

MCA
Summary of Legislation
December 2006

DGS Announces Construction E-Alerts

Pennsylvania Department of General Services (DGS) announced December 6 that its Public Works section will be implementing the utilization of E-Alerts for construction bid opportunities beginning Monday, Dec. 18. E-Alerts will provide subscribers with advanced electronic notification of upcoming bid opportunities relative to DGS public works construction projects. To subscribe to the E-Alerts, interested parties must first be registered with the DGS. For those already registered, access the DGS E-Alerts subscription service login. Once logged in, click on "View All Public Works - Construction Bid Opportunities Topics" and select the E-Alert topics for which you wish to subscribe. For those not already registered, go to the DGS Web site, and click on the "Register" button located at the bottom left-hand side of the page. Once registration is complete, login using the user ID and password supplied, and then click on the "E-Alerts Subscription Service" link located on the left hand navigation menu. Follow the directions stated above once logged into the E-Alert system

Corman Joins Leadership Team

The latest leadership announcement comes from the state Senate where Senate President Pro Tempore Joe Scarnati, R-Jefferson, has appointed Sen. Jake Corman, R-Centre, to serve as chairman of the Senate Majority Policy Committee, a leadership position within the Senate Republican Caucus. Scarnati said Corman has "the experience, leadership and foresight" to do the job needed by the caucus. According to the release, the committee develops long-range public policy initiatives for the Senate Republican Caucus and assists members in analyzing health, safety, welfare, fiscal, economic, environmental, social, and other issues of concern to the Commonwealth. Corman said he is looking forward to working on key issues, including government reform, property tax reform, affordable health care and job-creation efforts.

2007-08 Senate leadership:

President Pro Tempore: Joe Scarnati (R-Jefferson)

Majority Leader: Dominic Pileggi (R-Delaware)

Majority Whip: Jane Clare Orie (R-Allegheny)

Appropriations Chair: Gib Armstrong (R-Lancaster)

Majority Caucus Chair: Mike Waugh (R-York)

Majority Caucus Secretary: Rob Robbins (R-Mercer)

Majority Policy Chairman – Jake Corman (Centre)

Caucus Administrator –Terry Punt (Franklin)

The leadership of the Senate Democratic Caucus will remain the same as last session.

Minority Leader: Bob Mellow (Lackawanna)

Minority Whip: Mike O’Pake (Berks)

Minority Appropriations Chair: Vincent Fumo (Philadelphia)

Minority Caucus Chair: Jay Costa (Allegheny)

Minority Caucus Secretary: Gerald LaValle (Beaver)

Minority Policy Chairman: Richard Kasunic (Fayette)

Minority Caucus Administrator: Constance Williams (Montgomery/Philadelphia)

The following Republican Senators have been named to chair committees next session.

Patricia Vance – Aging & Youth

Michael Brubaker – Agriculture & Rural Affairs

Gibson Armstrong – Appropriations

Don White – Banking & Insurance

Rob Wonderling - Communications & Technology

Jane Earll – Community and Economic Development

Tommy Tomlinson – Consumer Protection and Professional Licensure

James Rhoades – Education

Mary Jo White – Environmental Resources & Energy

Pat Browne – Finance

Chuck McIlhinney - Game & Fisheries

Stewart Greenleaf – Judiciary

John Gordner – Labor & Industry

John Rafferty – Law & Justice

Robert Regola – Local Government

Jeffrey Piccola – State Government

Roger Madigan – Transportation

John Pippy – Urban Affairs and Housing

Lisa Baker – Veterans Affairs & Emergency Preparedness

Sens. John Eichelberger and Mike Folmer did not received committee chairs.

The Democratic (minority) chairs are expected to remain the same as last session as well.

Legislative Activity

HB 236 RE: Regulatory Impact on Small Businesses (by Rep. Tina Pickett, et al)

Amends the Regulatory Review Act further providing for legislative intent, for proposed regulations and procedure for review. "Small business" is defined to mean a business entity including its affiliates that is independently owned or operated and has less than 100 full time employees or has gross annual sales of less than \$6 million. The act is intended to improve State rulemaking by creating procedures to analyze the availability of more flexible regulatory approaches for small businesses in accordance with certain findings. For any regulation subject to the act, a small business that is adversely affected or aggrieved by final agency action is entitled to judicial review of agency compliance for a period of 18 months from the date of the final agency action. The act is not intended to create a right or benefit, substantive or procedural, enforceable at law by a person against another person or against the Commonwealth, its agencies or its officers.

Passed House, 5/10/2006 (193-4)

Passed Senate, 10/18/2006 (37-11)

Vetoed by the Governor, 11/3/2006

House failed to override Governor's veto, 11/20/2006 (108-83)

HB 881 RE: PA Construction Code Act Applicability (by Rep. Bob Allen, et al). Amends the PA Construction Code Act by providing that a municipality may not require any construction document to be prepared by an architect or other license design professional unless the work is required to be performed by an architect or any other licensed professional by the Architects Licensure Law or other applicable statute. The bill provides that the fee for an appeal to the board of appeals for a municipality that is administering and enforcing this act would be less than the costs of the public notice of the hearing, appearance fee for the court reporter and administrative fees as necessary. The bill states that in the case of an appeal or request for variance or extension of time involving the construction of a one-family or two-family residential building, the board of appeals would convene a hearing within 30 days of the appeal and would render a written decision to the parties within five business days of the last hearing. If the board fails to act within the time period, the appeal would be deemed granted. In interpreting a provision of a code adopted by regulation of the department as part of the UCC, a construction code official, a board of appeal and a court would consider and rely upon relevant written interpretations of the UCC, or the regulations promulgated under this act or any municipal construction code ordinance. The bill also provides timelines for a municipality's decision to grant or deny an application. It requires the code administrator to identify the elements of any application not in compliance with the relevant provisions of the UCC and provide a citation of the specific provision. Under the bill, a construction code official or a third-party agency is allowed to perform inspections if a code administrator fails to complete a requested inspection within two business days after the request. A municipality is required to provide notice to the department of any proposed ordinance amending the requirements of the UCC and the department is required to post the notice on its Internet website. The bill states that a permit is not required for the installation, alteration or repair of generation, transmission, distribution, metering or other related facilities and/or equipment. Money would be equally distributed for the purpose of education and training programs provided by the Pennsylvania Construction Codes Academy for municipal code officials and individuals employed by third-party agencies under contract to a municipality and to a PA based housing research center located at a land grant university for the construction industry.

Passed House, 7/1/2006 (183-15)

Passed Senate, amended, 11/20/2006 (49-0)

House concurred in Senate amendments, 11/21/2006 (168-25)

Approved by the Governor, 11/29/2006. Act: No. 157 of 2006

HB 2134 RE: Social Security Number Privacy Act (By Rep. Russ Fairchild, et al)

Provides that forms for a professional license or certification, occupational license or certification, or recreational license required by a Commonwealth agency or municipality that requires individuals to provide their Social Security numbers (SSN) must provide the individuals with the option to use a driver's license number or a non-driver's identification number issued by the department as an alternative. When an individual uses the alternative identification number, the individual must submit a consent declaration authorizing the Department of Transportation to release the individual's SSN to the Commonwealth agency or municipality. This would not apply to forms required by the department for the purpose of driver licensing and non-driver identification. The bill states that no health insurer may place an SSN upon any health insurance identification card. Lastly, the bill requires DPW to apply for an exemption under the federal Social Security Act.

Passed House, 11/1/2005 (197-0)

Passed Senate, amended, 10/18/2006 (48-0)

House concurred in Senate amends to House amendments, with further amendments, 10/23/2006 (189-0)

Senate Concurred in House amends to Senate amendments, 11/20/2006 (48-0)

Approved by the Governor, 11/29/2006. Act: No. 160 of 2006

SB 655 RE: Use of Title "Engineer" (by Sen. Roger Madigan, et al)

Amends the Engineer, Land Surveyor and Geologist Registration Law regarding administrative rules and regulations by establishing requirements for continuing education to be fulfilled by individuals licensed and registered under the act. The bill states that the rules and regulations would include any fees necessary for the board to carry out its responsibilities regarding establishing continuing education requirements.

Passed Senate, 6/26/2006 (50-0)

Reported as committed from House Appropriations Committee, 10/23/2006

Passed House, amended, 11/14/2006 (148-48)

Senate concurred in House amendments, 11/20/2006 (47-1)

Approved by the Governor, 11/29/2006. Act: No. 170 of 2006

SB 854 RE: Strategic Development Areas (by Sen. Gibson Armstrong, et al)

Amends the Tax Reform Code establishing a program providing for strategic development areas, which would target areas of economic distress through coordinated efforts by private and public entities to restore prosperity and promote long-term economic viability of the area. The legislation also defines "health savings account", in personal income tax, as having the same meaning as given in section 223(D) of the Internal Revenue Code.

Passed Senate, 10/24/2005 (50-0)

Passed House, amended, 12/20/2005 (103-92)

Senate Concurred in House amends to Senate amendments, with further amendments, 10/23/2006 (48-2)

House concurred in Senate amendments to House amendments, with further amendments, 10/24/2006

Approved by Governor Rendell, 11/20/2006. Act No. 151 of 2006

SB 1104 RE: One-Call System (by Sen. Tommy Tomlinson, et al)

Amends the Underground Utility Line Protection Law further providing for the title of the act, for definitions, for duties of facility owners and for the duties of the One Call System; providing for liability, fees and governance of the One Call System; further providing for applicability; providing for the duties of project owners and for rights of the Auditor General; further providing for the governing board of the One Call System, for fines and penalties and for applicability to certain pipeline systems and facilities; providing for a voluntary payment dispute resolution process, for best efforts, for removal or tampering with a marking, for determination of position and type of lines and for impairment of rights and immunities; further providing for expiration; repealing provisions of the Propane and Liquefied Petroleum Gas Act, concerning the prohibition of certain liquefied petroleum gas facilities or distributors from being subject to the Underground Utility Line Protection Law; and making an editorial change.

Passed Senate, 6/26/2006 (50-0)

Passed House, amended, 10/24/2006 (195-0)

Senate concurred in House amendments, 11/20/2006 (48-0)

Approved by the Governor, 11/29/2006. Act: No. 181 of 2006

SB 1166 RE: 2006-07 Capital Budget Amendments (by Sen. Noah Wenger, et al)

An act providing for the capital budget for the fiscal year 2006-2007, which provides \$845,000,000 for capital projects; itemizing transportation assistance and redevelopment assistance projects to be constructed or acquired or assisted by the Department of Community and Economic Development and the Department of Transportation, together with their estimated financial costs; authorizing the incurrence of debt without approval of the electors for the purpose of financing the projects; and stating the estimated useful life of the projects.

Passed Senate, 3/22/2006 (48-0)

Passed House, amended, 7/1/2006 (198-0)

Senate Concurred in House amends to Senate amendments, with further amendments, 11/21/2006 (49-0)

House Concurred in Senate amends to House amendments, 11/21/2006 (143-44)

Approved by the Governor, 11/22/2006. Act: No. 152 of 2006

SB 1331 RE: Sales Tax Exemptions (by Sen. Rob Wonderling, et al)

Amends the Tax Reform Code by exempting from the sales and use tax the purchase of a tangible item furnished to the public at cost by a government agency or court. This exclusion would also include the duplication or electronic transfer of an official document and the transfer of tangible personal property directly connected with the sale, use, duplication or electronic transfer of the official document.

Passed Senate, 10/17/2006 (50-0)

Passed House, 11/15/2006 (192-0)

Approved by the Governor, 11/29/2006. Act: No. 189 of 2006

New Bills Introduced

None. Session is over

2007 Senate Spring Session Schedule

The following are the scheduled session days for the Senate in 2007:

January 2, 16, 17, 22, 23, 24, 29, 30, 31

February 5, 6, 7, 12, 13

March 12, 13, 14, 19, 20, 21, 26, 27, 28

April 16, 17, 18, 23, 24, 25, 30

May 1, 2, 7, 8, 21, 22

June 4, 5, 6, 11, 12, 13, 18, 19, 20, 25, 26, 27, 28, 29

House Spring Session Schedule has not yet been announced

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

<http://www.legis.state.pa.us/WU01/LI/BI/billroom.htm>