

MCA
Summary of Legislation
January 2018

Prompt Pay Bill Advances Through Committee

Legislation designed to help contractors get paid received a favorable vote on January 30th from the Senate Labor and Industry committee. [HB 566](#) makes a number of positive changes to the Pennsylvania Contractor Subcontractor Payment Act. The most notable change establishes a process and time table under which subcontractors may suspend services if they have not been paid. The vote was not unanimous though. Three Senators (**DiSanto, Folmer and Wagner**) from south central Pennsylvania voted against the bill in a 9-3 tally. The legislation has been reported to the full Senate which could take up the bill as early as the week of February 5th. Most bills also go through the Appropriations committee as well though, so don't be surprised if final passage drags out until March even if all goes well. There is also the fact that several groups of general contractors continue to oppose the bill. **It's not too late to contact your state Senator and urge support for House Bill 566!**

House State Government Committee Holds Hearing on PLAs

The House State Government committee held an informational hearing January 24 on [HB 1849](#). The bill, sponsored by **Rep. Stephen Bloom (R-Cumberland)**, to be known as the Public Works Open Contracting Act, provides for open contracting by the Commonwealth and its political subdivisions and their agencies and authorities. It establishes that a party who is aggrieved by an act committed by a public body in violation of prohibited practices or discrimination prohibited may file an action in a court of competent jurisdiction to enjoin the act.

Rep. Bloom stated one of the ongoing duties of government is to improve efficiency in public construction projects to preserve taxpayer resources. Efficiency can better be accomplished if they encourage open competition amongst potential contractors, Rep. Bloom said. He stated he has introduced the Public Works Open Contracting Act to bar the use of Project Labor Agreements (PLAs) on taxpayer funded construction projects. Rep. Bloom explained PLAs include labor terms and conditions on construction projects, often incorporating terms of collective bargaining agreements. Over 80 percent of Pennsylvania construction industry workers belong to non-union shops, Rep. Bloom said.

Mark Eckman, President, JD Eckman, Inc., testified on behalf of his company and the **Associated Builders and Contractors** in support of the bill. He explained the legislation would not only ensure that all of Pennsylvania's contractors have an equal opportunity to bid and perform public work, but it would also protect taxpayer funds by ensuring that the most efficient process is utilized for selecting public works contractors. Eckman stated the bill would prohibit the use of pre-hire collective bargaining agreements or PLAs that are negotiated by a project owner and labor unions to exclude non-union contractors from the bidding process. Eckman said his comments primarily concern PLAs in regards to Pennsylvania Department of Transportation (PennDOT) because that is what he is most familiar with. He said PennDOT has advertised a project for Phase 2 of **Markley Street Reconstruction** in Montgomery County that requires a union only PLA. Eckman explained PLAs restrict competition and ultimately cost the Pennsylvania taxpayer money. In Phase One of the Markley Street Reconstruction it is easily seen that there is a higher cost with requiring union-only contractors, Eckman said. He stated JD Eckman was the low bidder on the project with a difference of over \$1.5 million between the third bidder Highway Materials. Eckman suggested that PLAs are unnecessary for PennDOT because they already have a prequalification system. PennDOT has prequalified Eckman for virtually every type of work and has deemed Eckman to have unlimited financial capacity when it comes to the amount of contracts it can execute with PennDOT, Eckman said. He stated PennDOT secretary Leslie Richards has put forth the argument that PLAs are valuable in that they provide an adequate supply of skilled labor, prevent work stoppages, and can assist in having projects completed on time and under budget. Eckman stated none of these reasons provide sufficient evidence of the need for a PLA because of the prequalification system that can ensure the same things. Eckman listed different projects and stated the true reason for PLAs is to strengthen and further a political agenda.

Rep. Pamela DeLissio (D-Philadelphia) asked if there is anything that precludes his company or a similar company from bidding for a PLA job. Eckman replied legally no, but he cannot bid an estimated project with a workforce he has never seen. Rep. DeLissio questioned if there is any data that shows how many projects have been issued as a PLA versus a non-PLA. Eckman responded PennDOT has never done a PLA in its history until now. Chairman Metcalfe commented that is something significant that the public should be aware of. Eckman added this bill preserves the process that is in place and prevents the change of the process.

Frank Sirianni, President, Pennsylvania Building and Construction Trade Council, stated his group include 133,000 unionized construction workers or about a third of the industry. He said they work in cooperation with over 2,900 contractors throughout the commonwealth. Sirianni explained PLAs guarantee local workers with local projects and there is no restriction against any employer to bid on a PLA project. Eliminating PLA would be restricting local government, school districts, municipalities, and state government from a tool in their toolbox to find qualified labor, Sirianni said. He stated he has heard large companies in other hearings say they are short on manpower so this is a way to make sure there is enough manpower. Sirianni said PLAs are mostly used in the private sector. He stated he would like to sit down with local governments and have a discussion about a PLA. There is misinformation that produced this bill and restrictions against PLAs would be a problem, Sirianni said. Rep. DeLissio inquired if PLAs have been successful in other sectors. Sirianni said they have been successful in the private sector and is a part of moving towards the public-private partnership. Rep. DeLissio asked if the PLAs are negotiated. Sirianni replied yes, as some PLAs are local collective bargaining agreements so they are tailored to each situation. Rep. DeLissio questioned if there is a primary reason for a PLA. Sirianni said they are guidelines for a project. He stated it brings a focus to the local area.

Chairman Daryl Metcalfe (R-Butler) asked if without a PLA is Sirianni able to sit down with local government officials about organized labor. Sirianni said he has never been invited to talk about it besides with legislators. Chairman Metcalfe questioned if it is correct that PLA-only contractors with one-third of the labor force can bid on it. Sirianni replied that is not necessarily true. He said the ruling is no one can be discriminated on for their non-unionized status.

Rep. Steve McCarter (D-Montgomery) asked for background on how long PLA has been used. Sirianni explained they have been used since the Depression and have been used in areas that did not have a workforce. Rep. McCarter commented PLAs intend to maximize local skilled labor forces to make sure they get jobs. He questioned if there are negotiations to make sure the contractor can work out details to guarantee local labor. Sirianni responded in agreements they can require a certain percentage of the labor force be from a designated area.

Rep. Jerry Knowles (R-Schuylkill) stated he has heard local government say PLAs shut out responsible bidders and take away their power to accept the lowest responsible bid. He asked for a response on that statement. Sirianni replied the term responsibility is so vague that it hits on a different point because they are obligated to take the most responsible bidder and PLA does not change that.

Chairman Metcalfe questioned if criteria can be negotiated after a bid is accepted on a PLA. Sirianni said it is negotiated by the public body.

Rep. Bloom commented his legislation does not restrict any private entity from entering into a PLA and only involves a project when taxpayer money is involved. He asked if there is a geographic skew to the amount of union construction workers. Sirianni said he does not think it will restrict a diversity of bids because it will be open to non-unionized workers. He added Forest County might be a logical place to say there are less construction workers.

Hank Butler, Executive Director, Pennsylvania Council of General Contractors, commented that **PLAs are discriminatory agreements designed to reduce competition** and require the workforce only come from the union halls which have agreed to follow restrictive and bureaucratic work rules on the agreed construction worksite. He explained a construction worker who is not signatory to a collective bargaining unit and wishes to work on a union-only PLA would have to leave their employer, join a union hall, pay union dues, have a portion of their hourly wage given to the union pension funds, and hope they are chosen on the PLA project. That does not happen, Butler said. He gave the example of someone switching religions to work on a project and then re-convert when the project is completed. Having a PLA on the PennDOT state funded project is denying a significant majority of Pennsylvania's construction workforce to work on this project because they are not signatory to a union nor have joined a union

hall, Butler argued. He stated all construction work should be open to all construction workers regardless of their union affiliation and should be awarded to the lowest responsible bidder. Butler said the **Pennsylvania Council of General Contractors supports this legislation.**

Ross Myers, CEO, Allan Myers noted that his company does not hire people for projects but for careers. He explained they spend several million dollars a year in training their workforce and last year had over 40,000 man hours of training. Myers said four miles from their headquarters is a project they are not going to be able to do. Myers gave examples of workers who by placing a PLA on projects are told they are not good enough. He stated there is no shortage of competent craftsmen in his company. Myers read part of a letter from a book about the history of his company that explained the company looks for people with positive attitudes and hard work ethics.

Rep. Seth Grove (R-York) stated he had the opportunity to talk to the Secretary of Transportation who said they do not discriminate against non-union workers. Rep. Grove said he is confused and asked for clarification on the aspect of discrimination. Myers said they are not going to bid on a project that their people cannot work. Rep. Grove asked if it blocks out Myers' workers. Myers explained they would have to hire people outside the company.

Minority Chairman Matthew Bradford (D-Montgomery), commented what Myers said about his company is true. He stated Montgomery County is blessed to have their company even though they do not always agree.

Rep. Jeff Wheeland (R-Lycoming) questioned what the rule of thumb is for bidding on a PLA and if it costs more. Myers answered it costs 15 to 20 percent more. Butler added he has never seen a non-union bid on a PLA so it reduces competition and increases cost.

Keith Impink, President, Westmoreland Electric, said he cannot recall a single instance in which a PLA has been more than a blatant attempt to prevent merit shop employees from performing public work. This discrimination not only hurts the business community, but more importantly, needlessly affects the livelihood of hardworking employees and their families, Impink said. He stated he will not bid on a PLA job because he will not lay off his employees. Impink explained that over the past few years he has compiled financial data on public works projects throughout the western Pennsylvania region and the effect of various labor participations in those projects. He said in 49 various project components merit shop bids have been consistently lower than union bids. Impink stated one of the most outlandish fabrications is that merit shop contractors pay employees far less than union companies, when in every instance he used, the project was maintained by a public entity with Pennsylvania's **Prevailing Wage Rate** applied. Impink added another claim to undermine merit shop contractors is that they are unsafe. However, Westmoreland Electric has access to a **Safety Training Evaluation Process (STEP)** where participants have seen an 87 percent reduction in their Total Recordable Incident Rate (TRIR), Impink argued. He stated their current STEP rating is platinum level. Impink commented that by allowing pre-hire agreements to continue, Pennsylvania is continuing a process of discrimination and corruption that blatantly excludes nearly 99 percent of an industry. He said by supporting the bill, they are asking legislators to uphold efforts to stamp out discrimination and uphold a fiscal responsibility to keep spending under control.

Rep. McCarter asked if STEP includes union and non-union activity. Impink answered it does. Rep. McCarter said it illustrates that there are problems and part of PLA activity is to ensure good work takes place. Impink said that is true, but there are good and bad union contractors and good and bad non-union contractors. He stated a prequalification process can separate them out while a PLA cannot.

Rep. DeLissio questioned if a PLA employee ratio can be negotiated. Impink said he does not know, but thinks it may be.

Rep. Eric Nelson (R-Westmoreland) asked if Impink has ever bid on a PLA job. Impink responded he bid on a project in Pittsburgh that had a PLA. He explained in a moment of stupidity he decided to enter into the job where he would have his first employee or his superintendent, his third employee or apprentice, and the rest were union workers. Impink said he did not get the cream of the crop from the union hall and **his apprentice knew more than some of the union electricians.** He stated he will not layoff his people and hire out of a union hall again because he does not know what he will get.

Chairman Metcalfe thanked the testifiers and said they look forward to further discussion on this legislation.

House State Government Committee Holds Hearing with DGS on Obsolete Regulations

The committee held an informational meeting January 30 to receive a presentation from the Department of General Services (DGS) regarding final omitted regulations [#8-21](#), [#8-22](#), [#8-23](#) and [#8-25](#), which were said to repeal obsolete provisions of various procurement-related regulations.

[Matthew Bembenick](#), chief of staff of DGS, explained the four final-omitted regulatory packets, which have been submitted to the committee, and also provided a general overview of the regulatory process. He stated an agency may submit a **final-omit regulation**, that which is promulgated without prior publication of a notice of a proposed rulemaking, under three circumstances and the regulation must also be submitted to several agencies for approval. Once an agency satisfies one of the three circumstances that would allow promulgation of a final-omitted regulation, it prepares the regulatory packet consisting of a Regulatory Analysis Form, Preamble, and Annex A containing the proposed statutory changes and submits these documents to the Office of General Counsel and the Governor's Office of Policy and Planning for review and to the Governor's Office of the Budget to obtain a fiscal note. Once the final-omitted regulatory packet has been approved by the Office of General Counsel, Governor's Office of Policy and Planning, and Office of the Budget, the agency submits the regulation to the Office of Attorney General, Independent Regulatory Review Commission (IRRC), and the standing committees (in DGS's case the State Government Committees) for the House of Representatives and the Senate, he explained.

With regard to the four regulations before the committee, Bembenick stated they are scheduled to be considered by IRRC on **February 22, 2018**. The regulations are necessary, he explained, because of changes made by the legislature to the Procurement Code in 1998. Those changes, he continued, included the four chapters addressed by the regulations before the committee, which laid out procedures for the Committee on Construction Contract Documents, for the Selections Committee, for Emergency Construction Repairs, and Methods of Awarding Contracts. Bembenick stated that these four chapters detailed how these procurement processes would proceed, but with the 1998 enactment of the Procurement Code, the legislature repealed the legislation that created those four sections and incorporated the substance of each of these chapters into various sections of the Procurement Code.

"Because these four chapters have been effectively abrogated by statute, the Department of General Service found that public notice of intention to rescind the regulations was unnecessary. The Department therefore proceeded with these regulatory packets as final-omitted regulations," Bembenick stated. "These four regulatory packets seek to rescind what are now fully obsolete regulation."

Rep. Mary Jo Daley (D-Montgomery) asked about the enactment of the Procurement Code and opined there was a long time between the passage of the code and the effective date of the regulations. She wondered if it is a difficult process to find outdated regulations and eliminate them. Bembenick confirmed ideally they would have been rescinded earlier, but they have now been found and brought forward. Rep. Daley continued to wonder if that is something that usually happens automatically. Bembenick confirmed that ideally would happen at the time regulations are put into statute, "but for whatever reason that did not happen through several administrations."

Chairman Daryl Metcalfe (R-Butler) questioned if there are other obsolete regulations that DGS is working through and will bring forth. Bembenick replied that the majority of things the department is aware of have been brought out, but confirmed as any future ones are identified they will be brought forth. Chairman Metcalfe asked when the agency last rescinded regulations. Bembenick did not know but offered to find out.

Rep. Brett Miller (R-Lancaster) said he has no problem with eliminating the obsolete provisions, but asked about the phrasing of "final-omitted." Bembenick confirmed that is IRRC language and explained a final-omitted regulation is one brought forward without an initial public comment period because they have a minimal effect on the public. This, he said, is a faster process than the "regular" process. Rep. Miller commented that it seems like "odd language" to call the process "final-omitted."

Rep. Cris Dush (R-Jefferson) asked for clarification on if the regulations apply to things which are no longer being done and no longer required, "so in effect there is no effect," and that's why an expedited process is permitted.

Bembenick responded "generally yes," but clarified items in this particular package are already in the Procurement Code and the law supersedes regulation. This, he added, clears up any potential public confusion.

Davis Wins Special Election

Democrat Austin Davis won a special election this month in the 35th House District. Davis succeeds former state **Rep. Marc Gergely, D-Allegheny**, who resigned in November after pleading guilty to two misdemeanor charges related to his role in an illegal gambling ring. Davis easily defeated Republican Fawn Walker-Montgomery, garnering 73 percent of the votes. Davis has served as vice chairman of the Allegheny County Democratic Committee and assistant to **County Executive Rich Fitzgerald**. Davis has said that jobs and infrastructure are his two top priorities in his new role as a state legislator. He will be sworn in in February.

Governor Wolf, DEP Taking Action to Reduce Backlogs, Improve Oversight, and Modernize Permit Process

Governor Tom Wolf and Department of Environmental Protection (DEP) Secretary Patrick McDonnell held a press conference **January 26** to announce the administration's plan to "reduce permit backlogs, modernize permitting processes, and better utilize technology to improve both oversight and efficiency". The Governor said this program action is a result of a yearlong effort to identify and implement strategies that will help DEP meet the goals of the **Permit Decision Guarantee**, "while continuing to issue strong permits with strict environmental protections". Governor Wolf also announced the administration will bolster DEP staffing, which has been deeply eroded in past budget cuts, to boost these efforts.

"Working with Sec. McDonnell, I tasked DEP with looking at ways to reduce backlogs and wait times responsibly, so that we could meet the ambitious goals of the Permit Decision Guarantee, while providing even stronger environmental protections for our citizens," said Governor Wolf. "Secretary McDonnell and his team have implemented a number of changes and the results have been remarkable."

To capitalize on the success to date, DEP will continue to implement new approaches to its permitting processes by simplifying bureaucratic and outdated procedures, while continuing its mission of protecting the environment. New initiatives include:

- Expanding the e-permitting system to include several key development permits, reducing the time spent trading paper between DEP and industry;
- Creating a new analytics program that helps managers track progress on open permit applications – allowing them to know how long permits have been in the system;
- Releasing new review processes and registration practices for key development permits for clarification on what is needed to complete an application and make it easier to apply for these permits; and
- Supporting common sense legislation that will bring the permit process in line with the industry it is engaged with, such as extending permit terms and allowing multi-well pad permitting.

"Governor Wolf has made a strong commitment to strengthening the DEP and helping us rebuild after a decade of cuts that led to bigger backlogs and longer wait times," said DEP Secretary Patrick McDonnell. "By investing in additional staff for the department across all programs, Governor Wolf is helping us better protect the environment of our commonwealth and more efficiently process permit applications on their merit in a timely manner."

"The initiatives implemented at DEP will undoubtedly have positive impacts for Pennsylvania's economy, while demonstrating that the economy and environment don't have to be at odds," said Department of Community and Economic Development Secretary Dennis Davin. "From an economic development perspective, these efforts will strengthen communities by empowering businesses, which creates jobs and grows local economies across the commonwealth."

Following a comprehensive review across programs, DEP implemented several new initiatives to streamline processes and modernize practices, including an innovative new permit review approach to shrink review timelines of the Erosion and Sediment Control General Permit (ESCGP), a key development permit, to under 100 days while reducing backlogs for well permits in the southwest region. Since implementing the new approach, DEP's Southwest District Office reduced its permit review timeline for the ESCGP by over 220 days, and has cut its permit backlog in half.

Since the summer of 2017, the department has reduced the overall permit backlog by more than 6,000 permits. Additional efficiencies implemented include:

- Rotating pending permits to regions with the capacity to review additional applications;
- Reallocating positions within the Office of Oil and Gas Management to equalize the permit review workload and improve permit review consistency;
- Providing updated technical guidance documents and improved permit application forms and instructions to clarify regulatory requirements to permit applicants and facilitate the submission of adequate permit applications; and
- Targeting new hires in key permit review areas.

To continue to provide high-quality, responsive oversight, the governor will allocate \$2.5 million in the 2018-19 budget for additional staffing at DEP. This investment will allow the department to hire new employees in high priority positions across programs and regional offices and will help the department fulfill its mission to protect the natural resources of the commonwealth. For a more detailed overview of DEP's Permit Reforms visit:

http://files.dep.state.pa.us/LicensingPermitsCertification/PermitDecisionGuaranteePortalFiles/Permitting_Reform_01262018.pdf

State Supreme Court Orders General Assembly Back to the Drawing Board for Congressional Districts

That's the order that the state Supreme Court gave to the General Assembly regarding Pennsylvania's congressional map. In a 4-3 decision, the court ruled the current map unconstitutional – adding a new level of upheaval to what already was promising to be an intense Congressional election year in the Keystone state. The court gave the House and Senate until February 9 to get a new map to Gov. Tom Wolf for his approval. The governor then has until February 15 to submit the final plan to the Supreme Court. According to [PoliticsPA](#), if these deadlines aren't met “the maps will be drawn by the court after hearing from all parties in the current case.” The court also said that the Department of State may adjust the deadlines for petitions (currently scheduled to go from February 13 – March 6), in order to ensure the new maps are ready for the May Primary Election. Not surprisingly, legislative GOP leaders did not take kindly to the court's ruling. Yesterday, Senate President Pro Tempore Joe Scarnati, R-Jefferson, and Speaker of the House Mike Turzai, R-Allegheny, filed an emergency application with the U.S. Supreme Court hoping to block the state court's decision. With a number of open congressional seats in this year's election, this issue is sure to be the No. 1 topic of conversation among PA politicians...

Meehan, Brady Out

Not that Brady. Congressman **Bob Brady (1-D)** announced January 31 that he would not seek re-election to a 12th term in the US House of Representatives. Brady, who had struggled with legal accusations over the past year, stated that he believed he could have won handily, based on polling, but it was time for someone else to take over.

In the suburbs, this past month's worth of negative press surrounding Cong. Pat Meehan, R-Delaware, was capped off with his announcement that he will not be running for re-election.

Pennsylvania will now have five open Congressional seats in the upcoming election – a fact that is not lost on both political parties who are looking for any opportunity to swing control of the U.S. House to their side.

Legislation Shrinking the Legislature Advances

Earlier this week, bills to reduce the number of elected officials in both the House and Senate passed out of the House State Government Committee by votes of 14-10. The respective bills would reduce the House from its current size of 203 to 151 and the Senate from 50 to 38. Pennsylvania, notably, has the second-largest, full-time legislature in the country. While government reformers have championed these proposals as a way to cut costs, opponents worry that it would result in legislative districts that have too large of a geographical land mass to effectively represent on the state level. There are still major hurdles to climb before these proposals would become the law of the land. In order to change the state constitution, the same legislation must pass during two consecutive sessions before being presented to the voters as a ballot referendum.

Legislative Activity

The following bills of interest to the construction industry have been introduced and/or acted upon in the past month.

Bidding / Contracting

[HB 566](#) RE: Contractor and Subcontractor Payment (by Rep. James Santora, et al)

Amends the Contractor and Subcontractor Payment Act further providing for owner's payment obligations and for contractors' and subcontractors' payment obligations. If payment is not received by a contractor or subcontractor as required, the contractor shall have the right to suspend performance of any work, without penalty, until payment is received in full. Stipulates that the provisions of the act cannot be waived in a contract. Requires a written explanation of a good-faith reason to be given when the payment is retained for a deficiency item. Provides that a contractor or subcontractor to facilitate the release of retainage on its contract before final completion of the project by posting a maintenance bond with approved surety for 120 percent of the amount of retainage being held; and provides that if the withholding of retainage is longer than 30 days after the acceptance of the work, a written explanation must be provided.

Reported as committed from Senate Labor and Industry Committee, and read first time, 1/30/2018

[HB 1849](#) RE: Public Works Open Contracting Act (By Rep. Stephen Bloom, et al)

Provides for open contracting by the Commonwealth and its political subdivisions and their agencies and authorities. It establishes that a party who is aggrieved by an act committed by a public body in violation of prohibited practices or discrimination prohibited may file an action in a court of competent jurisdiction to enjoin the act.

Public hearing held in House State Government Committee, 1/24/2018

[SB 799](#) RE: Pennsylvania Clean Water Procurement Program Act (By Sen. Rich Alloway, et al)

Establishes the Pennsylvania Clean Water Procurement Program to provide for the purchase of verified TMDL nutrient credits from certified nutrient credit generators through a competitive bidding process consistent with 62 Pa.C.S. Pt. I (relating to Commonwealth Procurement Code) and any other competitive process determined to be appropriate by the Department of Environmental Protection and the State Conservation Commission; provides for powers and duties of the State Conservation Commission; and establishes the Watershed Improvement Fund. The department shall transfer the nutrient reduction mandates of a permittee to a competitive bidding program to enable all certified nutrient credit entities that can generate verified TMDL nutrient credits to participate in an RFP on a voluntary basis. In return for being absolved from the TMDL nutrient reduction mandate, the aggregate number of permittees may pay into the program \$50,000,000 annually for 10 years, subject to annual adjustment. Transfer payments shall be paid into the Watershed Improvement Fund, to be used by the commission for the purchase of verified TMDL nutrient credits. Winning bids will offer 20 percent of total nutrient reduction allotment to be available for participation for 30 days by small sources that did not participate in the bidding process so that a small producer who installs a BMP can subscribe to sell their credits into this pool and receive the winning bid price absent the need to participate in the bidding process.

Amended on Senate floor, 1/30/2018

Read third time, and passed Senate, 1/3/2018 (47-2)

Budget Related Bills

[HB 2002](#) RE: PIT Reduction (by Rep. Jason Ortitay, et al)

Amends the Tax Reform Code, in personal income tax, lowering the personal income tax rate to 2.82 percent (changed from 3.7 percent). Effective immediately.

Introduced and referred to House Finance Committee, 1/8/2018

Environmental Building Standards

[HB 1486](#) RE: High Tunnels (by Rep. David Zimmerman, et al)

Amends the Storm Water Management Act, further providing for definitions and for effect of watershed storm water plans. The bill defines "high tunnel" and establishes when a high tunnel shall be exempt from provisions. It also states that any municipality that has adopted a local ordinance or regulations that regulates high tunnels following a watershed storm water plan prior to the effective date shall amend the ordinance or regulation to comply with the subsection.

Reported as committed from Senate Environmental Resources and Energy Committee, and read first time, 1/30/2018

Liability

[SB 954](#) RE: [Reducing the Statute of Repose for Construction Projects](#) (by Sen. Scott Wagner, et al)

Amends Title 42 (Judiciary and Judicial Procedure), in limitation of time, further providing for construction projects stipulating that a civil action or proceeding brought against any person lawfully performing or furnishing the design, planning, supervision or observation of construction, or construction of any improvement to real property must be commenced within six years (changed from 12) after completion of construction of such improvement to recover damages. Timeframes for exceptions are similarly adjusted. The stated **intent is to reduce the statute of repose for construction projects.**

Introduced and referred to Senate Judiciary Committee, 1/22/2018

Local/State Government/Regulations

[HB 913](#) RE: [Storm Water Fees](#) (by Rep. Garth Everett, et al)

Amends Title 8 (Boroughs & Incorporated Towns) adding provisions related to incorporated towns and providing for storm water management plans and facilities. The bill adds language allowing an incorporated town council to assess fees for storm water management activities and facilities without the need to establish a municipal authority.

Reported as committed from Senate Local Government Committee, and read first time, 1/30/2018

[HB 914](#) [Storm Water Fee](#) RE: (by Rep. Garth Everett, et al)

Amends Title 8 (Boroughs & Incorporated Towns) adding language allowing a borough to assess fees for storm water management activities and facilities without the need to establish a municipal authority.

Reported as committed from Senate Local Government Committee, and read first time, 1/30/2018

[HB 915](#) RE: Storm Water Management Fees (by Rep. Garth Everett, et al)

Amends the First Class Township Code adding language allowing the board of commissioners to assess fees for storm water management activities and facilities without the need to establish a municipal authority.

Reported as committed from Senate Local Government Committee, and read first time, 1/30/2018

[HB 916](#) RE: Storm Water Management Fees (by Rep. Garth Everett, et al)

Amends Title 11 (Cities) adding language allowing a city to assess fees for storm water management activities and facilities without the need to establish a municipal authority.

Reported as committed from Senate Local Government Committee, and read first time, 1/30/2018

[HB 1960](#) RE: State Agency Regulatory Compliance Officer Act (by Rep. Brian Ellise, et al)

Requires each state agency to designate an employee as the agency's regulatory compliance officer. Provides for the powers and duties of the regulatory compliance officer. Requires each agency to submit an annual report to the

General Assembly detailing the progress made by each agency and the regulatory compliance officer in the preceding calendar year towards compliance with this act.

Introduced and referred to House State Government Committee, 1/5/2018

[SB 114](#) RE: Sewer Service Bills (by Sen. John Eichelberger, et al)

Amends Title 53 (Municipalities Generally), in municipal authorities, providing for purposes and powers in the case of an authority that has agreed to provide sewer service to a nonresidential property owner and that owner has failed to pay a sewer bill for at least six months.

Reported as committed from Senate Local Government Committee, and read first time, 1/30/2018

[SB 977](#) RE: Regulatory Review Process (by Sen. John Gordner, et al)

Amends the Regulatory Review Act further providing for definitions, for proposed regulations and procedures for review, for final-form regulations and final-omitted regulations and procedures for review and for procedures for subsequent review of disapproved final-form or final-omitted regulations. The bill specifies that proposed regulations shall be submitted to committee chairpersons (instead of simply the committees) and requires the chairpersons to distribute the information regarding regulations to members within five business days of receipt. Further, a committee member making a comment, recommendation or objection to the proposed regulation shall also submit the comments to each committee chairperson. The majority committee chairperson may convene a committee meeting to adopt any comment, recommendation or objection to the proposed regulations or may conduct an informational hearing on the proposed regulations. The **majority committee chairperson shall conduct an informational hearing if petitioned to do so** by a majority of the committee members. At any time prior to 24 hours before the commission's meeting to consider a final regulation, a committee chairperson, as authorized by a majority of the committee's members, may provide notice that the committee disapproves or intends to further review the final-form regulation. If so notified, the commission may not approve or disapprove the regulation for 30 days or until the commission's next scheduled meeting, whichever is longer. If the commission approves a regulation and a committee has notified the commission and the agency that it has disapproved the regulation or that it intends to review the regulation, the agency may not promulgate the regulation for 14 days or six legislative days, whichever is longer.

Reported as amended from Senate Rules and Executive Nominations Committee, and read first time, 1/22/2018

Read second time, 1/23/2018, 1/24/2018 (29-21)

Local/Property Tax Reform

NONE

Mandate Waivers

NONE

Mechanic's Lien

NONE

Permitting

[HB 1959](#) RE: Permit Administration Act (by Rep. Greg Rothman, et al)

Provides for the administration of permits by state agencies, for a tracking system for permit applications, for the establishment of permit programs and for annual reports. The bill requires state agencies to establish, maintain and make available a secure tracking system for applicants to track the status of applications on their websites.

Introduced and referred to House State Government Committee, 1/3/2018

[SR 226](#) RE: Environmental Permitting Programs (by Sen. John Yudichak, et al)

A Resolution directing the Legislative Budget and Finance Committee to conduct an independent performance evaluation of certain Statewide environmental permitting programs administered by the Department of Environmental Protection.

Reported as committed from Senate Environmental Resources and Energy Committee, 1/30/2018

Professional Licensure

NONE

Sales/Use Tax

NONE

School Construction

NONE

Transportation

NONE

Worker's Comp

[SB 963](#) RE: Worker's Comp (by Sen. Kim Ward, et al)

Amends the Workers' Compensation Act allowing employers to request an Impairment Rating Evaluation after an employee has received total disability compensation for a period of 104 weeks. Requires the employee to submit to a medical evaluation which shall be requested by the insurer within 60 days upon the expiration of the 104 weeks to determine the degree of impairment due to compensable injury. Further provides for physical examination or expert interview.

Reported as committed from Senate Labor and Industry Committee, 1/23/2018

Workforce Development

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/>

TUESDAY - 2/6/18

House State Government Committee

10:00 a.m., Room B31, Main Capitol

To consider:

HB 209 (Hill) - Act establishing the Independent Office of the Repealer and providing for its power and duties.

HB 1237 (Keefer) - Amends the Regulatory Review Act further providing for defs., for proposed regulations & procedures for review & for final-form regulations & final-omitted regulations & procedures for review; & providing for concurrent resolution.

HB 1792 (Bennighoff) - Amends the Regulatory Review Act, further providing for procedures for subsequent review of disapproved final-form or final-omitted regulations.

[HB 1959](#) (Rothman) - Providing for the administration of permits by State agencies, for a tracking system for permit applications, for the establishment of permit programs and for annual reports.

[HB 1960](#) (Ellis) - Providing for regulatory compliance

TUESDAY - 2/20/18

House Finance Committee Subcommittee on Tax Modernization & Reform

3:00 p.m., Room B31, Main Capitol

Public hearing on analysis of personal income tax in PA for businesses and taxpayers

THURSDAY - 2/22/18

Independent Regulatory Review Commission

10:00 a.m., 14th Floor Conference Room, 333 Market Street, Harrisburg

To consider the following regulations:

- Reg. No. 3191 Department of General Services #8-21: Committee on Construction Contract Documents (Final-Omit)
- Reg. No. 3192 Department of General Services #8-22: Selections Committee (Final-Omit)
- Reg. No. 3193 Department of General Services #8-23: Emergency Construction Repairs (Final-Omit)
- Reg. No. 3194 Department of General Services #8-25: Methods of Awarding Contracts (Final-Omit)
- Reg. No. 3195 Environmental Quality Board #7-538: Administration of the Land Recycling Program (Final-Omit)
- Reg. No. 3136 Environmental Quality Board #7-520: Disinfection Requirements Rule
- Reg. No. 3162 Environmental Quality Board #7-529: Gasoline Volatility Requirements

2018 SENATE SESSION SCHEDULE

February 5, 6, 7
March 19, 20, 21, 26, 27, 28
April 16, 17, 18, 23, 24, 25, 30
May 1, 2, 21, 22, 23
June 4, 5, 6, 11, 12, 13, 18, 19, 20, 25, 26, 27, 28, 29

2018 HOUSE SESSION SCHEDULE

February 5, 6, 7
March 12, 13, 14
April 9, 10, 11, 16, 17, 18, 30
May 1, 2, 22, 23
June 4, 5, 6, 11, 12, 13, 18, 19, 20, 21, 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>