight party-line, 30-19 votes. The House gavelled in to session the following week, and kept the bills moving, again without any Democrat support. The House passed the bills on September 24, and the Governor promptly vetoed them on September 29. The next move is expected to be a vote in the House on a modified version of the Governor’s tax proposal, which he maintains he has the votes to pass. That vote is expected on October 7, probably as an amendment to an existing bill. The Governor has been meeting with both Republican and Democrat House members to try to sell his plan. What happens if this vote is unsuccessful remains to be seen.

UCC Reg to Be Considered by IRRC in November

The Department of Labor and Industry has filed a final-omitted regulation titled “Uniform Construction Code” (#12-100 / IRRC # 3120). This regulation will be considered at IRRC’s November 12 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=2938>

Please note that the Department’s filing of this regulation is required by and must conform to the Pennsylvania Construction Code Act, particularly 35 P.S. § 7210.304(a). Information to contact the Department is included in the Department’s submittal. If you would like to comment on this regulation, please be advised that a comment is considered a public document and will appear on IRRC’s website. Comments can be sent to: James M. Smith, Regulatory Analyst, Independent Regulatory Review Commission, 333 Market Street, 14th Floor, Harrisburg, PA 17101. jsmith@irrc.state.pa.us

Legislative Activity

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

BIDDING / CONTRACTING

[SB 1004](#) RE: Diversity in Contracting (by Sen. Anthony Williams, et al)

Amends the Capital Facilities Debt Enabling Act, in capital facilities, by requiring contracts for projects located in a county of the first class (Philadelphia) to prohibit applicants from employing an individual whose primary address is not located in a county of the first class, and a statement including the projected amount of people of color who will be employed by the applicant for the project.

Introduced and referred to Senate Appropriations Committee, 9/16/2015

BUDGET RELATED BILLS

[HB 928](#) RE: Capital Facilities Debt Enabling Act (by Rep. Steven Mentzer, et al)

Amends the Capital Facilities Debt Enabling Act, in capital facilities, further providing for appropriation for and limitation on redevelopment assistance capital projects by adding that 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.

Reported as committed from House Rules Committee, and laid on the table, 9/21/2015

[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.

Reported as committed from House Rules Committee, and laid on the table, 9/21/2015

[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. *This is the same budget numbers that the Governor vetoed in HB 1192 in June.*

Reported as committed from House Rules Committee, and laid on the table, 9/21/2015

[HB 1535](#) RE: Blight Demolition Bond Issuance Program (By Rep. Nick Kotik, et al)

Amends Title 64 (Public Authorities and Quasi-Public Corporations) authorizing a bond issuance of \$500 million through the Commonwealth Financing Agency for the establishment of the Blight Demolition Bond Issuance Program to provide grants on a competitive basis and funded by the issuance of bonds, to combat the problem of neighborhood blight by demolishing blighted properties. Provides for the application for grants; review and approval of applications; awards of grants; limitations; and definitions.

Introduced and referred to House Commerce Committee, 9/8/2015

[HB 1536](#) RE: Shale Gas Tax (by Rep. Scott Petri, et al)

Amends the Tax Reform Code providing for an unconventional natural gas severance tax of five percent on the market value of natural gas. Further provides for the Unconventional Natural Gas Severance Tax Fund and distribution of the fund. Establishes the Unconventional Gas Well Employment Tax Credit. Also provides for the duties of the Department of Environmental Protection and the Public Utility Commission. Effective immediately.

Introduced and referred to House Environmental Resources and Energy Committee, 9/4/2015

[SB 1000](#) RE: "Stopgap" Budget (by Sen. Pat Browne, et al)

Based on the previously vetoed HB1192, serves as a stopgap budget and generally provides four months of support to Commonwealth agencies with the following exceptions: • provides 100% of federal funds • provides 100% of

special funds • provides 100% of General Fund debt service appropriations • provides \$2.8 million in General Funds, as provided in HB 1192, for avian influenza preparedness • provides 100% of the General Fund appropriation for Regional Event Security • provides 50% of General Fund appropriations for the Pennsylvania Higher Education Assistance Agency • provides about 50% of the full-year allocation for the Commonwealth's County Child Welfare appropriation.

Introduced and referred to Senate Appropriations Committee, 9/15/2015

Reported as committed from Senate Appropriations Committee, and read first time, 9/16/2015

Read second time, 9/17/2015

Read third time, and passed Senate, 9/18/2015 (30-19)

Received in the House and referred to House Appropriations Committee, 9/18/2015

Reported as committed from House Appropriations Committee, read first time, laid on the table and

Removed from the table, 9/21/2015

Read second time, and Rereferred to House Appropriations Committee, 9/22/2015

Reported as committed from House Appropriations Committee, read third time, and passed House, 9/24/2015 (117-83)

Signed in the House, 9/24/2015

Signed in the Senate, 9/28/2015

Vetoed by the Governor, 9/29/2015

Bill, together with Governor's Veto Message, laid on table, 9/29/2015

[SB 1001](#) RE: Fiscal Code Related to Stopgap Budget

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.

Introduced and referred to Senate Appropriations Committee, 9/15/2015

Reported as committed from Senate Appropriations Committee, and read first time, 9/16/2015

Read second time, 9/17/2015

Read third time, and passed Senate, 9/18/2015 (30-19)

Received in the House and referred to House Appropriations Committee, 9/18/2015

Reported as committed from House Appropriations Committee, read first time, laid on the table and

Removed from the table, 9/21/2015

Read second time, and Rereferred to House Appropriations Committee, 9/22/2015

Reported as committed from House Appropriations Committee, read third time, and passed House, 9/24/2015 (113-86)

Signed in the House, 9/24/2015

Signed in the Senate, 9/28/2015

Vetoed by the Governor, 9/29/2015

Bill, together with Governor's Veto Message, laid on table, 9/29/2015

ENVIRONMENTAL BUILDING STANDARDS

NONE

LOCAL/STATE GOVERNMENT/REGULATIONS

[HB 904](#) RE: Uniform Construction Code Application (by Rep. Mauree Gingrich, et al)

Amends the First Class Township Code adding a new article providing the Uniform Construction Code shall apply to the construction, alteration, repair and occupancy of all buildings and structures within a first class township.

Allows the township commissioners to enact an ordinance to equal or exceed the minimum requirements of the Uniform Construction Code. Further provides that notwithstanding the primacy of the Uniform Construction Code, the commissioners may enact a property maintenance ordinance and may incorporated a standard or nationally recognized property maintenance code, or a variation or change or part of the code, published and printed in book form without incorporating the text of the code in the ordinance. Also allows the commissioners to enact a standard

or nationally recognized property maintenance code or a change or variation or part as the ordinance. Further provides for appointment of property maintenance inspectors; legal actions; and reserved powers.

Reported as committed from Senate Local Government Committee, and read first time, 9/30/2015

[HB 1543](#) RE: UCC Manuals and Training (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.

Introduced and referred to House Labor and Industry Committee, 9/29/2015

[HB 1555](#) RE: Approval of Plats (by Rep. Dan Truitt, et al)

Amends the Municipalities Planning Code adding language to section 508 relating to approval of plats. No plat may be finally approved unless the plat contains a notice from the design consultant stating that the consultant has been properly compensated for the creation of the development plan and the provisions of the plan have been released for use by the municipality and any applicable regulatory agency.

Introduced and referred to House Local Government Committee, 9/29/2015

LIABILITY

NONE

LICENSURE

NONE

LOCAL/PROPERTY TAX REFORM

[HB 1256](#) RE: Occupation Tax (by Rep. Kurt Masser, et al)

Amends the Local Tax Enabling Act adding language providing the maximum income tax rate for a school district that levied an occupation tax for the fiscal year ending in 2015 and a municipality that levied an occupation tax for the calendar year ending December 31, 2014, shall be determined by taking the sum of the rates calculated under the legislation. Further provides the determined tax rate shall be rounded off to the nearest increment of 0.1 percent.

Reported as committed from Senate Finance Committee, and read first time, 9/29/2015

MANDATE WAIVERS

[HB 1119](#) RE: Mandate Waivers (by Rep. Kristin Hill, et al)

Amends the Public School Code to allow public schools to apply for waivers of certain delineated statutory mandates, provided conditions are met. Provides for a five-year report and renewal cycle. Also allows fulfillment of certain legal notice requirements by publishing on a publicly accessible website.

Reported as committed from House Rules Committee and laid on the table, 9/21/2015

MECHANIC'S LIEN

NONE

MINIMUM WAGE

NONE

PREVAILING WAGE

NONE

TRANSPORTATION
NONE

WORKER'S COMP
NONE

WORKFORCE DEVELOPMENT

[HB 725](#) RE: CareerBound Act (By Rep. Ryan Mackenzie, et al)

Provides for the creation and implementation of up to seven school-to-work pilot programs in the Department of Labor and Industry, to be known as CareerBound, and provides a tax credit to businesses that participate in the program. A school-to-work pilot program shall expire at the end of the fourth school year of operation and the department shall issue a report on the programs following their expiration. Requires program partners to set objectives and measurable goals; requires Department of Labor and Industry to set outcome-based metrics used to evaluate all programs in annual and final reports; allows contributing businesses to designate which program their contributions would support; enumerates and allows Pennsylvania institutions of higher learning to participate in CareerBound; includes "soft skills" in curriculum requirements; gives priority to programs targeting middle school and early high school students; and clarifies that the Department of Labor and Industry and the Pennsylvania Department of Education (PDE) must provide program partners with informational resources. Requires additional consideration be given to a pilot program which is integrated into a school partner's curriculum as a credit course.

Reported as committed from House Appropriations Committee, read third time, and passed House, 9/29/2015 (193-0)

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 - 10/6/15

Senate Labor and Industry Committee

10:00 a.m., Philadelphia City Hall, 1st Judicial Court of Common Pleas, Court Room 676, 1401 JFK Boulevard, Philadelphia

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

MONDAY - 10/19/15

House Commerce Committee

Time TBA, Location TBA

To consider: [HB 1398](#) (Harris) - Amends Titles 15 (Corporations) & 54 (Names) modernizing law on limited liability partnerships, general partnerships, limited partnerships & limited liability companies.

TUESDAY - 10/20/15

House Finance Committee

9:45 a.m., Room 60, East Wing

To consider [HB 406](#), (Cox) - An Act amending the act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act, in senior citizens property tax and rent rebate assistance, further providing for definitions and for filing of claim:

and [HB 1162](#) (Schweyer) - An Act amending the act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act, further providing for definitions.

MONDAY - 11/16/15

House Professional Licensure Committee

11:00 a.m., Room 60, East Wing (Rescheduled from 11/19/15)

Public hearing on: [HB 1357](#) (Christiana) - State Licensure of Plumbers.

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

October	13, 14, 19, 20, 21, 26, 27, 28
November	16, 17, 18
December	7, 8, 9

Fall 2015 HOUSE SESSION SCHEDULE

October	5, 6, 7, 19, 20, 21, 26, 27, 28
November	4, 5, 9, 10, 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>